Model Prisons Act 2023

Why in news?

The Ministry of Home Affairs (MHA) finalized the preparation of the Model Prisons Act, 2023 which aims to replace the colonial-era prison laws.

Why need of Model Prisons Act 2023?

- Increasing spate of killings and gang violence within prisons.
- Existence of criminal nexus operating from inside prisons in Delhi, Punjab, Haryana, and Rajasthan.
- The law is too old and there is need for the changing times.
- India's incarceration system being prone to abuse since it was set up by the British to subjugate political prisoners.
- New perspectives evolving on prisons and prison inmates globally in the last few decades.
- In recent years prisons are not seen as places of retributive deterrence but instead as reformative and correctional institutions.
- Existing Prisons Act 1894 has several lacunae.

> *Prisons Act 1894, focused on keeping criminals in custody and enforcing discipline and order in prisons, leaving no provision for reform and rehabilitation of prisoners.*

What are the key features of Model Prisons Act 2023?

- **Security assessment and segregation of prisoners** - Security assessment of all prisoners to determine their risk level.
- Prisoners who are considered to be a threat to themselves or others will be segregated from the general population.
- **Individual sentence plan** - Outlines their rehabilitation goals.
- The plan will be developed in consultation with the prisoner, their family, and the prison staff.
- **Grievance redressal mechanism** - For prisoners to file complaints about their treatment in prison.
- **Prison development board** - To oversee the implementation of the Act and to make recommendations for improvements to the prison system.
- **Separate accommodation** - For women prisoners and transgender and prisoners with disabilities.
- **Technology in prison administration** - The Act allows for the use of technology in prison administration such as video conferencing with courts and electronic

monitoring of prisoners.

- **Different types of jails** - To establish and manage different types of jails, such as high security jails, open jails, and semi-open jails.
- **Legal aid** - To prisoners who cannot afford to hire a lawyer.
- **Awards inmates with good conduct** - Provides for parole, furlough, and premature release to prisoners who have demonstrated good conduct.
- **Reintegration into society** - The Act emphasizes the need for vocational training and skill development for prisoners to help them reintegrate into society after they are released from prison.
- **Humane environment** - Act will help to create a more humane and effective prison system that will help to reduce recidivism.
- **Guiding document** - Act may serve as a guiding document for the States so that they may benefit from its adoption in their jurisdictions.

The Model Prisons Act, 2023 is a comprehensive law that aims to reform the prison system in India.

The Act has been designed to address the shortcomings of the existing Prisons Act of 1894, which is over 130 years old.

What are the shortfalls of modern prison act 2023?

- The subject of prison falls on the state subject so the act is just a framework and non-binding on states.
- Does not address the issue of overcrowding in prisons.
- Does not address the issue of lack of resources in prisons and shortage of prison staffs.
- Does not address the issue of discrimination in prisons.

Despite these shortfalls, the Model Prisons Act, 2023 is a significant step forward in the reform of the Indian prison system.

It is hoped that the Act will be implemented effectively and will help to improve the lives of prisoners in India.

References

1. The Indian Express | Need For The Act
2. The Hindu | Short Falls Of The Act



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