

## **Prison Conditions in India**

Prisons in India have become hubs of human rights violations with the numerous human rights infringements and frequent incompliance with the U.N. Standard Minimum Rules for the Treatment of Prisoners (1957) (UN SMR). Article 9 of UN SMR for the Treatment of Prisoners requires that a basic standard of accommodation be maintained in prisons. However this is unquestionably far from reality. Often times double the capacity of prisoners are made to stay in a barrack where they have to take turns to stretch their legs.

Overcrowding is one of the major problem plaguing prisons in India, which is largely due to excessive length and pretrial detention. Statistics provided by National Crime Records Bureau (NCRB) as of December 2005 reveals that pretrial detainee (also referred to as undertrial prisoners) comprise 66.2% of the total prison population. A large number of undertrial prisoners spend extended periods of stay in prisons awaiting their trial, in certain cases they serve jail terms exceeding the maximum awardable sentence for the particular offence. This also stems from the lack of access to justice, which is endemic in most prisons. An average of 145.4 % accounts for the overcrowding across prisons in India with some states such as Jharkhand leading with a huge 318.2% occupancy rate. To add to this, most of the prisons were built during the British Rule in India. They were unsuitably built with poor ventilation and dingy inappropriately lit barracks.

Overcrowding triggers many other inhuman practices in the prisons. It is responsible for inadequate infrastructure and medical facilities, inability to segregate convicts from undertrials, and civil prisoners from prisoners imprisoned for criminal offences (Violation of Article 8), lack of essential services for prison inmates, unhygienic living conditions with inappropriate sanitation facilities and overburdening of prison staff. The prison staff works under tremendous stress and release their perpetuated stress on the already sentenced prisoners. The condition of medical care is woeful. In majority of prisons the number of sanctioned medical officers exceeds the number of appointed officers. Most of the prisons do not have a medical officer with psychiatry background which is against the Article 22.

The prison system is governed by the colonial Prisons Act of 1894. Needless to say, reformation and rehabilitation were alien concepts then. It is exceedingly retributive and has remained the same since its inception. Due to the undue pressure on prison staff, their focus diverts from reformative procedures to an undue apprehension about security.

According to the UN SMR Treatment of Prisoners (1957) "All persons under any form of detention or imprisonment shall be treated in a humane manner and with respect for the inherent dignity of the human process." However, how humane the attitude and treatment of the prison staff is towards prisoners, is irrefutable. The urgency of the much needed reform in prisons and penal laws should be recognized and brought into practice immediately.