



October 22, 2020

## **JAIL MAIL: WERE INDIAN PRISONS EQUIPPED TO RESPOND TO THE PANDEMIC?**

### **CHRI's Analysis of Prison Statistics India 2019**

Dear Friends,

Hope you are well!

The COVID-19 pandemic has kept people across the world on their toes. Prisoners especially are at a heightened risk because of higher health vulnerabilities than general population and closed accommodation settings in prisons.

Through this issue of Jail Mail, we are sharing with you - **'Ten Things You Should Know About Indian Prisons'** - CHRI's analysis of the *Prison Statistics India 2019* and the key systemic issues that emerge. This Jail Mail also highlights several major areas of deep concern about the poor state of Indian prisons and their ability to mitigate the threat of the pandemic. This is based on the data as of three months preceding (December 2019) the pandemic. The Prison Statistics India released annually by the National Crime Records Bureau (NCRB) provides data on type and demography of prison population, prison occupancy, offence wise break up of prisoners, inflow of prisoners, deaths and illness in prisons and prison staff among other things.

These parameters not only provide a national picture of Indian prisons but the state-wise comparative analysis helps the prison departments to assess where they excel and what needs to be addressed to enable them to effectively strategise for future. The **United Nations Standard Minimum Rules for the Treatment of Prisoners** (the Nelson Mandela Rules 2015) provides that "Prisoner file management systems shall also be used to generate reliable data about trends relating to and characteristics of the prison population, including occupancy rates, in order to create a basis for evidence-based decision-making."

This exercise, of analysing trends and patterns in prison data, is relevant to understand the challenges that prisons face in effectively responding to the COVID-19 situation. They are reflective of the systemic issues linked to state policies, police and judicial practices, functioning of the legal aid system, and oversight functions of prison monitors that directly or indirectly impact prisoners.

With over 18,000 prisoners and staff infected, the number of infections within prisons are rising each day. Some key findings from the analysis of the 2019 statistics, which are intrinsically linked to the response of prisons to the virus, are as follows:-

**Overcrowding:** Indian prisons are chronically overcrowded though at the national level there are 18 prisoners more than the capacity per 100 prisoners, i.e. 118.5% occupancy. However, the national figure underrepresents the gravity as 21 out of 36 States and UTs were overcrowded in December, 2020. Eight States and UTs had more than 150% occupancy. Further, the States and UTs that show state level prison occupancy within capacity also have overcrowded individual prisons. For instance, Rajasthan which provides prison wise population updated till September, 2020 shows overall occupancy at 97.5% whereas more than one third of its prisons are overcrowded with a few having prisoners more than double their capacity.

In December 2019, in India there were 74,861 prisoners more than the capacity. Though, the release of more than 66,000 prisoners (during the pandemic) makes it appear that overcrowding has reduced, but this could have been true only if there were no new admissions during the same period. During the year 2019, close to 19 lakh inmates were admitted in prisons and as a majority of them were released eventually throughout the year, 12,516 persons were added to the prison population. The number of new admissions and regular releases of prisoners from January 2020 till now are not yet available and hence the number of prisoners added to the prisons in 2020 is not known. The number of releases does not show much in absence of actual prison population figures.

What this data reflects is that the physical distancing requirement of COVID-19 precautionary measures is not possible in a large number of Indian prisons. This is concerning not merely in regards to the pandemic but also reflects the poor living conditions in Indian correctional homes.

**Prison Infrastructure:** Prison Statistics India provide data on construction and renovation of prisons, availability of quarters for staff, vehicles, video conferencing equipment, etc. in terms of prison infrastructure.

As of December, 2019 there were only 33,537 quarters available for 60,787 actual prison staff. Only two States, Uttar Pradesh and Uttarakhand had quarters available for all their staff. Availability of staff quarters is increasingly important to mitigate the risk of virus transmission in and out of prisons. Lack of quarters has certainly put both prisoners and prison staff families at risk of contracting and spreading virus.

None of the prisons of three States - Arunachal Pradesh, Assam and Sikkim - had an ambulance as of December, 2019. Overall there were only 685 ambulances in 1350 prisons across India. Lack of prompt availability of an ambulance at places of mass detention such as prisons during an active pandemic can be fatal.

**Prison Staff:** Indian prisons are administered with an overall 30% staff shortage. Efficient management of COVID-19 precautionary measures require adequate human resource to carry out the additional tasks of health awareness, prisoner management and transfers and entry-exit screening to name a few. Currently, prison staff are already overburdened which poses a risk to prisoners as well as staff health.

**Expenditure on Prisoners:** On an average Rs. 118 was spent per prisoner per day in 2019 which includes food, clothing, medical, vocational/educational activities, welfare activities and other activities. A break up of this expenditure shows that a mere Rs. 5 were spent on medical and Rs. 57 on food, per day per prisoner. This reflects on the quality of medical care and nutrition available to Indian prisoners. It would not be fair to assume that prison authorities would not have increased medical and food expenses during the pandemic in certain states, but the extremely low expenditure on prisoners is suggestive of the poor availability or management of financial resources.

**Older Prisoners:** 13.2% of India's prison population or 63,336 prisoners belong to the age category of '50 years & above'. NCRB does not provide further break-up of more than 50 year old prisoners. The World Health Organisation has said that older people are at a higher risk for developing severe illness if they contract COVID-19. PSI data shows that the situation of medical

staff is extremely grim as there was only one medical staff for 243 prisoners as of December 2019.

Poor infrastructure, low expenditure on medical needs, inadequate number of medical staff, and overcrowding can be fatal for some older prisoners during a pandemic.

**Deaths in Prisons:** In 2019, 1775 prisoners died in Indian prisons of which 1,544 passed away because of various illnesses. The same year 116 prisoners died by suicide making the suicide rate in prisons more than twice that in the general population. A [United Nations report](#) shows that deaths in prisons are as much as 50% higher than in the trend in the general population. These figures raise concern over the threat to life of prisoners who have comorbidities and are still inside jails.

**Mental Healthcare in Prisons:** As of 31<sup>st</sup> December 2019, 7,394 prisoners were diagnosed as suffering from mental illness in India. PSI data reveals that 23 out of 36 States and UTs have no sanctioned position of psychologists or psychiatrists in prisons. In the country there were just 29 psychiatrists/psychologists appointed against a total of 66 sanctioned positions. The glaring scarcity psychologists in prisons explains the double rate of suicides in prisons. Moreover, prisoners suffering from mental illness cannot be expected to follow COVID-19 precautions and their incarceration is grave danger to their health, especially during pandemic. It cannot be stressed enough that persons with mental illness must not be incarcerated. (*Read our brief snapshot on 'Mental Health and Prisons' released on the World Mental Health Day – 10<sup>th</sup> October, [here](#)*)

Prison statistics are important to understand and assess in order to demand accountability for the safety of prisoners especially during an ongoing pandemic. **CHRI calls upon its readers to stay informed on the status of prisons and support in amplifying concerns to ensure accountability.** Towards this, you can:

1. **As an individual**, share data on Indian prisons on relevant platforms to raise public awareness on the status of prisoners and write to the relevant authorities in your area to bring immediate reforms in key areas to address COVID-19 threat in prisons. (*See the analysis of Indian prison statistics by CHRI for previous years [here](#)* )

2. **As prison administrators**, make an endeavour to record accurate data and motivate staff towards learning new techniques of digital record management.

