



Transforming India's Prison System

This editorial is based on "[The long fight for accessibility, dignity in Indian prisons](#)" which was published in The Hindu on 21/11/2024. The article brings into picture the systemic neglect and abuse faced by prisoners with disabilities in India. Despite judicial directives and international obligations, prison conditions remain appalling, particularly for vulnerable inmates.

For Prelims: [India's prison system](#), Article 21, Article 39A, Prisons Act, 1894, [Model Prisons Act 2023](#), [Bharatiya Nagarik Suraksha Sanhita](#), [Rights of Persons with Disabilities Act, 2016](#), [National Human Rights Commission](#), [Justice Amitava Roy Committee](#), [Krishna Iyer Committee](#).

For Mains: Prison Regulation in India, Major Issues Related to Prisons in India.

[India's prison system](#) stands as a stark testament to systemic failures, characterized by **chronic overcrowding, human rights violations, and persistent neglect of fundamental prisoner welfare**. Despite multiple judicial interventions and policy recommendations since the 1980s, prison conditions remain appalling, with facilities operating far beyond their intended capacity. The systemic breakdown is particularly evident in the **treatment of vulnerable populations, including prisoners with disabilities** who face extreme marginalization and denial of basic human dignity.

How Prisons are Regulated in India?

- **Constitutional Provisions:**
 - **Article 21:** It protects prisoners against torture and inhuman treatment. It also ensures timely trials for prisoners.
 - **Article 22:** An arrested person must be promptly informed of the reasons for their arrest and has the right to consult and be defended by a lawyer of their choice.
 - **Article 39A:** Ensures [free legal aid](#) to ensure justice for those unable to afford legal representation.
- **Legal Framework:**
 - **Prisons Act, 1894:** The Prisons Act, enacted during British rule, serves as the foundational legal framework for prison management in India.
 - It focuses on the **custody and discipline of prisoners** but lacks provisions for rehabilitation and reform.
 - **The Identification of Prisoners Act, 1920:** This law governs the identification process for prisoners and the collection of biometric data.
 - **The Transfer of Prisoners Act, 1950:** It provides guidelines for the transfer of prisoners between different states and jurisdictions.
- **Oversight Mechanisms**
 - **Judicial Oversight:** The Indian judiciary plays a critical role in overseeing prison conditions through Public Interest Litigations (PILs) and **specific cases addressing**

inmate rights.

- For instance, the Supreme Court in ***D.K. Basu vs. State of West Bengal (1997)***, mandated strict protocols for arrest and detention.
 - Recent directives from the Supreme Court have emphasized the need for states to ensure compliance with human rights standards..
- **Related International Frameworks:** Several international agreements and conventions set global standards for the treatment of prisoners and the prevention of torture including:
- **Universal Declaration of Human Rights (UDHR) (1948), Declaration on Protection from Torture (1975), Convention Against Torture and Other Cruel, Inhuman, or Degrading Treatment (1984).**

What is the History of Prison Reform in India?

- **Pre-Independence Era:** Under British rule, Indian prisons were notorious for their harsh conditions, as the British authorities used imprisonment as a form of deterrence through severe punishment.
- The Indian National Congress, in its demands, included prison reform as part of the **Indian Penal Code in 1920.**
- **Post-Independence Era:** In 1952, the **All India Jail Manual Committee** was established, which recommended the classification of prisoners, provision of medical care, and vocational training.
- It also suggested the **appointment of social workers and psychologists** to aid in prisoner rehabilitation.
 - In 1980, the Supreme Court's landmark judgment in ***Sunil Batra v. Delhi Administration*** brought attention to the **deplorable conditions in Indian prisons**, laying down guidelines for humane treatment, medical care, and access to legal aid for prisoners.
- **Recent Years:** In the 21st century, the government has made significant strides in prison reform.
- The **2016 Model Prison Manual** was introduced to standardize prison management, focusing on prisoner classification, medical care, and vocational training.
 - In 2018, the **Prisons Development Fund** was launched to modernize prison infrastructure and support state-level improvements.
 - **Model Prisons Act 2023** includes provisions for managing high-security and open jails, ensuring prisoner welfare through legal aid, parole, and good conduct incentives, and utilizing technology for transparent prison administration and security.

What are the Major Issues Related to Prisons in India?

