

## Justice Amitava Roy Committee on Prison Reforms

### Why in news?

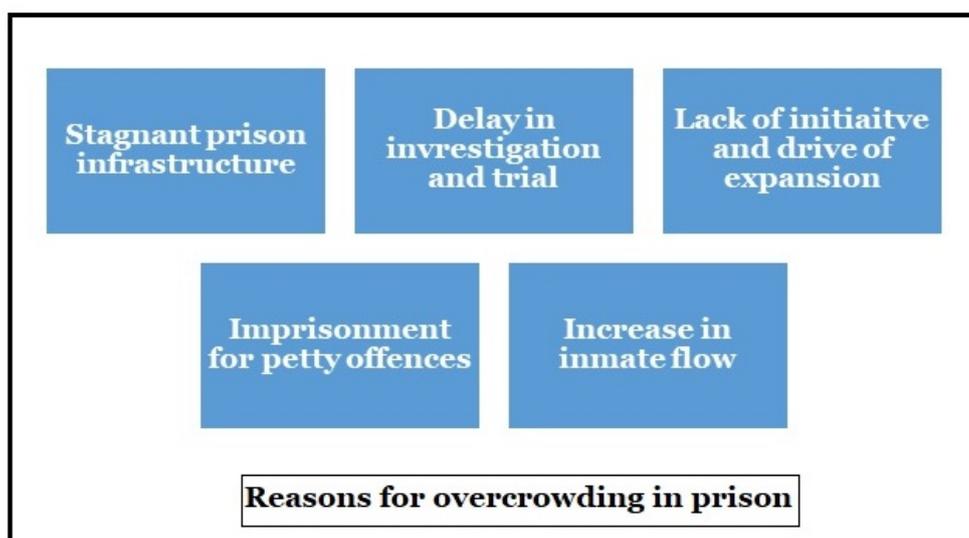
The Supreme Court sought views of the Centre and the States on Justice Amitava Roy committee report which was submitted in 2022.

### Justice Amitava Roy Committee

- The Supreme Court constituted a 3 member committee in 2018 to look into issues of reforms in prison administration and management.
- **Functions assigned-**
  - To examine various problems plaguing prisons in the country
  - To analyse the reasons for violence in prisons and correctional homes and recommend measures to prevent unnatural deaths
  - To assess the availability of medical facilities and staffs in prisons and correctional homes and make recommendations
  - To suggest training and educational modules for the staff and assess the feasibility of establishing open prisons
  - To recommend steps for the psycho-social well-being of minor children of women prisoners, including their education and health
  - To examine and recommend measures for children in observation homes, places of safety and special homes established under the [Juvenile Justice \(Care and Protection of Children\) Act, 2015](#).

### What are the key findings of the committee?

- **Overcrowding-** The highest rate of overcrowding was observed in district prisons (148%, central prisons (129%) and sub-prisons (106%).



- **Urgent action-** The living conditions in jails are not comparable to those envisaged

under the *Model Prison Manual, 2016* and require urgent and result-oriented attention.

- **Infrastructural deficit-** The lodging areas in almost all the jails visited, though in varying degrees, did present a pitiful state of affairs.
- **Regulatory constraints-** Many construction projects are pending approval at the higher levels after having been forwarded by the departmental heads.

Issue	Data	Recommendation
<b>Unnatural death among prisoners</b>	The panel found that suicide, particularly by hanging, accounted for a significant number of the 817 unnatural deaths reported in Indian jails between 2017 and 2021.	Construction of suicide-proof barracks with collapsible material, which could potentially prevent such tragic incidents.
<b>Open prison system</b>	In open prison, prisoners serve their sentence with minimal supervision and perimeter security, and are not locked up in prison cells. Currently it is active in 18 states and 1 union territory.	To replicate successful practices from existing open/ semi-open prisons for rehabilitative and productive environment.
<b>Overcrowding in prisons</b>	From 2016 to 2018, the total prison population in India has increased by 8.2% against an increase of 0.7% in the prison sanctioned capacity	It recommended to implement National Legal Services Authority (NALSA) guidelines to strengthen the ' <i>Undertrial Review Committee</i> ' mechanism.
<b>Huge number of undertrials</b>	Most of the prisons are full of <a href="#">undertrial prisoners</a> , their numbers being highly disproportionate to those of convicts	Special fast track courts to be set up to deal with petty offences and cases pending for 5 years or more. The high courts should direct the District & Sessions Judge to regularly monitor the progress of cases pending
<b>Violence within prison</b>	There is increase in violence within prison	Mandatory segregation of undertrials and convicts. It proposed the separation of first-time offenders from hardened criminals among undertrials.
<b>Medical care</b>	Inadequate availability of medical care for elderly and sick inmates	Mandates the issuance of Ayushman cards for both existing and new inmates.
<b>Working personnel shortage</b>	The Prison Department has average vacancy of 30%-40%	It should be addressed immediately by filling up the existing vacancies.

### Why there is gender disparity in prison?

- **Prison population-** By 2019, women accounted for 4.2% of the total prison population.
- **Infrastructural deficit-** 75% of female wards in prison have to share kitchens and

common facilities with male wards.

- **Women exclusive prison**- Only 18% of women prisoners are allotted exclusive women's prison facilities, as only 15 states and UTs have functional women's prisons.
- **Access to sanitary napkin**- Less than 40% of prisons in the country provide napkins to female inmates.
- **Training**- There is a lack of gender-specific training, the matrons haven't been instructed on how to search women.
- **Poor grievance redressal mechanism**- It also states that women inmates are allowed to file complaints against the jail staff for any form of abuse or harassment only in 10 states and 1 UT.
- **Poor health access**- There is a lack of separate medical and psychiatric wards for women inmates, "basic minimum facilities" for child delivery, and healthcare professionals.

## SOME RECOMMENDATIONS BY PANEL

■ Telemedicine and virtual consultation to address unavailability of women staff or medical wards.

■ Vocational training in collaboration with NGOs.

■ Community service for those accused of petty offences

■ Allowing inmates to file complaints, sensitisation training of prison staff

■ Women prisoners with psychological or psychosomatic disorders, or victims of sexual abuse, should get proper counselling

## Steps taken by Government for Prison Reforms

- **State subject**- Administration and management of prisons is the responsibility of respective State Governments as Prisons/ Persons detained therein is a *State subject* under 7<sup>th</sup> Schedule.
- **Ministry of Home Affairs**- It provides regular guidance and advice to States and UTs on various issues concerning prisons and prison inmates.
- **National Policy on Prison Reforms**- It is a draft seeks to provide alternatives to prisons such as community service, forfeiture of property, payment of compensation to victims, public censure etc.,
- **Justice Mulla committee**- It recommended that those convicted for non-violent socio-political economic agitations for public cause shall not be confined in prisons along with other prisoners.
- **Model prisons Act 2023**- It replaces the colonial prison act 1894. It will shift the focus of incarceration from "retributive deterrence" to "reform and rehabilitation".
- **National Police Commission 1977**- It recommended to overhaul the legislative framework by enacting a new Police Act to replace the Police Act of the 19<sup>th</sup> century.

## References

1. [Indian Express- Speedy trial SC panel prison reforms](#)
2. [Indian Express- Women prisoners impact far more than men](#)