3. **As heads of prison departments**, make all relevant prison data periodically available to the public through the website to enable a participatory process of prison reforms; encourage digital records management in prisons by providing adequate infrastructure, human resources and training in data recording and documentation to prison staff at all levels; and support evidence-based research for comprehensive understanding of specific trends as highlighted in the prison statistics.

Your suggestions and issues of concern are important to us. Do please write to us at [chriprisonsprog@gmail.com](mailto:chriprisonsprog@gmail.com) with feedback.

Please send us an email if you wish to unsubscribe from these updates.

With best regards,

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# CHRI

Commonwealth Human Rights Initiative

working for the *practical* realisation of human rights in  
the countries of the Commonwealth

## TEN THINGS YOU SHOULD KNOW ABOUT INDIAN PRISONS

An analysis of National Crime Records Bureau's  
**PRISON STATISTICS INDIA 2019**



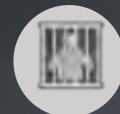
There were 4.78 lakh prisoners and the overcrowding rate was 18.5%.



18.8 lakh prisoners were admitted to prisons, of which 4.3% were women



There were 19,913 women prisoners, of which 1,543 women were with 1,779 children



69.05% of prisoners were awaiting trial in India, 1/4<sup>th</sup> of which have already spent more than 1 year.



116 prisoners died by suicide; 7,394 prisoners suffered from mental illness.



There were 5,608 foreign national prisoners; 832 were women.



A total of 1,775 prisoners died in prison, out of which 1,544 deaths were due to 'illness' & 'ageing'



More than 30% of staff positions were vacant. Only 12.8% of the total prison staff were women.



Ratio of prisoners per prison staff was 7:1, prisoners per correctional staff was 628:1 and prisoners per medical staff was 243:1



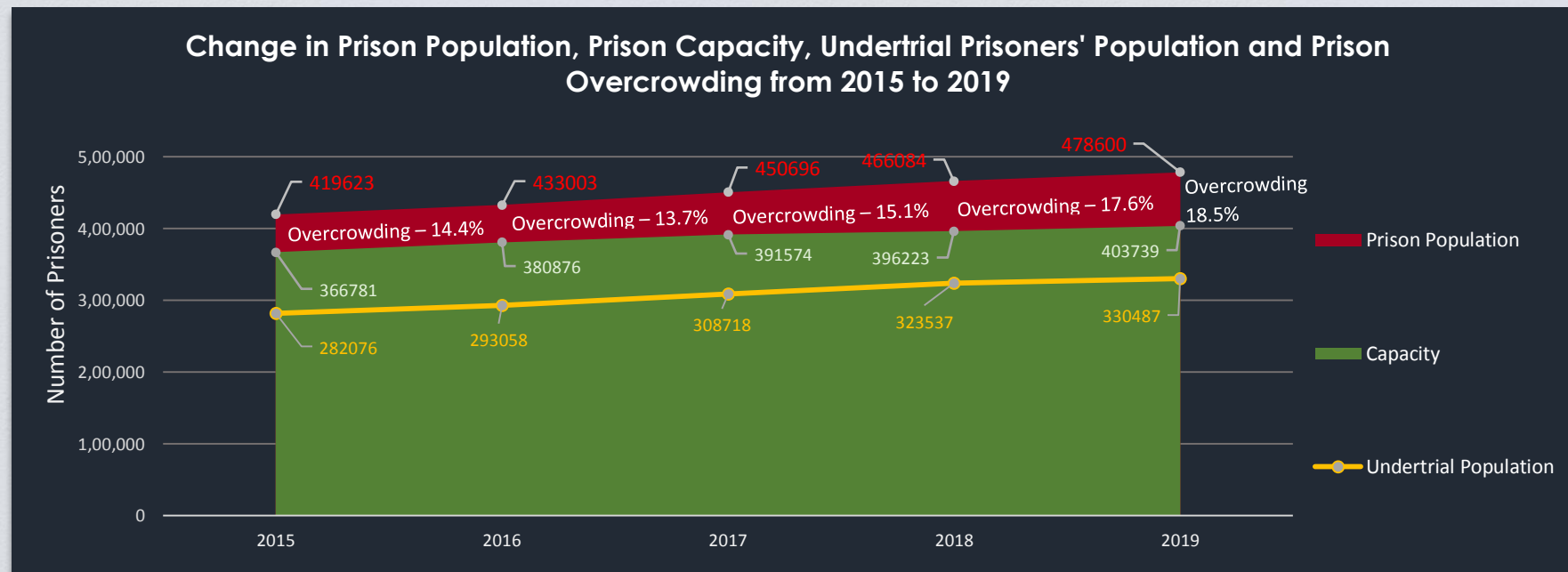
On an average, prisons spent Rs. 118 per prisoner every day.

