Reforming Prisons in India

What is the issue?

\n\n

The Supreme Court constituted a committee on prison reforms recently.

\n\n

What is its mandate?

\n\n

\n
- It was constituted at the backdrop of inhuman conditions that are present across 1,382 prisons in India.
\n
- It will look into the issues including over-crowding in prisons and suggest reforms for prisons across the country.
\n
- It will also look into the issue on a day-to-day basis and suggest measures to tackle the problems since it includes the issue of human rights of prisoners in jails.
\n
- It will also look into the various issues concerning women prisoners.
\n

\n\n

What are the conflicting views?

\n\n

\n
- Opinions are prevailing in the society that a gruesome crime needs to be dealt with severely.
\n
- This paves the way for unresolved conflict regarding whether to go for punishment or reform for the prisoners, which results in halfway jail reforms agenda in many countries.
\n
- Concerns were prevailing that if the prison conditions are improved, there is likely to be an attendant impact on the incidence of crime.

\n
- This accounts for the reluctance of many criminal justice administrators to employ or enlarge non-prison alternatives such as community service.
\n
- The objective of criminal punishment should be one of reform rather than wreaking vengeance on a perpetrator of crime.
\n
- Thus any exercise to improve prison conditions must not ignore this axiom.
\n

\n\n

What are the concerns?

\n\n

\n
- **Spending** - The offshoot of all this is growing numbers of prisoners and the woeful incapacity of governments to build more and larger prisons.
\n
- The government considers it as extra fiscal spending and views prison reforms as diverting its resources to a negative exercise.
\n
- Jail officials are also often asked to somehow manage with existing modest facilities.
\n
- **Prison overcrowding** - Prison Statistics India brought out by the National Crime Records Bureau shows that there were nearly 4.2 lakh inmates in 1,401 facilities, with an average **occupancy rate of 114%** in most in 2015.
\n
- About **67%** of total inmates were **under trials**, a commentary on the speed and efficiency of India's criminal justice system.
\n
- While public officials and social workers are agreed upon the need to reduce overcrowding, there is hardly any convergence on how to go about this delicate exercise.
\n
- There is also an obvious fear of backlash against any move to decriminalise what is now prohibited by statutes.
\n
- **Differential Treatment** - There is a popular view that in order to reduce prison populations, proven non-violent offenders could be dealt with differently.
\n
- But it is frustrating that no consensus has evolved on this relatively uncomplicated issue.

\n

\n\n

What should be done?

\n\n

\n
- White-collar crime refers to financially motivated, nonviolent crime committed by business and government professionals.
\n
- Devising swift processes of attachment of properties and freezing of bank accounts are alternatives to a jail term.
\n
- Government could make measures to deprive them of their illegal gains, rather than continuing to lock up them in prisons to reduce overcrowding.
\n
- There are legal impediments here on the state taking over illegally acquired wealth, but these can be overcome by ensuring a certain fairness in the system.
\n
- The argument that not all gains made by an economic offender are open is not convincing enough to opt for incarceration over punitive material penalties.
\n
- In India, progress has been made in freezing 'benami' holdings of major offenders even though it may not be a 100% effective step of cleaning up.
\n
- But these are the first steps towards making economic crimes unaffordable and unattractive for the average offender.
\n
- The draft National Policy on Prison Reforms and Correctional Administration also seeks to provide alternatives to prisons such as community service, forfeiture of property, payment of compensation to victims, public censure etc.,
\n
- Justice Mulla committee also recommended that those convicted for non-violent socio-political economic agitations for public cause shall not be confined in prisons along with other prisoners.
\n
- Thus, political leverage to improve prison conditions is the need of the hour to create model prisons in the country, where inmates are accommodated with due regard to their basic human needs and are handled with dignity.
\n

\n\n

Source: The Hindu

\n\n

\n\n

\n\n

\n

