



CURRENT AFFAIRS



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Date -8 September 2023

AMITAVA ROY COMMITTEE REPORT ON PRISON REFORMS

This article covers "Daily Current Affairs," and the Topic details "Amitava Roy Committee report on prison reforms". The Topic, "Amitava Roy Committee report on prison reforms", has relevance in the Governance section of the UPSC CSE exam.

For Prelims:

Key observations and suggestions?

For Mains:

GS 2: Governance

What is the need for reforms?

Measures taken in India?

Why in the news:

The Supreme Court has requested input from both the central government and the individual states regarding the Justice Amitava Roy Committee's report.

Key observations and suggestions:

The key observations and suggestions arising from the Justice Amitava Roy Committee report on prison reforms in India can be summarised as follows:

Gender Disparities:

- Female inmates encounter inadequate access to fundamental amenities, including healthcare, legal aid, employment prospects, and recreational facilities.
- Many women prisoners are accommodated within larger male-dominated prison complexes, resulting in concerns related to privacy, safety, and limited access to crucial services.

Sanitary Napkin Provision:

- In India, fewer than 40% of prisons offer sanitary napkins to female inmates, neglecting their basic hygiene needs. This deficiency can have adverse health repercussions and compromise the dignity of women in custody.

Facilities for Children:

- Only a handful of states and union territories (such as Goa, Delhi, and Puducherry) permit female prisoners to interact with their children without physical barriers like bars or glass partitions. Such barriers impede vital family connections, which are essential for the well-being of both mothers and their children.

Shared Facilities:

- A significant concern is that 75% of female wards in Indian prisons share common facilities and kitchens with male wards. This shared arrangement can potentially result in safety and privacy issues for female inmates, particularly considering the gender dynamics within prison environments.

Undertrial and Convict Housing:

- Irrespective of their legal status (whether undertrials or convicts), female prisoners are frequently housed in the same wards and barracks. This lack of differentiation based on legal status can affect female inmates' prospects for rehabilitation and reintegration.

Gender-Specific Training:

- The report emphasizes the absence of gender-specific training for prison staff, including matrons responsible for overseeing female inmates. This training gap extends to areas like conducting searches, which should be done with sensitivity and respect for the dignity of female prisoners.

Complaint Mechanisms:

- In India, female inmates can file complaints against jail staff for abuse or harassment in only 13 states and 2 Union Territories. This limited access to justice within the prison system can leave female inmates vulnerable to abuse without proper avenues for redress.

Medical and Psychiatric Care:

- Many Indian prisons lack separate medical and psychiatric facilities for female inmates. This deficiency presents substantial challenges in addressing the unique health needs of female prisoners, including those related to pregnancy and mental health.

Telemedicine and Vocational Training:

- To address these issues, the report recommends introducing telemedicine facilities for remote diagnosis and virtual consultations, strengthening vocational training and educational programs, and reducing the reliance on the imprisonment for minor offenses. Instead, it suggests implementing community service initiatives and comprehensive counselling for inmates with psychological disorders.

Overcrowding:

- Overcrowding in Indian prisons has long been a pressing concern, resulting in substandard living conditions, heightened inmate tension, and difficulties delivering essential services and rehabilitation programs.



RECOMMENDATIONS

Overcrowding

- Segregation of undertrials, convicts and first-time offenders not only inside jails but also during production in courts, visit to hospitals or intra-jail movements.
- Special fast-track courts to deal with petty offences pending for 5 years or more.
- District and sessions judge to regularly monitor progress of cases pending in for more than one year in a session triable case and for more than six months in magistrate triable cases.

Suicides

- Suggests suicide-proof barracks with collapsible material.
- Identify potential hanging and anchoring points within the existing design of prison infrastructure.

What is the need for reforms:

Protection of Human Rights:

- **Dignity:** Prison reform safeguards the basic human dignity of individuals, including those convicted of crimes, by preventing cruel, inhumane, or degrading treatment or punishment in correctional facilities.
- **Access to Necessities:** It ensures that inmates have access to fundamental necessities like food, clean water, proper healthcare, and sanitary conditions.
- **Protection from Torture:** Reform efforts aim to prevent any form of physical or psychological abuse within prisons, protecting inmates' physical and mental well-being.

Rehabilitation:

- **Skill Development:** Prison reform focuses on providing inmates with the skills and knowledge they need to reintegrate into society successfully. This involves vocational training and mental health support.
- **Reduced Recidivism:** Successful rehabilitation programs reduce the likelihood of inmates returning to criminal activities, enhancing public safety and reducing the burden on the criminal justice system.

