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

Unnatural death among prisoners	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.
Open prison system	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.
Overcrowding in prisons	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 '*Undertrial Review Committee*' mechanism.
Huge number of undertrials	Most of the prisons are full of undertrial prisoners, 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
Violence within prison	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.
Medical care	Inadequate availability of medical care for elderly and sick inmates	Mandates the issuance of Ayushman cards for both existing and new inmates.
Working personnel shortage	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.

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 7th 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 19th century.

References

1. Indian Express- Speedy trial SC panel prison reforms
2. Indian Express- Women prisoners impact far more than men

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