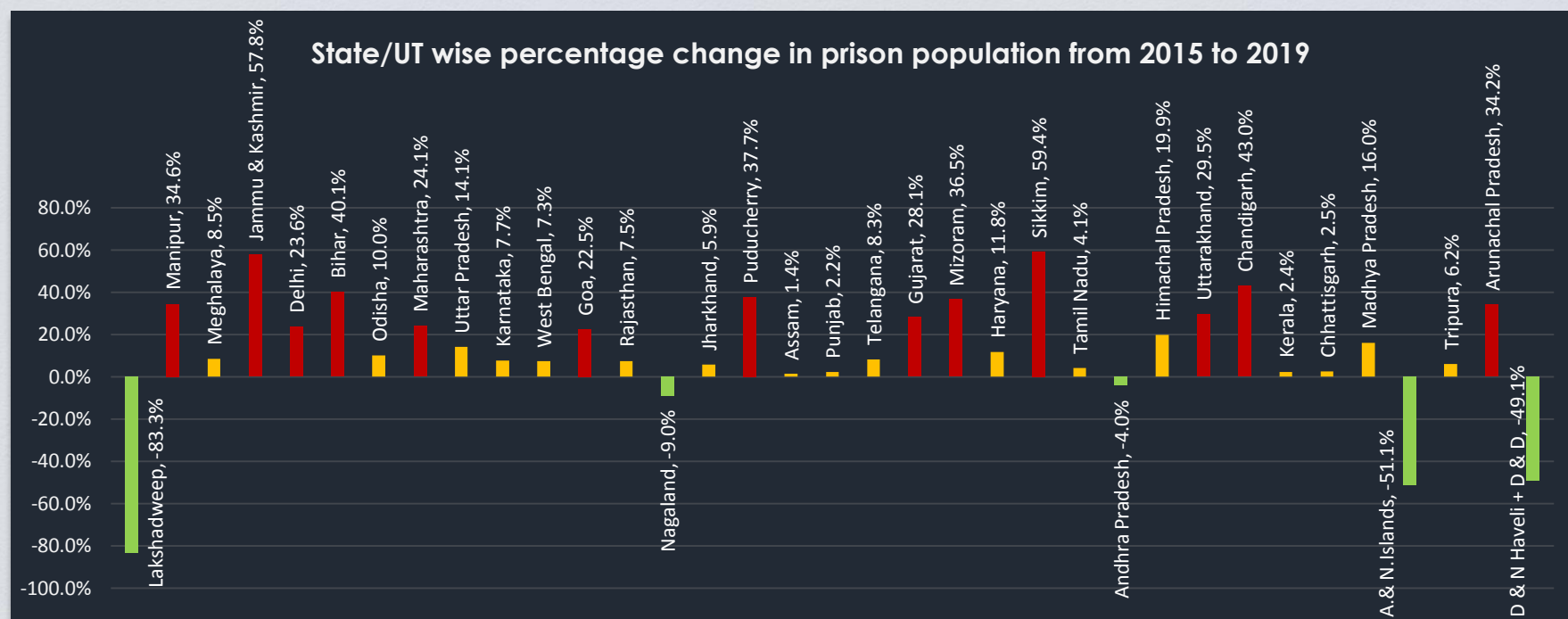


## I. PRISON POPULATION AND OCCUPANCY

### Findings – PSI 2019

- In 2019, the overall national prison **occupancy rate at 118.5%** was highest in the last five years.
- Among the types of prisons, **District Prisons and Central Prisons were overcrowded** with an occupancy rate of **129.7%** and **123.9%** respectively.
- Among the States/UTs, **Delhi has the highest prison overcrowding** with an occupancy rate of **174.9%**.
- **Eight States/UTs**, namely Delhi (174.9%), Uttar Pradesh (167.9%), Uttarakhand (159%), Meghalaya (157.4%), Madhya Pradesh (155.3%), Sikkim (153.8%), Maharashtra (152.7%) and Chhattisgarh (150.1%) **have an occupancy rate of above 150%**.
- In last the five years, the total **prison population has increased by 14.1%** against an **increase of 10.1% in the prison capacity**. In these years, the **undertrial prisoners' population increased by 17.2%**.
- At the end of 2019, there were **4,78,600 prisoners in 1350 prisons** of the country out of which **3,30,487 were undertrial prisoners**.





## CHRI's Comments

The [world prison population](#) increased by 3.7% from 2015 to 2018 (Data of world's prison population of 2019 is not available). From 2015 to 2018, 3,86,485 prisoners were added to the world prison population out of which 46,461 (12%) were added in India. In terms of incarceration rates, at 35 prisoners per one lakh population, India stands at 211 position out of 223 countries. This shows that though India holds a major share in the world prison population, its incarceration rate is among the lowest in the world.

In the last five years, Andhra Pradesh and Nagaland are only two states that reduced their prison population<sup>1</sup>. 13 States and UTs increased their prison population by more than 20% from 2015 to 2019. Highest increase in prison population was recorded in Sikkim (59.4%) and Jammu Kashmir (57.6%).

The national overall overcrowding of 18.5% is an underestimation of the chronic overcrowding in Indian prisons as individual prisons even in States/UTs which have an overall occupancy below the total capacity can be [extremely high](#). One fourth of the States/UTs have an acute occupancy rate of more than 150% and more than half of the States/UTs have occupancy above capacity. A trend analysis of occupancy rates of District Prisons and Central Prisons shows that while the occupancy in District Prisons has lowered slightly from 131.1% in 2015 to 129.7% in 2019, it is consistently increasing in Central Prisons from 116.4% in 2015 to 123.9% in 2019. The graph shows that the prison system, by merely increasing the prison capacity, is failing to address the issue of overcrowding.

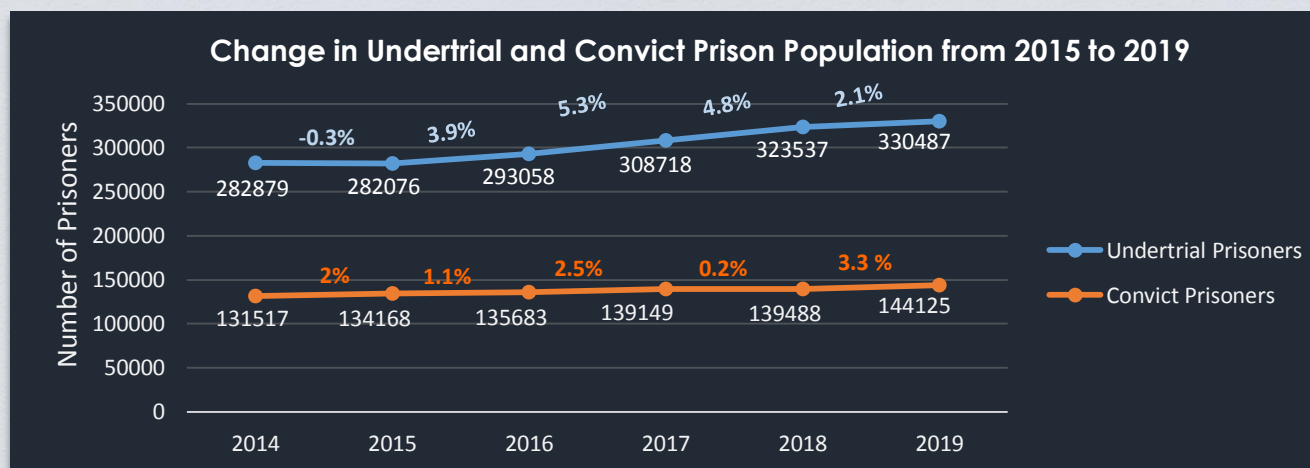
<sup>1</sup> Andaman & Nicobar Islands, Dadra & Nagar Haveli, Daman & Diu and Lakshadweep are not included in the population analysis as their population is comparatively very small and dynamic.



## II. PROPORTION OF UNDERTRIAL PRISONERS

### Findings – PSI 2019

- In 2019, **69.1%** of prison population **comprised undertrial prisoners**.
- In the last five years, the **undertrial prison population increased by 17.16%** against an **increase of 7.4% in convict prison population**.
- **\*Manipur** had the worst undertrial prisoners to prison population ratio (**UTP ratio**) of **86.5%**, followed by **Meghalaya (84.2)**, **Jammu & Kashmir (83.4%)** and **Delhi (82%)**.
- **\*Lowest UTP ratio** was in **Arunachal Pradesh at 42.9%** followed by **Tripura (51.5%)**, **Madhya Pradesh (54.2%)** and **Chhattisgarh (54.3%)**.
- **\*In the last five years, Mizoram with an increase of 15.7 percentage points** tops the list of States/UTs in worsening UT ratio followed by **Punjab (increase of 10.8 percentage points)**, **Chandigarh (increase of 9.6 percentage points)** and **Telangana (increase of 9.5 percentage points)**.
- **\*In the last five years, Arunachal Pradesh** tops the list in improving UTP ratio by **reducing it by 31 percentage points** followed by **Nagaland (reduced by 9.3 points)**, **Jharkhand (reduced by 8.7 points)** and **Kerala (reduced by 4.6 points)**.
- From 2015 to 2019, only **9 States** have **reduced their UTP ratio**.