Fairness and Justice:

- **Equality:** Prison reform ensures that all individuals, regardless of background or socioeconomic status, are treated fairly and equally within the criminal justice system.
- **Due Process:** It upholds principles of due process, including the right to a fair trial, access to legal representation, and the presumption of innocence until proven guilty.

Overcrowding:

- **Living Conditions:** Overcrowded prisons often lead to inadequate living conditions and overcrowded cells. The reform aims to reduce overcrowding to ensure healthier and safer inmate environments.
- **Alternative Sentencing:** Efforts are made to promote alternatives to incarceration for non-violent offenders, reducing strain on prison resources and facilities.

Cost-Effectiveness:

- **Long-Term Savings:** While initial costs may be associated with implementing rehabilitation and reintegration programs, these initiatives are often cost-effective in the long run. By reducing recidivism and facilitating successful reintegration into society, they can lower the financial burden on the criminal justice system and social services.

Measures taken in India:

National Crime Records Bureau (NCRB):

- **Data Collection:** The NCRB plays a crucial role in collecting and maintaining data related to prisons and inmates in India. This data provides valuable insights into prison conditions, demographics, and trends.
- **Informed Decision-Making:** By analysing this data, policymakers and authorities can make more informed decisions regarding prison management, resource allocation, and reform initiatives.

Legal Aid:

- **Access to Justice:** Legal aid programs ensure inmates have access to legal representation, which is essential for a fair trial and for protecting their legal rights.
- **Fair Proceedings:** These programs help inmates understand their rights and effectively present their cases, contributing to a more equitable criminal justice system.

Vocational Training:

- **Skill Development:** Vocational training programs in some Indian prisons equip inmates with practical skills, improving their employability upon release.
- **Rehabilitation:** These programs align with the rehabilitation aspect of prison reform, helping inmates build better futures and reducing the likelihood of recidivism.

Source:

<https://indianexpress.com/article/india/denied-basic-facilities-women-prisoners-impacted-worse-men-sc-panel-prison-reforms-8925934/>

Q.1 In which of the following list of Schedule 7 the Subject of prisons is mentioned?

- (a) Union List
- (b) State List
- (c) Concurrent list
- (d) None of the above

ANSWER: B

Q.2 Justice Amitav Roy's Report is related to:

- (a) Prison Reforms
- (b) Privacy Law
- (c) Sedition Law
- (d) Performance of NITI Ayog

ANSWER: A

Q.3 Analyze the significance of prison reforms in upholding human rights and promoting rehabilitation within the criminal justice system.

Rishabh

LAWS GOVERNING FORESTS OF THE NORTHEAST

This article covers "Daily Current Affairs", and the topic details "Laws Governing Forests of the NorthEast". The topic "Laws Governing Forests of the Northeast" has relevance in the "Polity and Governance" section of the UPSC CSE exam.

For Prelims:

What is the Forest (Conservation) Amendment Act, 2023?

What is the Forest Rights Act (FRA) 2006?

For Mains:

GS2: Polity and Governance

Why in the news?

The Mizoram Assembly recently passed a resolution opposing the Forest (Conservation) Amendment Act, 2023.

Key Features of Forest (Conservation) Amendment Act, 2023:

- The Forest (Conservation) Amendment Act, 2023, was enacted by both houses of the Indian Parliament, with approval from Lok Sabha and Rajya Sabha. This amendment revises the provisions of the existing Forest Conservation Act of 1980, primarily aimed at conserving forested lands.
- **Relaxation of Restrictions:**

- The amended Act expands the list of allowed activities on forest land, including conservation, management, and development efforts.
- It now permits activities such as zoos, eco-tourism, silvicultural operations, and others as specified by the central government.
- Specific surveys can also be excluded from non-forest purposes under central government terms.
- **Land Classification:** The Act classifies land under two categories:
 1. declared or notified forests under various laws and
 2. land notified as forests after October 25, 1980.
 - It does not apply to land changed from forest to non-forest use before December 12, 1996.
- **Exemptions:**
 - The amendment permits the diversion of forest land for roads, railway lines, or “**strategic linear projects of national importance and concerning national security**” within **100 kilometres** of India’s international borders or lines of control without requiring a forest clearance under the Forest (Conservation) Act (FCA) of 1980.
- **Land Assignment:**
 - Under the amended Act, state governments or authorities can assign forest land through leases or other means to organisations not government-owned, subject to conditions prescribed by the central government.
- **Central Government Authority:**
 - The Act grants the central government the power to issue directives for the effective implementation of the Act to any authority or organisation under or recognised by the central, state, or union territory government.

