

## 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 reformatory 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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