Overcrowded Jails

Why in news?

Recently, the judgment of the Supreme Court in a bail petition has offered opportunity to look into the state of affairs of jails.

What is the case about?

- The imprisonment of a priest with Parkinson's disease and a senior academic suffering from a serious eye infection after contracting COVID-19, has exposed the overcrowded condition in the Taloja jail.
- As a result, the Bombay High Court has granted hospitalisation and medical check-ups to the prisoners but their pleas for interim medical bail was deferred.
- There is also a stark disparity between what the jail authorities say about the jail conditions and the evidence placed by the advocates for the undertrials.
- The conditions in several Indian prisons are pathetic with zero or next to zero monitoring by committees.
- Jails are overcrowded, have poor hygiene conditions, and has little or no statutory monitoring.

What was the verdict of the court?

- The SC urged the courts to actively use the option of house arrest in cases where age, health conditions and antecedents of the accused are a criterion.
- It expressed special concern over the overcrowding of jails — on an average at least 118 per cent higher than the limit.
- Following this order, the Calcutta High Court, in the case of three serving elected officials and ministers of the TMC-led Bengal government, ordered house arrest.
- The court even allowed them to perform some official duties under observation.

What is the global status of house arrest?

- In Medieval Europe, St Paul at the age of 60 was awarded house arrest for two years where he continued his profession as a tent maker and paid his own rent.
- Galileo Galilei, the Florentine physicist, philosopher and astronomer after a second trial in Rome in 1633 was confined to house arrest for the rest of his life.
- In more recent times in the West, some societies use it post-trial and conviction as confinement with surveillance.
- Elsewhere, house arrest has been used to repress political dissent before trial.

What is the case with India?

- Only a few governments have evolved any legal understanding around the issue of political prisoners.
- West Bengal has engaged with this issue and, in 1992, passed the West Bengal Correctional Services Act that provides for residence in correctional homes.
- Also, under Section 19(4), it has created a special categorisation of a prisoner as a political prisoner.
- Any offence committed or alleged to have been committed in furtherance of any political or democratic movement is regarded as a political offence.

What can we infer from this?

- The pandemic has highlighted the inhumane conditions present in the Indian prisons.
- House arrest as a punitive measure has been viewed differently depending on the socio-political context.
- Due to the poor conditions of Indian prisons and the absence of political will in proper monitoring, the option of house arrest must be seen as a positive opportunity.
- The familiarity of the undertrial with her or his place of residence and the ability to get prompt medical attention must surely bend courts towards actively using and implementing this as an option.
- In Independent India, house arrest can be used as a means of restricting movement and ensuring surveillance when an individual or groups of individuals are subject to preventive detention.

Source: The Indian Express



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