

State of Prisons worries Supreme Court

What is the issue?

\n\n

\n

- Supreme Court expressed its dismay over the pathetic condition of jails in the country and had asked the state governments to respond.

\n

- Significantly, overcrowding is a major problem and it continues in spite of capacity enhancement of prisons and fast-tracking of cases.

\n

\n\n

What are the prison statistics in India?

\n\n

\n

- Supreme Court has asserted that prisoners cannot be kept in jail like animals and has been demanding states to reduce overcrowding of prisons.

\n

- As of 2016, India's 1,412 jails are crowded to 114% of their capacity, with a count of 4.33 lakh prisoners against a capacity of less than 3.81 lakh.

\n

- Of the jails, there are - 741 sub jails, 379 district jails and 134 central jails, the rest being open jails, juvenile centres, women's jails, and special jails.

\n

- Notably, women's jails are just 18 and comprise just over 1% of the total but despite this, it is the men prisons that are overcrowding.

\n

- Women's prisons had an overall occupancy of 71%, but some states like Chhattisgarh (186%), Uttarakhand (141%), Delhi (138%), Goa (120%) and Uttar Pradesh (117%) had overflowing women prisoners.

\n

- Goa presented a unique case, where women prisoners were 20% over capacity, while men prisoners were less than 36% of capacity.

\n

\n\n

Who has the authority for governing prisons?

\n\n

\n

- Prisons are governed by the Prisons Act, 1894, and the Prison Manuals of respective state governments.

\n

- Thus, states have the primary role, responsibility and authority to change the current prison laws, rules and regulations.

\n

- However, the Centre has set up various committees from time to time to recommend modernisation of prisons.

\n

- In 2016, a model prison manual was drafted by the Ministry of Home Affairs and was sent to all States and Union territories for implementation.

\n

\n\n

What are the steps taken to address overcrowding?

\n\n

\n

- The primary reason for overcrowding of prisons is pendency of court cases (above 3 crore) and 67% of all prisoners were under-trials (as per NCRB data).

\n

- Notably, in its landmark judgement on inhumane conditions in prisons, SC issued an “eight-point guideline” in which under-trials featured prominently.

\n

- **SC Directive** - The 8 point agent called for the establishment of an “Under-trial Review Committee” in every district and should meet quarterly.

\n

- The committee should see to that under-trial prisoners are released at the earliest even if poverty is a hindrance for them to furnish a bail bond.

\n

- The secretary of the District Legal Services Committee will also look into the issue of the release of under-trial prisoners in compoundable offences.

\n

- Notably, compoundable offences are less serious in nature and can be settled through a compromise rather than requiring a trial.

\n

- **Government Efforts** - In 2003, the union home ministry floated a scheme for modernisation of prisons and construction of additional barracks.

\n

- The initial five-year outlay was Rs 1,800 crore for 27 states and 119 new jails and 1,572 barracks had been built with the funds allocated.
\n
- Recently, the government acknowledged the large number of under-trials as a major reason for overcrowding, and listed measures taken to address them:
\n

\n\n

- \n
- Establishing fast-track courts
\n
- Establishing open prisons in states and UTs
\n
- Launching a “National Mission for Justice Delivery and Legal Reforms”
\n
- Introducing “Plea bargaining” through Section 265 of CrPC
\n
- Capping the maximum period for detaining an under-trial prisoner
\n
- Strengthening “National Legal Services Authority” (NALSA)
\n

\n\n

\n\n

Source: Indian Express

\n\n

\n

