State of Prisons worries Supreme Court

What is the issue?

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- Supreme Court expressed its dismay over the pathetic condition of jails in the country and had asked the state governments to respond.
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- Significantly, overcrowding is a major problem and it continues in spite of capacity enhancement of prisons and fast-tracking of cases.
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What are the prison statistics in India?

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- Supreme Court has asserted that prisoners cannot be kept in jail like animals and has been demanding states to reduce overcrowding of prisons.
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- 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.
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- 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.
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- 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.
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- 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.
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- Goa presented a unique case, where women prisoners were 20% over capacity, while men prisoners were less than 36% of capacity.
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Who has the authority for governing prisons?

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- Prisons are governed by the Prisons Act, 1894, and the Prison Manuals of respective state governments.
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- Thus, states have the primary role, responsibility and authority to change the current prison laws, rules and regulations.
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- However, the Centre has set up various committees from time to time to recommend modernisation of prisons.
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- 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.
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What are the steps taken to address overcrowding?

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- 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).
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- Notably, in its landmark judgement on inhumane conditions in prisons, SC issued an “eight-point guideline” in which under-trials featured prominently.
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- **SC Directive –** The 8 point agent called for the establishment of an “Under-trial Review Committee” in every district and should meet quarterly.
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- 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.
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- The secretary of the District Legal Services Committee will also look into the issue of the release of under-trial prisoners in compoundable offences.
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- Notably, compoundable offences are less serious in nature and can be settled through a compromise rather than requiring a trial.
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- **Government Efforts -** In 2003, the union home ministry floated a scheme for modernisation of prisons and construction of additional barracks.
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- 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.
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- Recently, the government acknowledged the large number of under-trials as a major reason for overcrowding, and listed measures taken to address them:
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- Establishing fast-track courts
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- Establishing open prisons in states and UTs
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- Launching a “National Mission for Justice Delivery and Legal Reforms”
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- Introducing “Plea bargaining” through Section 265 of CrPC
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- Capping the maximum period for detaining an under-trial prisoner
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- Strengthening “National Legal Services Authority” (NALSA)
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Source: Indian Express

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