

Standing Committee Report Summary

Prison- Conditions, Infrastructure and Reforms

- The Standing Committee on Home Affairs (Chair: Mr. Brijlal) submitted its report on “Prison-Conditions, Infrastructure and Reforms”, on September 21, 2023. Key observations and recommendations of the Committee include:
 - **Overcrowding:** The Committee observed that overcrowded prisons have serious consequences for both prisoners and the criminal justice system. The national average occupancy rate in prisons across India is 130%. Six states, including Uttar Pradesh, Bihar, and Madhya Pradesh account for more than half of the total prisoner population. Four out of these six states have an occupancy rate higher than the national average. The Committee recommended transferring prisoners from overcrowded jails to other jails within the same state or in other states by signing a Memorandum of Understanding.
 - The Committee noted that bail is typically denied as the undertrial prisoner may: (i) influence or intimidate witnesses, (ii) try to flee the country, or (iii) commit another crime. It observed that the bracelet/anklet tracker technology, as implemented in Odisha, could be a cost-effective method for monitoring prisoners who are out on bail. However, as it may raise human rights concerns, the Committee suggested using the method after securing consent from the inmates.
 - **Young offenders:** The Committee noted that there is a lack of clarity on who is a young offender across states. It recommended that the Ministry of Home Affairs should provide a clear definition of young offenders along with a common guideline to all states/UTs. Further, while examining the availability of borstal schools (youth detention centre), the Committee noted that not all states/UTs have such schools. Only eight states including Tamil Nadu, Himachal Pradesh, and Jharkhand have borstal schools. It recommended opening at least one to two such schools in states.
 - **Women prisoners:** The Committee recommended giving special attention to pregnant women, including the ability to give birth outside prison and proper prenatal and postnatal care. To ensure a nurturing environment for the children, the Committee recommended allowing babies born in prison to stay with their mothers till the age of 12. Currently, children born in prison can stay with their mothers till the age of six.
- **Prison staff shortage:** The Committee noted a high percentage of vacancies in all categories of jail staff. Staff shortage has become the most neglected part of the prison administration, making prison management difficult. The Committee also observed a low representation of women in prison-related jobs. It recommended filling all vacant posts immediately with no post remaining vacant for more than three months.
- **Bail money for undertrials:** The Committee observed that over 70% of the prisoners are undertrials. It noted that prison administrations spend more money on keeping undertrials inside jails than the bail money required for their release. It recommended creating a fund, similar to ‘Cheyutha Nidhi’ in Andhra Pradesh, for the payment of fine amounts for poor prisoners in all states/UTs.
- **Prison budget:** The Committee emphasised the importance of funding prison. While the central government provides financial assistance, the state governments have their own budgets and responsibilities for managing prisons. As per Prison Statistics India (2021), the total budget for all prisons in India was Rs 7,619 crore in 2021-22. The actual expenditure for 2021-22 was about 88% (Rs 6,727) of the allocated budget. The Committee noted that 12 state governments and two UTs did not receive any funds from their respective prison departments. Further, eight states did not receive any funds from the central government. It recommended the Ministry of Home Affairs (MHA) to allocate central funds to state government that have not received any funds in the past five years.
- **Transgender prisoners:** The Committee recommended separate infrastructure facilities, such as separate wards, for transgender prisoners. It recommended transgender prisoners be allowed to choose doctors for examination to ensure proper placements in prisons and prevent misgendering.
- **Food quality:** The Committee observed that a quality and nutrient rich diet is essential for the well-being of prisoners. It recommended gathering feedback from prisoners and conducting surprise checks by medical dieticians and government officials to ensure the quality of food.

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