Forest Land in Northeast India:

- **Recorded Forest Area (RFA) Dominance:**
 - Over half of the Northeast region is categorised as Recorded Forest Area (RFA).
 - Within RFA, 53% comprises unclassified forests managed by individuals, clans, village councils, or communities governed by customary practices.
 - The remaining RFA is notified forest under the jurisdiction of State Forest Departments.
- **Regional Variation in RFA:**
 - RFA percentages vary across Northeastern states, ranging from 34.21% in Assam to 82.31% in Sikkim.
 - Nagaland possesses the highest percentage of unclassified forests, accounting for 97.29% of its forested land.

Challenges and Limitations of Forest Laws in Northeast India:

- **Special Constitutional Protections:** Article 371A (Nagaland) and Article 371G (Mizoram) grant unique constitutional protections, requiring Legislative Assembly approval for applying specific parliamentary laws impacting customary laws, land ownership, and resources.
- **Nagaland’s Selective FCA Application:** Nagaland has extended the Forest (Conservation) Act (FCA) primarily to government forests and certain wildlife sanctuaries, covering a limited portion of its forested terrain.
- **Conflicting FCA Notifications:** Contradictory notifications have arisen concerning the applicability of the FCA in Nagaland.
- **FCA Applicability Across Northeast:** Besides Nagaland and Mizoram, the FCA is in force in other Northeastern states, namely Meghalaya, Tripura, Assam, Manipur, Sikkim, and Arunachal Pradesh, each experiencing varying levels of forest land clearance under the FCA.

FRA Application in the Northeast:

- **FRA 2009 and Recognition of Rights:**
 - The Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act (FRA) 2006 includes unclassified forests, among other categories, in its definition of “forest land,” aligning with the 1996 Supreme Court redefinition.
 - The FRA recognises rights under state laws, autonomous district councils, or tribal customary laws.
- **Low FRA Implementation:**
 - Only Assam and Tripura in the Northeast have implemented the FRA.
 - Reasons for limited implementation include the perception that the FRA is irrelevant due to land ownership by communities, clans, chiefs, and individuals and the absence of forest-dependent forest-dwellers.
- **Mizoram’s Shifting Stance:**
 - Mizoram initially extended the FRA and its Rules in 2009. Still, it reversed its decision in 2019, deeming the FRA irrelevant due to the absence of rights claims and citing a lack of funding from the Ministry of Tribal Affairs.
- **Nagaland’s Ongoing Deliberations:**
 - Under Article 371A, the Nagaland assembly has yet to decide on adopting the FRA, with a committee reviewing the matter for an extended period.

FRA Compliance under FCA:

- **Changing FRA Compliance Process:**
 - In 2009, the Environment Ministry mandated FRA compliance and Gram Sabha consent for forest diversion proposals managed by District Collectors.
 - However, the 2022 Forest Conservation Rules eliminated the need for FRA compliance before final approval, shifting the responsibility to state governments.
- **Enhancing FRA Compliance:**
 - States can take legal measures to ensure mandatory FRA fulfilment before recommending forest diversion and securing Gram Sabha’s consent.
 - The Ministry of Tribal Affairs can issue legally enforceable directions under the FRA or enact a separate law to safeguard forest rights during land diversion and relocation, aligning with its Business Rules.

Sources:

[Explained | How the amended Forest \(Conservation\) Act imperils the Northeast – The Hindu](#)

Q1. With reference to Forest (Conservation) Amendment Act, 2023, consider the following statements:

1. Forest (Conservation) Amendment Act, 2023, revises the existing Forest Act of 1927 provisions.
2. Activities such as zoos, eco-tourism, and silvicultural operations are now permitted on forest lands.
3. The Act allows the diversion of forest land for strategic linear projects of national importance within 10 km of India’s international borders without a forest clearance.

Which of the statements given above is/are correct?

- (a) 1 and 2 only
- (b) 2 only

- (c) 3 only
- (d) None

Answer: (b)

Q2. Consider the following:

1. The Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act (FRA) 2006 recognises rights under state, autonomous district councils, or tribal customary laws.
2. The FRA has been implemented in all Northeastern and Himalayan states.
3. The FRA 2006 originally mandated consent from Lok Sabha for forest diversion proposals managed by District Collectors.

How many of the abovementioned statements are correct?

- (a) Only one
- (b) Only two
- (c) All three
- (d) None

Answer: (a)

Q3. Analyse the challenges and limitations in implementing the Forest Rights Act (FRA) in the Northeast region and propose measures to enhance FRA compliance.

Gaurav Nikumbh

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