\* This analysis does not include Andaman and Nicobar Islands, Pondicherry, Lakshadweep, Dadra & Nagar Haveli and Daman & Diu because of their dynamic and comparatively very small prison population.

## CHRI's Comments

Two third of total prisoners in India are imprisoned without conviction. India stands at [16<sup>th</sup> position](#) out of 217 countries in terms of proportion of undertrial prisoners. In the last five years, only in 2019 the growth of convict prison population was more than undertrial prison population. India is at the edge of crossing the 70% UTP ratio<sup>3</sup> mark which was last recorded in 2001 (70.4%). The slight decrease in rate of undertrial prison population recorded in 2019 may not continue as the graph shows. The rare decrease in UTP population as seen in 2015 failed to put brakes on the expanding UTP ratio as the later years' data shows.

Overall, from 2015 to 2019, the undertrial prison population increased by 17.2% against an increase of mere 7.4% in the convict population. This shows that the rate of increase in number of people getting imprisoned is more than double the rate of increase in number of people getting convicted. There are more than 2 undertrial prisoners for per convict in prisons.

In 2015, there were three States/UTs (Andaman & Nicobar Islands, Mizoram, Chandigarh and Tripura) with an UTP ratio below 50%. In 2019, Arunachal Pradesh was the only state with a UTP ratio below 50%. High undertrial prison population increases the stress on already overburdened prison resources. It also distracts the focus of prison administration from correctional activities and rehabilitation of convicts.

### III. PERIOD OF CONFINEMENT OF UNDERTRIAL PRISONERS

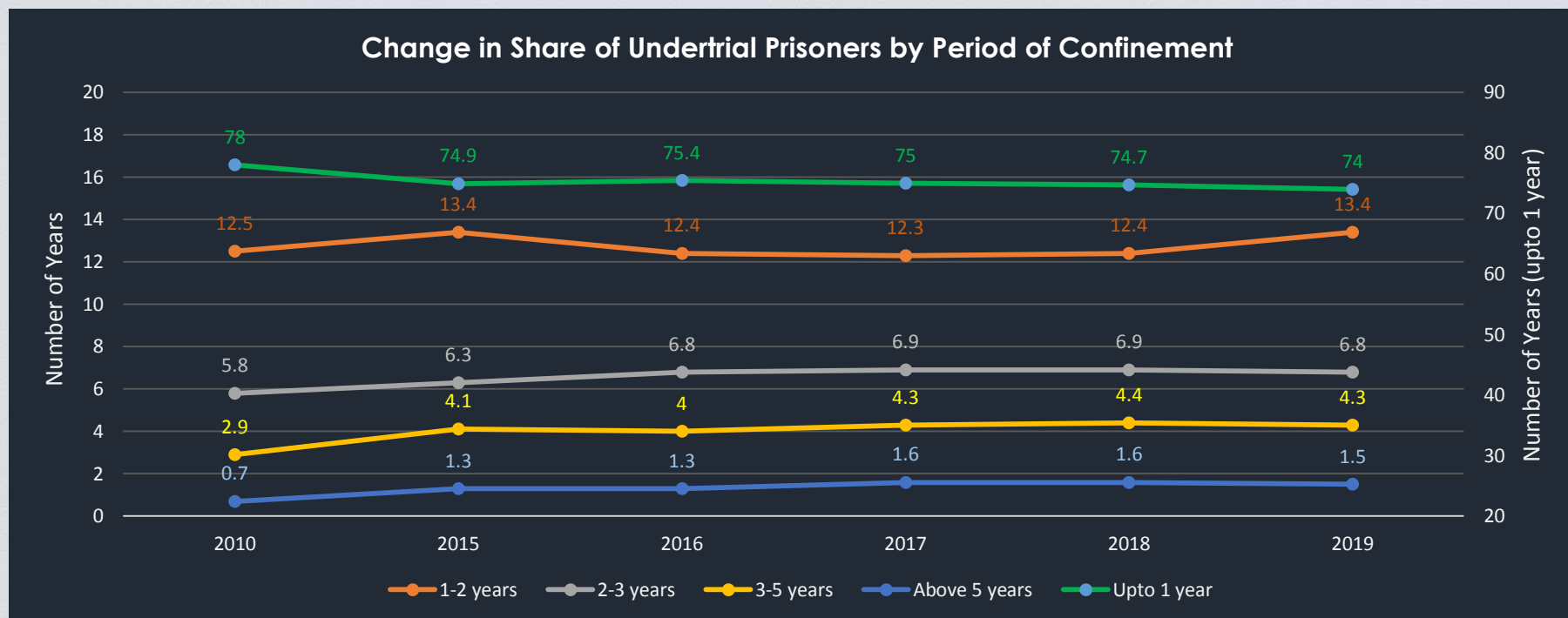
#### Findings – PSI 2019

- **74% of the undertrial prisoners** were confined for a period of **up to 1 year**.
- **13.4% of the undertrial prisoners** were confined for a period ranging between **1 to 2 years**.
- **6.8% of the undertrial prisoners** were confined for a period ranging between **2 to 3 years**.
- **2.1% of the undertrial prisoners** were confined for a period of **more than 3 years**.
- In the last 10 years, **share of undertrial prisoners confined for less than one year** has **decreased by 4 percentage points**.
- In the last 10 years, **highest increase by 1.4%** is of the undertrial prisoners **who have spent between 3 to 5 years in prison**.
- **Highest** share of **undertrial prisoners (6.5%) who have spent more than 5 years** is in **Jammu and Kashmir**.

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<sup>3</sup> UTP ratio is the proportion of undertrial prisoners out of total prison population.





## CHRI's Comments

The graph shows that the share of Undertrial Prisoners who have spent less than one year is decreasing from last 10 years consistently. Resultantly, the share of prisoners who have spent more than a year behind bar without conviction is increasing steadily. Though, the data on share of prisoners by period of confinement shows that the increase in share of prisoners spending longer is slight but this must be seen in the light of a much higher rate of increase of undertrial population each year. The slight increase in percentage share of prisoners spending longer seems to be under represented. This maybe because a much higher number of prisoners are added to the population who have spent less than a year, each year.

In short, the five and ten year trend shows that more and more prisoners are spending longer durations behind bars each year without a conviction. Long duration of pre-trial detention is a bolt on the criminal justice system as it shows its inability to provide a meaningful trial to the accused as well as the victim. If the criminal trials were to be capped at a maximum duration of 1 year, almost 26% of the undertrial prison population would be reduced.

