

Jan. 3, 2022

GS-2 - Govt. policies.

1. There is a need to amplify president of India's message on need to de-congest → stop building more prisons. Analyze.

President of India in constitutional day highlighted state of prison in India. Most are unaware of fundamental rights and gets jailed for minor offences and poor families - face difficulty to get bail. & she called to de-congest prisons.

Issues with prison system

1. Overwhelming - average prison inmates - 120% of current capacity
2. Colonial Legacy → i) still prisons are regulated by Prisons Act, 1894.
ii) Highly casteist → jail inmates are treated based on caste identity [purity & pollution in jail]
iii) National Dalit movement and National Reforms for Dalit human rights - report → 'criminal justice and shadow of caste in prison' - Dalits are targeted by police through Habitual Offenders Act, Beggar Act etc.
3. Design - architecture
i) prison - focus on retribution & deterrence rather than rehabilitation. stringent mechanisms

eg: High walls for high risk inmates etc,
Michael Foucault → says prison administration -
~~for~~ leads to Solomonization of inmates detrimental
to mental health.

Measures to Address

1. Public reforms through public fund → investment
in education, health, increase employment prevent
people committing crime
2. Reflect preventive rather than reactive →
Reflect the soul of constitution → welfare objectives
3. Facilities → Release of inmate / old inmates,
affordable bail cost, expedite trials (76%
inmates are under trial)

Thus to compensate for increasing
trial, need is not new prisons, but rehabilitative
non-carceral ways to make people accountable.

For this '3' pillars legislative, executive
judiciary must cooperate to address the issue