

Prison Reforms

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Context- Recently, the Prime Minister of India suggested prison reforms at the annual police meet in New Delhi.

Key Highlights

- The PM recommended Prison reforms in order to improve jail management and suggested repealing obsolete criminal laws.

Police Reforms:

- He also suggested making the police forces more sensitive and training them in newly emerging technologies.

Enhancing cooperation:

- He emphasised on enhanced cooperation between the State Police and Central Agencies to leverage capabilities and share best practices.

National Data Governance Framework:

- He emphasised on the significance of the National Data Governance Framework for the smoothening of data exchange, across agencies.
- He also suggested that while we should further leverage technological solutions like biometrics etc., there is also a need to further strengthen traditional policing mechanisms like foot patrols etc

Strengthening Security:

- The PM discussed strengthening of border as well as coastal security by organising frequent visits of officials to these locations.

Issues faced by prisoners in India:

- **Overcrowding:**
 - As per the National Crime Records Bureau's 2021 statistics, there were 5,54,034 people in prisons across India, as against a capacity of 4,25,609.
 - Similar trend of overcapacity was seen in 2020 and 2019 as well.
- **Prolonged detention of under-trial prisoners**
 - A poor man remains in jail for more than a year without trial for minor offences such as theft.
 - There are many inmates who can't even afford the bail amount.
- **Other issues includes;**
 - Unsatisfactory living conditions.
 - Lack of treatment Programs.
 - The allegations of the indifferent and even inhuman approaches of prison staff have repeatedly grabbed the attention of critics over the years.

Model Prison Manual:

- For this reason, the government in 2016 introduced the 'Model Prison Manual' in order to replace the existing prison manual.
- In this manual, the government has considered aspects such as human rights, the rehabilitation of prisoners in society, the rights of female prisoners, laws for prison inspection and the right to education even for death row convicts.

Recommendations on Jail reforms:

- **Recommendations of Law Commission of India in its 268th report:**
 - The Commission suggested that those detained for offences that come with a punishment of up to seven years of imprisonment should be released on completing one-third of that period and for those charged with offences that attract a longer jail term after they complete half of that period.
 - It recommended that the police should avoid needless arrests, while magistrates should refrain from mechanical remand orders.
- **Justice Amitava Roy Committee Recommendations:**
 - In 2018 The Supreme Court of India constituted a three-member committee, to be headed by former apex court judge Amitava Roy, to look into the aspect of jail reforms across the country and make recommendations on several aspects, including overcrowding in prisons. It recommended:
 - Special fast-track courts must be set up to deal exclusively with petty offences

which have been pending for more than five years.

- Again, accused persons who are charged with petty offences and that granted bail, but who are unable to arrange surety should be released on a Personal Recognizance (PR) Bond.
- A National Mission for Justice Delivery and Legal Reforms should be launched.

Police Reforms

Need for police reforms:

- **Lack of confidence in the police:**

- People, generally, do not have confidence in the police. This is particularly true of the lower strata of society, who feel that there is one law for the poor and another for the rich and powerful people.

- **Complex law and Order problem:**

- Law and order problems are becoming more complex with each passing year.
- Organised crime has also acquired international dimensions.
- Arms trafficking and drug trafficking do not particularly observe any borders.
- Cybercrimes are also increasing in geometrical progression.

- **Poor infrastructure:**

- The police are not able to deliver partly due to poor infrastructure.
- There is larger scope for improvement in transport, communications and forensics as well.
- There are also huge deficiencies in human resources.
- Overall, there is a vacancy of above 5,00,000 personnel.

- **Work load:**

- As per the Status of Policing in India Report, 2019, an average policeman works for 14 hours a day and does not get any weekly off.
- It takes a heavy toll on his mental and physical health.
- Poor housing conditions and long working hours have a negative impact on police performance.

- **Technological upgradation:**

- There is a huge scope for technological inputs into the functioning of the police.
- These inputs will act as a force multiplier.

- **Supreme Court's Prakash Singh judgement on police reforms:**

- In a landmark judgement, the Supreme Court in September 2006 had directed all states and Union Territories in order to bring in police reforms.
- The ruling issued a series of measures which were to be undertaken by the

governments to ensure the police could do their work without worrying about any political interference.

- **Fixing the tenure and selection of the DGP:**

- Fixing the tenure and selection of the DGP in order to avoid situations where officers about to retire in a few months are given the post.
- For ensuring no political interference, a minimum tenure was sought for the Inspector General of Police so that they are not transferred mid-term by politicians.

- **Police Establishment Boards (PEB):**

- The SC then directed postings of officers being done by Police Establishment Boards (PEB) comprising police officers and senior bureaucrats to insulate powers of postings and transfers from political leaders

- **State Police Complaints Authority (SPCA):**

- There was a recommendation of setting up the State Police Complaints Authority (SPCA) in order to give a platform where common people aggrieved by police action could approach.

- **State Security Commissions (SSC):**

- The SC directed separation of investigation and law and order functions to better improve policing, setting up of State Security Commissions (SSC) which would have members from civil society and forming a National Security Commission.

Draft National Data Governance Framework Policy

- The draft policy focuses on improving the institutional framework for
 - Government data sharing,
 - Promoting principles around privacy and security by design, and
 - Encouraging the use of anonymization tools.
- The framework policy aims
 - To standardise the government's data collection and management while catalysing AI and Data led research and a startup ecosystem.

- **India Data Management Office (IDMO):**

- The draft includes plans for setting up the India Data Management Office (IDMO) on the lines of the US Federal Data Management Office.

- **Sharing of data:**

- The policy seeks to 'encourage' private companies to share non-personal data with startups as part of the effort.
- IDMO should notify protocols for sharing of non-personal datasets while ensuring privacy, security and trust.
- IDMO will notify rules in order to provide data on priority/exclusively to Indian/ India-based requesting entities.