These increasing numbers also cast doubt upon the functioning of the Under-trial Review Committees<sup>4</sup>. In 2019, only 1535 undertrial prisoners were found to be eligible for release under section 436 A of CrPC in 13 States/UTs (rest showed nil eligible) out of which 635

<sup>4</sup> An Undertrial Review Committee (UTRC) is a district level oversight mechanism headed by the senior most judicial officer of the district and comprises members from district administration, District Legal Services Authority, police and prison department, that primarily focuses on addressing overcrowding in the prisons.

(41.3%) undertrial prisoners were released. It must be noted that section 436A is only one of 14 categories of prisoners who may be recommended for release by the Undertrial Review Committee. CHRI believes that an effective implementation of the [NALSA's SOP](#) on UTRCs shall ensure that unnecessary and prolonged detention is kept under check.

## IV. WOMEN AND PRISONS – INMATES & STAFF

### Findings – PSI 2019

#### Women Prisoners

- There were **19,913 women prisoners** comprising **4.2% of the total prison population**.
- **Only 15 States/UT have women prisons**, highest **seven** are in **Rajasthan**.
- Of the 19,913 only 3652 (18 %) women prisoners were confined women prisons, rest were in women enclosures in other prisons
- Share of **women prisoners living in women prisons** has increased marginally from **16.7% in 2015 to 18.3% in 2019**.
- **14%** of the Foreign National Prisoners (FNPs) were women in 2019.
- In the last five years, **women prisoners' population** has **increased by 11.7%**.
- In 2019, there were **1543 women prisoners with 1779 children** accompanying them. **Maximum number** of 430 women prisoners with 490 children were in **Uttar Pradesh**.
- **West Bengal** with one women prison has **worst occupancy ratio in women prisons at 142%**, followed by **Uttar Pradesh** with one prison at **138.5%** and **Bihar** with two prisons at **112.5%**.
- Overall **women prisoners' occupancy** is **worst in Uttarakhand at 170.1%** followed by **Uttar Pradesh at 127.3%**, **Chhattisgarh at 136.1%** and **Madhya Pradesh at 124%**.
- **Women UTP Ratio** deteriorated from **66.8% in 2015 to 68% in 2019**.

#### Women Staff

- There are **7794 women staff** in prisons which is **12.8% of the total prison staff**.
- **Share of women in prison staff** has marginally **increased from 8.3% in 2015 to 12.8% in 2019**.
- **Highest share of women in prison staff** is in **Karnataka at 26.2%** followed by **Mizoram at 25.6%** and **Nagaland at 23.3%**.
- **Lowest share of women in prison staff** among the states is in **Goa at 1.6%** followed by **Uttarakhand at 3.3%** and **Uttar Pradesh at 6%**.
- In **16 States and UTs**, women form **less than 10% of the total prison staff**.



- In the last five years, **Bihar tops the list** in increasing the share of women staff by 13.8 percentage points (**5.2% in 2015 to 19% in 2019**), followed by **Mizoram** with an increase of **11.3 percentage points** and **Madhya Pradesh** with an increase of **10.3 percentage points**.
- In the last five years, **Uttarakhand saw a maximum fall in share of women in prison staff** by 2.5 percentage points (**5.8% in 2015 to 3.3% in 2019**), followed by **Delhi with a fall of 2.1 percentage points** and **Manipur with a fall of 1 percentage point**.



## CHRI's Comments

The overall occupancy data shows that there is no overcrowding of women prisoners in India. However, a closer look into the state level and prison level data reveals the extreme cases of overcrowding of women prisoners. State wise women prisoners' occupancy data shows that there is overcrowding in various States/UTs in women prisons as well as in 'women enclosures' in other prisons. In an extreme case, the PSI data shows that one special prison for women in Maharashtra had an occupancy of 500% - five women inmates living in a space for one. Further, highest women prisoners' occupancy in different types of prisons is at 233.3% in Sub-Jails of Himachal Pradesh, 162.7% in District Jails of Uttarakhand and 236.6% in Central Jails of Uttar Pradesh.

Though, the share of women prisoners living in women prisons out of total women prisoners in India has increased slightly in last five years, it still remains below 20%. Rest of the women prisoners are housed in 'women enclosures' in other prisons. Women prisoners living in these enclosures often do not have access to facilities at par with the male prisoners. Especially their access to recreational spaces and activities is barred, forcing them to live in a prison inside a prison. As only 15 States and UTs have women prisons, CHRI urges all States and UTs to create separate correctional facilities for women in each district or zone depending on the women prisoners' population.



In 2019 women formed a mere 12.8% of the total prison staff despite an increase in their share in last five years. Further the State/UT wise data shows that in the State with the highest share of women in prison staff, the ratio is just half their share in general population. Several States/UTs do not even have 1 woman out of 10 prison staff. In 2019 six States/UTs namely Assam, Andaman & Nicobar Islands, Manipur, Daman and Diu, Delhi and Uttarakhand recorded a fall in share of women in prison staff. These figures reveal the gender exclusionary nature of prison services. The rate of increase in the share of women in prison staff is too slow to reach an equitable level in near future.

## V. EDUCATION, CASTE AND RELIGION PROFILE OF PRISONERS

### Findings – PSI 2019

#### Education Profile

- Almost **1 out of 3 prisoners in India is illiterate.**
- **41.6%** have **not completed Class X.**
- **21.5%** have passed **Class X but are not undergraduates.**
- Only **6.3%** were **graduate**, **1.2%** had **a technical or diploma degree** and **1.7%** were **post graduates.**