- **Overcrowding and Capacity Crisis:** The Indian prison system is drowning under an unprecedented population surge, with official data revealing a **131% occupancy rate in many facilities nationwide (December 2022).**
- In 2021, the crisis was most acute in Uttarakhand, Uttar Pradesh and Delhi where the occupancy rate crossed **180%** leading to increased health risks, limited access to basic amenities, and heightened potential for inter-prisoner conflicts.
- **Undertrial Imprisonment and Judicial Delays:** The undertrial crisis represents a fundamental breakdown of India's judicial system.
- As per the Prison Statistics India Report 2022, **75.8% of India's prisoners are undertrials.**
 - As highlighted by recent Supreme Court directives, many undertrials remain incarcerated despite being eligible for release under provisions like **Section 479 of the Bharatiya Nagarik Suraksha Sanhita (BNSS)** due to bureaucratic inefficiencies
 - This systematic failure transforms prisons into **prolonged detention centers, effectively punishing individuals before legal conviction**, with some undertrials spending years imprisoned without formal sentencing.
- **Prisoner Rehabilitation and Mental Health Issues:** India's prison system remains **fundamentally punitive rather than rehabilitative**, with minimal infrastructure for psychological support, skill development, or social reintegration.
- The absence of comprehensive mental health services creates **a cycle of institutional trauma**, with prisoners experiencing increased rates of depression, anxiety, and potential recidivism.

- Various Indian studies have reported the current prevalence of mental illnesses ranging from **21% to 33% among the prisoners**
- **Prisoners with Disabilities and Accessibility:** The systematic neglect of prisoners with disabilities represents a critical human rights failure in India's correctional system.
 - A **2018 audit of Delhi's major prisons** by the Nipman Foundation exposed severe accessibility gaps, including **non-functional wheelchairs, inaccessible cells, and toilets** that fundamentally compromise human dignity.
 - The **[Rights of Persons with Disabilities Act, 2016](#)**, and the **Nelson Mandela Rules (2015)** mandate reasonable accommodations, yet implementation remains virtually non-existent.
- **Custodial Violence and Human Rights Violations:** Custodial violence remains a persistent and systemic issue in Indian prisons, with institutional mechanisms for accountability remaining critically weak.
 - The **[National Human Rights Commission](#)** reported over 1,850 custodial deaths in 2020-21, highlighting a culture of institutional impunity.
 - Recent high-profile cases like the **Sathankulam custodial deaths in Tamil Nadu** and numerous encounter killings have exposed the deep-rooted culture of institutional violence.
- **Caste-Based Discrimination:** Caste-based discrimination within prisons continues to be a significant issue affecting the treatment and rehabilitation of inmates from marginalized communities.
 - The **Supreme Court recently ruled against caste-based segregation** practices in Indian jails, declaring them unconstitutional.
 - Despite this landmark decision, **implementation remains a challenge** that undermines the dignity and rights of these inmates.
- **Gender-Specific Issues:** Women prisoners face unique challenges that are often overlooked in discussions about prison reform.
 - Of the 23,772 women in prisons, **18,146 (76.33%) are undertrials.**
 - Reports indicate that **female inmates are particularly vulnerable to sexual abuse and harassment** from both staff and male inmates.
 - The **absence of female guards in many facilities exacerbates this issue**, leaving women without adequate protection or recourse against abuse.
 - Additionally, pregnant women in prisons often **lack proper prenatal care** and support services, highlighting systemic failures in addressing the needs of female inmates.

What are the Key Judicial Pronouncements Related to Prison Reforms?

- **Hussainara Khatoun v. Home Secretary (Bihar):** The Supreme Court ruled that **free legal aid must be provided** to indigent accused individuals to ensure their right to a fair trial.
- **Charles Sobhraj v. The Suptd., Central Jail:** The Supreme Court acknowledged that **fundamental rights cannot be stripped away** simply because someone is incarcerated.
 - Overcrowding in prisons was declared a violation of human rights.
- **Sunil Batra v. Delhi Administration (1978):** This case affirmed that prisoners retain their fundamental rights as long as they do not conflict with incarceration, including protection from cruel and inhuman treatment.
- **Rama Murthy v. State of Karnataka (1997):** The Court noted critical issues within prisons such as overcrowding, delayed trials, neglect of health, and abuse, urging the government to implement reforms.

