

Equality Behind Bars

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Equality Behind Bars: The Union Home Ministry's Prison Reforms

Context : The **Union Home Ministry** has introduced crucial amendments to both the **Model Prison Manual** of 2016 and the **Model Prisons and Correctional Services Act** of 2023. These amendments are designed to **tackle caste-based discrimination** and refine the classification and treatment of **habitual offenders** in Indian prisons.

Background:

In its ruling on **October 3, 2024**, the **Supreme Court** of India pointed out the ongoing issue of **caste-based discrimination** and the inconsistencies in defining **habitual offenders** across states. The Court directed the government to **update its legal frameworks** to ensure **equality and fairness** in the administration of prisons. This directive laid the foundation for the Home Ministry's comprehensive revisions of the prison rules.

Addressing Caste-Based Discrimination in Prisons:

To **eliminate caste-based discrimination** within prisons, the following changes have been implemented:

- **Prohibition of Discrimination:**

- **Prison authorities** are now mandated to ensure that **no discrimination, classification, or segregation** of prisoners based on caste takes place.
- **Duties and work assignments** within prisons must be allocated impartially, promoting **equal treatment for all inmates**, regardless of their background.

- **Legal Provisions in Prison Rules:**

- A new section, **55(A)**, titled '**Prohibition of Caste-Based Discrimination in Prisons and Correctional Institutions**', has been added under the **Miscellaneous category** of the **Model Prisons and Correctional Services Act of 2023**.
- This section formalizes the commitment to **eliminating caste-based practices** in prisons, providing a **structured legal framework** to address the issue.

- **Implementation of Manual Scavenging Prohibition:**

- The **Prohibition of Employment as Manual Scavengers and their Rehabilitation Act, 2013**, which aims to eliminate manual scavenging, has been extended to apply

- within prisons and correctional institutions.
 - This explicitly **bans manual scavenging** and **hazardous cleaning** of sewers or septic tanks, protecting inmates from engaging in such **degrading practices**.
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Redefining Habitual Offenders:

In line with **Supreme Court** directives, the amendments also focus on **redefining habitual offenders** to ensure uniformity in their classification and treatment across states. This is part of an effort to **standardize legal definitions** and practices, in accordance with **constitutional principles**.

- **Unified Definition:**

- A **habitual offender** is now legally defined as an individual who has been convicted and sentenced to imprisonment on **more than two occasions** during a continuous **five-year period**, for crimes committed on **separate occasions** (not part of the same incident).
- Importantly, **sentences overturned on appeal or review** are excluded from this definition, and **time spent in jail under sentence or detention** is not counted as part of the five-year period.

- **Legislative Consistency:**

- States that do not yet have specific laws on habitual offenders are required to **align their prison manuals** and rules with the **Supreme Court's guidelines** within **three months**.
 - The amendments aim to create **consistency across jurisdictions** by replacing varying state definitions of habitual offenders with a **standard model**.
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Significance of the Amendments:

The amendments serve multiple important purposes:

- **Ensuring Equality:**

- The changes are intended to **uphold the constitutional rights** of prisoners, ensuring **equality and dignity** for all, regardless of caste or background.

- **Eliminating Degrading Practices:**

- By **prohibiting manual scavenging** and other degrading forms of labor, the amendments reinforce the **humane treatment** of prisoners.

- **Standardized Framework:**

- The new, unified definition of habitual offenders ensures **consistent and fair treatment** of repeat offenders across all states, reducing the likelihood of **arbitrary**

classifications.

Conclusion:

These amendments represent a crucial step in the ongoing **reform** of India's prison system. By addressing **caste-based discrimination** and refining the treatment of **habitual offenders**, the **Union Home Ministry** aims to create a more **just, humane**, and **equitable correctional system**. These changes reflect a strong commitment to **human rights** and the **rule of law**, establishing a **progressive precedent** for prison reforms across the country.



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