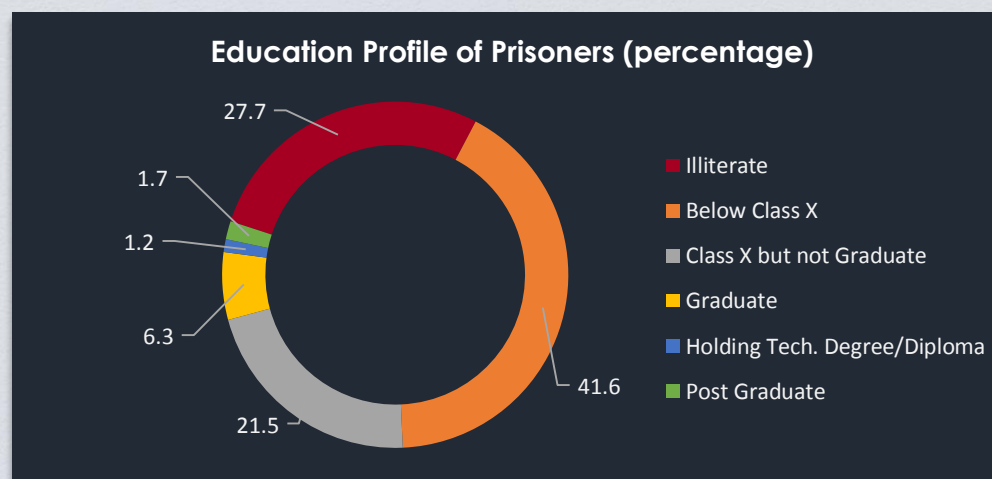
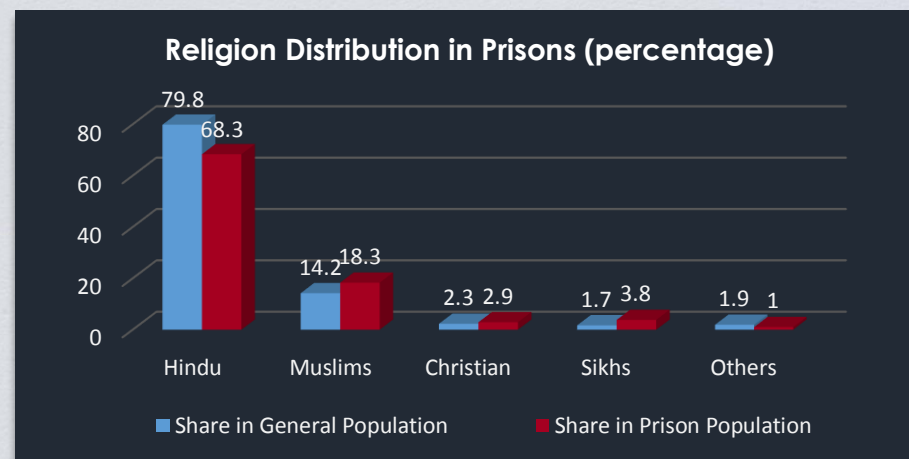
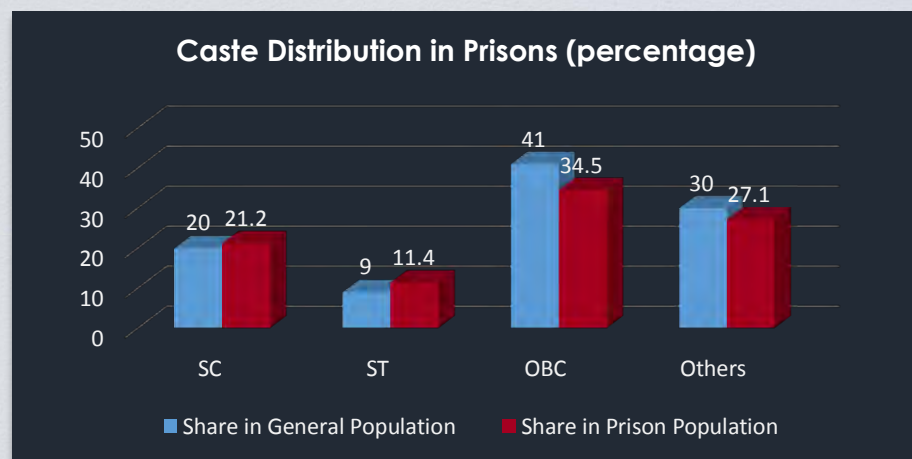
#### Religion Profile

- **Hindus comprised 68.3%** of the total prison population against their share of 79.8% in the general population.
- **Muslims comprised 18.3%** of the total prison population against their share of 14.2% in the general population.
- **Christians comprised 2.9%** of the total prison population against their share of 2.3% in the general population.
- **Sikhs comprised 3.8%** of the total prison population against their share of 1.7% in the general population.
- Persons belonging to 'other' religions formed 1% of the total prison population.
- In the last five years, **highest increase** in the share of any religion among the categories of prisoners was the increase of **Muslims in detenue prison population by 12.1 percentage points.** A corresponding decrease was in the share of Hindus in the detenue prison population by 12.7 percentage points.
- The **highest share of undertrial prisoners** to total prison population of a particular religion was of **Muslims at 70.8%.**

#### Caste Profile

- **21.2% belonged to Scheduled Caste** against their share of 20% in the general population.
- **11.4% belonged to Scheduled Tribes** against their share of 9% in the general population.

- **34.5% belonged to Other Backward Castes (OBC)** against their share of 41% in the general population.
- **27.1% belonged to other castes** against their share of 30% in the general population.
- In the last five years, **highest increase** in the share of any caste in prisons was seen in the **OBC share from 31.4% in 2015 to 34.5% in 2019.**
- In the last five years, **highest decrease** in the share of any caste in prisons was seen in the **share of 'others' from 34.3% in 2015 to 27.1% in 2019.**
- The **highest share of Undertrial prisoners** to total prison population of a particular caste was of **OBCs at 68.5%.**





## CHRI's Comments

1 out of 3 prisoners in India cannot read or write and 7 out of 10 have not attained metric education. This shows that the majority of the prisoners not only come from socially vulnerable backgrounds but also lack the ability to either read their case document or understand them. This should be a major concern for the criminal justice system as it is indispensable for the accused or convict to understand the legal process and documents to enable their participation in the justice process. It also calls for focused learning programmes for less educated and illiterate prisoners to ensure that they have access to information. The Legal Aid Functionaries must run programmes to ensure that lack of education does not hamper prisoner's access to their rights.

Religion and caste data of prisoners show that the marginalised communities – Muslims, Sikhs, Christians, Scheduled Castes and Scheduled Tribes – are overrepresented in prisons. A closer look at the data also reveals that the Muslims are the only community which has a higher share in the total undertrial population than its share in the total convict population. Muslims form 18.7% of the total undertrial prison population whereas they form only 16.6% of the total convict population. No other caste or religion has a higher share in total Undertrial population than their share in the Convict population. Further, the steep increase in the share of Muslims in the detainee population also calls for deeper examination of the reasons. Over-representation of marginalised community in prisons hints towards an irrefutable bias in the criminal justice system.

