

Overcrowding in prisons

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Context: The Supreme Court has expressed concern about overcrowding in prisons across the country, in some cases beyond 150 per cent of the capacity, and asked all the high courts to consider the issue as it involves “violation of human rights”. The court has requested the chief justices of the high courts to take up the matter as a suo-motu writ petition.

- The Centre apprised the court that steps were being taken to encourage setting up of ‘open prisons’ and a model uniform rules for the administration of open correctional institutions have already been framed.

What are open prisons?

Semi-open prisons or open prisons allow convicts to work outside the jail premises and earn a livelihood and return in the evening. The concept was brought in to assimilate the convicts with society and reduce the psychological pressure and lack of confidence they faced lack of confidence in returning to lives outside prison.

Background:

Overcrowding is one of the biggest problems faced by prison inmates. It results in poor hygiene and lack of sleep among other problems. More than 65% of the undertrials spend three months to five years in jail before getting bail. A fourth of all the under trials have been under detention for more than a year.

Management of prisons:

The management of prisons falls exclusively under the domain of the state government, as per the seventh schedule of the constitution. In every state, the prison administrative machinery works under the chief of prisons who is a senior ranking IPS officer.

Need for reforms:

- NHRC figures show that prisoners cut off from family and friends had a 50% more chance of committing suicide than those outside. The average suicide rate among the general public for this period is 11 (per 100,000) whereas the average suicide rate in prison is 16.9 (per 100,000). In other words, the average suicide rate in prisons is over 50% more than in normal conditions.
- Indian prisons face three long-standing structural constraints: overcrowding, thanks to a high percentage of undertrials in the prison population, understaffing and underfunding. The inevitable outcome is sub-human living conditions, poor hygiene, and violent clashes between the inmates and jail authorities.
- Besides, while 33% of the total requirement of prison officials still lies vacant, almost 36% of vacancy for supervising officers is still unfulfilled. In the absence of adequate prison staff, overcrowding of prisons leads to rampant violence and other criminal activities inside the jails.

Way ahead:

Indian jails have often been dubbed as a university for grooming criminals due to pathetic and inhumane conditions. In the absence of a robust Whistleblower Protection Act and structural changes

to address the issues of overcrowding and understaffing, India's prisons will continue to be heaven for politically connected criminals and hell for socio-economically disadvantaged undertrials, some regular media uproars notwithstanding.

Fundamental rights of prisoners cannot be placed in the back-burner and the Centre and the states need to be more pro-active in sensitising staff about the need to treat prisoners as humanely as possible.

What's important?

- For Prelims: NALSA and open jails.
- For Mains: Prison reforms- need and challenges.

To be looked in UPSC Paper 2 Topic :Welfare schemes for vulnerable sections of the population by the Centre and States and the performance of these schemes; mechanisms, laws, institutions and bodies constituted for the protection and betterment of these vulnerable sections.