

② India's criminal justice s/m needs to be reformed in the country to prevent the large scale under trial prisoners?

Introduction - In recent Satendra Kumar vs CBI case SC acknowledged the ineffectiveness of India's bail s/m & its contribution to the crisis of overcrowding of prison pop.

Indian bail s/m -

① In India 75% of prison population are under trials and occupancy increased to 117% in prisons.

② The power to grant bail is the discretion of courts as it provides bail based on guidelines given by SC.

③ Though the guidelines provide the reasons to grant bail it failed to give reasons for rejecting bail.

Challenges in bail compliance -

① Marginalised sections (or) migrants are the one who struggles to get bail, though gives it's under onerous condition.

② Lack of money/property, connectness to family, projected social connections makes the accused inability to get bail.

③ Factors such as lack of identity proof, limitation in navigating court sm results in denial of bail to undertrials.

④ As per [FTP] data

→ 20% - migrants
→ 65% - no contact with family
→ 92% - doesn't own assets

This data implies the significant reasons for ~~inability~~ ^{of bail} to undertrials in prisons.

⑤ Due to incessant delays Undertrials increased to 75% in 2020.

⑥ The bail system presumes the risk of financial loss, in necessary, so the term "bail not jail" gives meaningless for undertrial prisoners.

Data taken into account -
* 14-1 of undertrials though granted bail they couldn't comply with conditions, so remaining in prison itself.

* The following conditions should be taken to frame a new bail law :-

- proportion of undertrials applying bail
- proportion of undertrials rejecting/accepting bail
- demographics of undertrials.
- proportion of undertrials compliance with bail.

Conclusion - The step to create a new bail law should ~~not~~ consider above conditions while framing which could result in decline of undertrials prisoners.