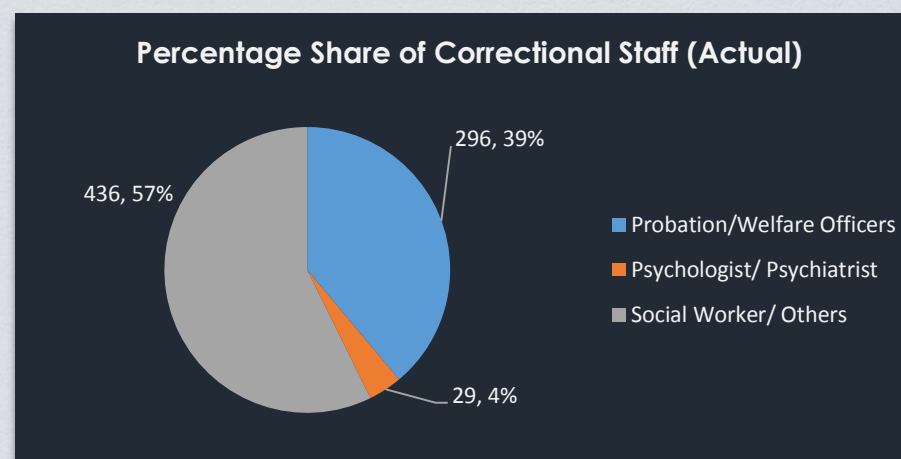
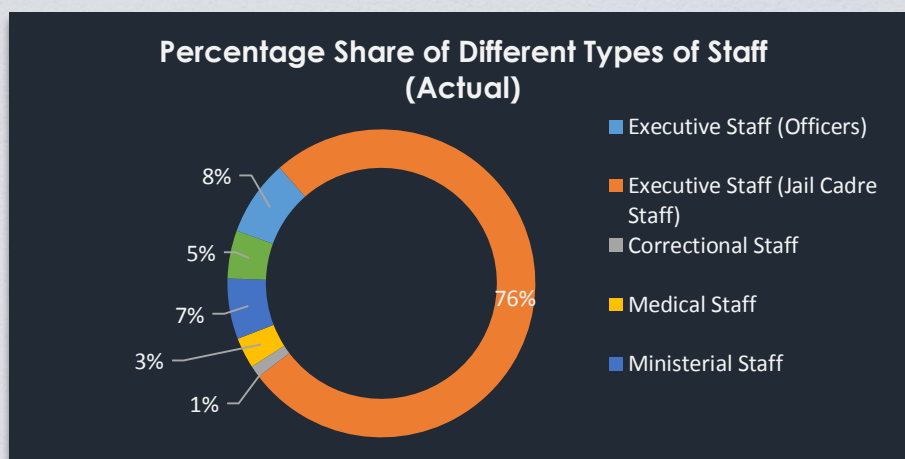
## VI. PRISON STAFF

### Findings – PSI 2019

- In 2019, there were **60,787 actual staff in prisons** against the **sanctioned strength of 87,599**. The **average staff vacancy** in Indian prisons has slightly reduced from **33.9% in 2015 to 30.6% in 2019**.
- **Nagaland (0.5%), Arunachal Pradesh (7%) and Manipur (11.3%)** are the top three states to have **lowest staff vacancy** in their prisons.
- **Jharkhand (63.2%), Chandigarh (52.5%) and Sikkim (50.5%)** have **highest staff vacancy** in their prisons.
- From 2015 to 2019, **actual prison staff strength** has **increased by 7,778** against an **increase of 7,363 in sanctioned strength**.
- In the last five years, **Uttarakhand tops the list in reducing staff vacancy** by 26.4 percentage points from **66.3% in 2015 to 39.9% in 2019**, followed by **Bihar** by 22.1 percentage points from **66.2% in 2015 to 44.1% in 2019** and **Manipur from 32.8% in 2015 to 11.3% in 2019**.



- In terms of worsening staff vacancy, **Sikkim tops the list by increasing its staff vacancy from 14.3% in 2015 to 50.5% in 2019**, followed by **Chandigarh** from 17.5% in 2015 to 52.5% in 2019 and **Kerala** from 3.6% in 2015 to 26.2% in 2019.
- **18 states and UTs have no sanctioned probation or welfare officers. 23 states and UTs have no sanctioned psychologists/psychiatrists. 19 states and UTs have no sanctioned social workers.**
- **9 States and UTs have no sanctioned correctional staff** while **14 states and UTs had not appointed any correctional staff** at the end of 2019.
- In the last five years, the **inmate to staff ratio** has improved slightly from **8:1 in 2015 to 7:1 in 2019**.
- The ratio of **inmate to correctional staff** at **756:1 in 2019** has deteriorated from **703:1 in 2015**.
- The ratio of **inmate to medical staff** at **243:1 in 2019** has also deteriorated from **225:1 in 2015**.



## CHRI's Comments

It comes across that 30% staff vacancy is the acceptable norm, and prisons have not been able to reach below that mark. High staff vacancy implies overburdening of prison staff which not only indicates security risk, while also having far reaching implications on prison services. An overburdened staff cannot be expected to adhere to ideal statutory standards of administering prisons.

The 7:1 inmate to staff ratio is not truly reflective of the actual number of staff available to tend to the prisoners. The number of actual staff includes the staff that is posted at the headquarters, trainings institutes as well as those who are suspended or on leave or deputation etc. Further, the distribution of the cadres in actual prison staff further reveal an extremely disproportionate inmate to staff ratio in correctional and medical category. The fact that the correctional staff is completely absent in 14 states lays bare the 'correctional' natures of Indian prisons.

The Bureau of Police Research and Development (BPRD), National Human Rights Commission (NHRC) and other bodies as stakeholders in prison system of the country must examine what are implications of having just one medical officer for 243 inmates or one correctional staff for 756 inmates on rights of prisoners and objectives of incarceration.

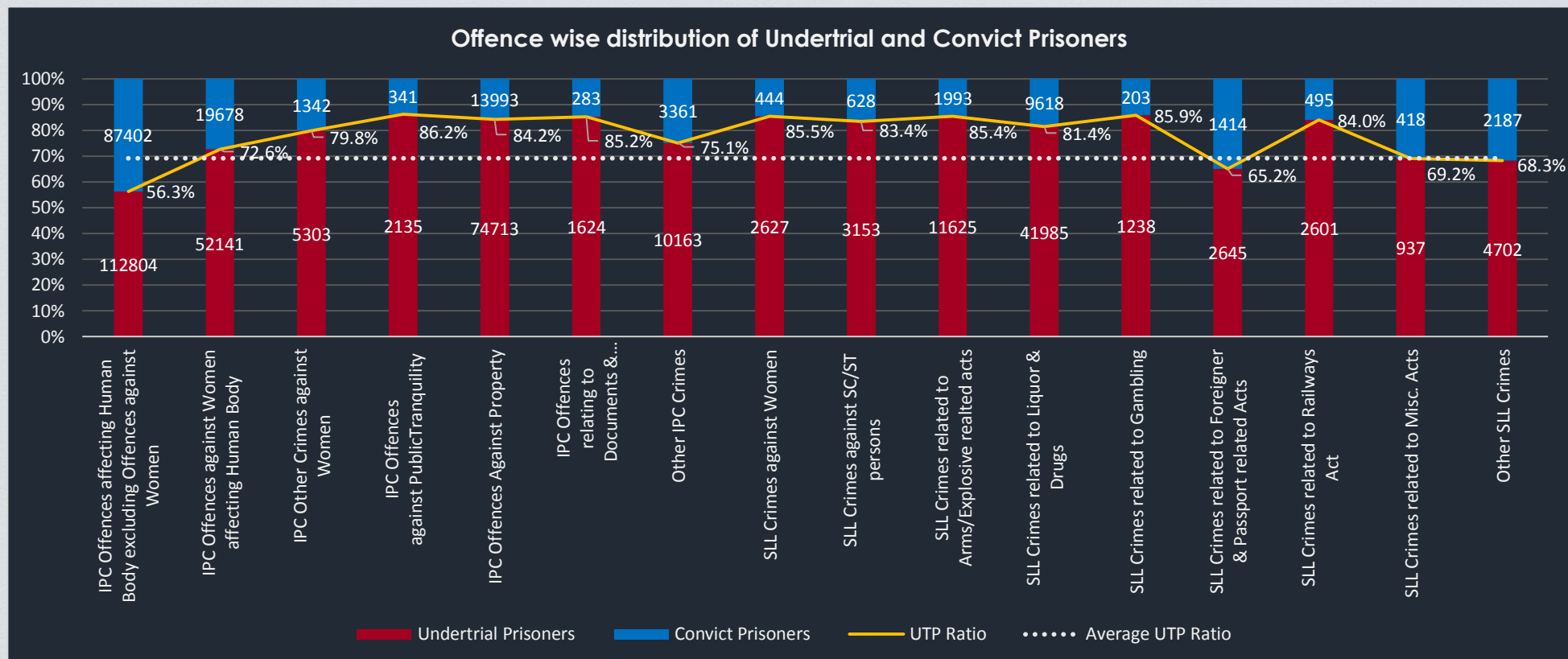
In 2019, 20.6% of total prison staff received trainings which include refresher / specialised / re-orientation courses. It cannot be estimated from the PSI data whether the staff gets trainings on rotational basis or not.