What Strategies can be Employed to Improve India's Prison System?

- **Infrastructure and Accessibility Reforms:** Implement the **July 2024 Ministry of Home Affairs' Accessibility Guidelines**, creating universal design principles for prison infrastructures that accommodate prisoners with disabilities.
 - Develop **modular prison designs that reduce overcrowding** through efficient space utilization and create separate zones for different prisoner categories.

- Invest in sustainable prison infrastructures that **incorporate renewable energy, waste management, and ecological rehabilitation programs.**
- Create specialized accommodation units for vulnerable populations, **including women, elderly, and disabled prisoners.**
- Develop multi-purpose spaces that facilitate education, skill development, and psychological counseling.
- **Judicial Process Acceleration and Legal Support:** Implement a comprehensive judicial reform strategy focusing on **expediting trials through technology-enabled case management systems** and specialized fast-track courts.
 - Adopt the [Justice Amitava Roy Committee's recommendation of one lawyer for every 30 prisoners](#), creating a robust legal support infrastructure that ensures meaningful legal representation for undertrials.
 - Expand the anticipatory bail mechanism, drawing from the ***Babu Singh v. State of Uttar Pradesh (1978) principles***, to reduce judicial backlog while providing proportionate sentencing options.
- **Comprehensive Rehabilitation and Skill Development:** Transform prisons from punitive institutions to **rehabilitation centers by implementing mandatory vocational training, educational programs**, and psychological counseling.
 - Develop **public-private partnerships with industries** to create prison-based skill development programs that guarantee employment opportunities post-release.
 - Implement the [Mulla Committee's recommendations for creating a specialized Indian Prisons and Correctional Service](#) that emphasizes **rehabilitation-oriented training for prison staff.**
 - Introduce **mandatory mental health screening, counseling, and continuous psychological support programs** to address institutional trauma and reduce recidivism.
- **Technology-Enabled Prison Management:** Create a comprehensive **Prison Management Information System (PMIS).**
 - Implement **blockchain-based secure data management systems** to ensure prisoner privacy while maintaining transparent institutional records.
 - Develop a **nationwide digital case tracking system that monitors undertrial duration**, automatically triggering review mechanisms for cases exceeding reasonable timeframes.
 - Leverage **artificial intelligence and machine learning** to predict case complexities and optimize judicial resource allocation.
 - Develop **telemedicine infrastructure** to provide specialized healthcare access, particularly for prisoners in remote locations or with limited medical facilities.
- **Transparent Institutional Oversight:** Establish an independent Prison Ombudsman with powers to conduct unannounced inspections, investigate human rights violations, and recommend systemic improvements.
 - Mandate **quarterly public reports detailing prison conditions, rehabilitation statistics**, and institutional challenges.
 - Develop a comprehensive whistleblower protection mechanism for prison staff and inmates to report institutional malpractices.
- **Specialized Prisoner Management Approaches:** Develop targeted intervention strategies for different prisoner categories, including **specialized programs for first-time offenders, long-term prisoners, and those with potential radicalization risks.**
 - Implement the [Krishna Iyer Committee's recommendations for specialized support for women and child criminals](#), including gender-sensitive infrastructure and rehabilitation approaches.

Conclusion:

The pressing need of the hour is to **transform our Criminal Justice System(CJS) into a more efficient and effective mechanism.** This necessitates a comprehensive overhaul, **extending beyond prison reforms.** By prioritizing rehabilitation, investing in mental health services, and safeguarding the rights of all incarcerated individuals, we can create a justice system that is both just and humane. The future of our society hinges on our ability to implement meaningful reforms across the entire spectrum of criminal justice.

Drishti Mains Question:

Discuss the challenges faced by India's prison system and propose measures for its effective reform.

UPSC Civil Services Examination, Previous Year Question (PYQ)

Q.1 Instances of the President's delay in commuting death sentences has come under public debate as denial of justice. Should there be a time specified for the President to accept/reject such petitions? Analyse. (2014)

Q.2 National Human Rights Commission (NHRC) in India can be most effective when its tasks are adequately supported by other mechanisms that ensure the accountability of a government. In light of above observation assess the role of NHRC as an effective complement to the judiciary and other institutions in promoting and protecting human rights standards. (2014)

PDF Reference URL: <https://www.drishtias.com/printpdf/transforming-india-s-prison-system>