## VII. PRISON POPULATION OFFENCE WISE

### Findings – PSI 2019

- **80.5% prisoners (3,85,283)** were incarcerated for **offences under Indian Penal Code (IPC)**, **67.2% of these were undertrials.**
- **18.6% prisoners (88,913)** were incarcerated for **offences under Special and Local Laws (SLL)**, **80.4% of these were undertrials.**
- Among prisoners incarcerated under IPC offences, highest **52%** were incarcerated for **offences against human body excluding offences against women**, **23%** were incarcerated for **IPC offences against property** and **18.6%** were incarcerated for **IPC offences affecting human body against women.**
- Among prisoners incarcerated under SLL offences, highest **58%** were incarcerated for **SLL offences related to Liquor & Drugs**, **15.3%** were incarcerated for **SLL offences related to Arms/Explosive related acts** and **4.6%** were incarcerated for **SLL offences under foreigner & passport related acts.**
- Within each category of offence, the highest share of undertrial prisoners (**86.2%**) was among the prisoners incarcerated for '**IPC offences against public tranquillity**' whereas the lowest share of undertrial prisoners (**56.3%**) was for **IPC offences against human body excluding offences against women.**





## CHRI's Comments

IPC offences against human body excluding the offences against women accounts for highest share of prisoners (41.8%). This category of offence also accounts for highest share of convict prisoners (60.8%) and undertrial prisoners (34%) out of total convict and undertrial prisoners' population respectively. Second highest share of prisoners (18.5%) are incarcerated for IPC offences against property followed by 10.8% for SLL offences related to liquor and drugs.

Among the convict prisoners, 'IPC offences against women affecting human body' account for second highest share of 13.7% followed by 'IPC offences against property' which account for 9.7% of the total convict population. Among the undertrial prisoners, 'IPC offences against property' account for 23% followed by 'IPC offences against women affecting human body' which account for 16%.

This shows that 'IPC offences against property' form much larger share (23%) in undertrial population than in convict population (9.7%). A similar observation can be made for 'SLL offences related to liquor and drugs' which form 13% of undertrial population



against 6.7% of convict population. These observations are crucial to understand what categories of offences account for higher proportions of overall prison population, undertrial population and convict population.

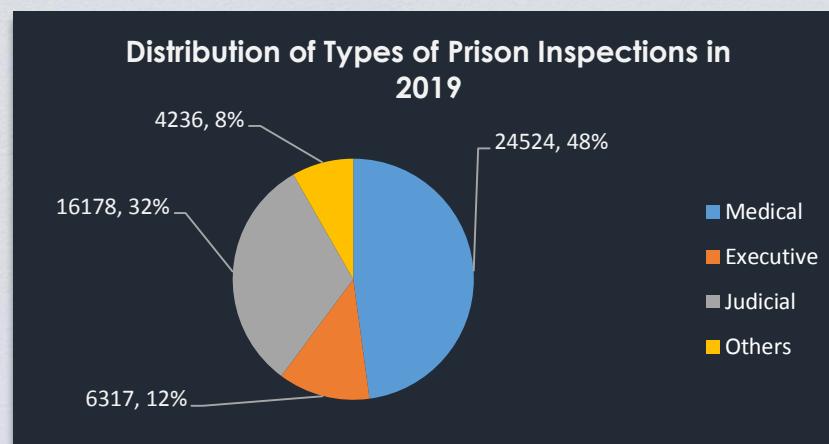
The graph shows that apart from the prisoners incarcerated for '*IPC offences affecting Human Body excluding offences against women*' and '*SLL crimes related to Foreigners & Passport related Acts*' all other categories of offences had higher share of undertrial prisoners than the overall average of 69.1%. The average is maintained because of high percentage of population (41.8%) incarcerated for offences falling under the said category. This reveals the true extent of high undertrial population in Indian prisons as its implications are beyond increased burden on prison resources. A person is innocent until proven guilty. High percentage of prisoners incarcerated without conviction shows the dilution of this universal tenet of criminal justice system and human rights.

CHRI urges stakeholders to examine the reasons behind such extremely disproportionate share of persons yet to be convicted or acquitted behind bars for crimes related to Special and Local Laws.

## VIII. PRISON INSPECTIONS

### Findings – PSI 2019

- There were a total of **51,255 prison inspections** in the year 2019. On an average, there were **3 inspections per prison per month**.
- **47.8%** of the inspections were **Medical**, **12.3%** were **Executive**, **31.6%** were **Judicial** and **8.3%** were in the '**others**' category.
- **Chandigarh** with one prison has the **highest (37) inspections per prison per month**. It is followed by **Haryana with 9** and **Tripura with 8** inspections per prison per month, respectively.
- **Manipur, Lakshadweep and Puducherry** reported **less than 1 prison inspection per prison per month**.
- In 2019, with a total of **51,255 judicial inspections in 1350 prisons**, on an average there were **2 medical inspections in 3 months, not even 1 Executive and 'other' inspection** and **just 1 Judicial inspection per prison per month**.



## CHRI's Comments

Prisons require monitoring by external and internal visitors to observe, document and address the various issues faced by the prisons and prisoners, both. Visits by external and internal visitors to prisons aid in prison administration and safeguard rights of prisoners. Prison visitors include magistrates and judges, human rights commissions, officers from public works, medical and health, social welfare departments and respected people drawn from local society. They monitor and report prison infrastructure, prison records, prisoners' living conditions, etc. and listen to grievances of the prisoners, making the prisons transparent and accountable to the society. There is also a Board of Visitors which comprises official as well as non-official visitors who are required to meet regularly to discuss issues of concern and recommend solutions.

The PSI data on prison inspections shows that prisons are not adequately monitored and assisted by visitors. On an average, 3 prison visits per month does not represent the actual rate of prison inspections as almost half of such inspections are medical visits which are assumed to be confined to medical aspects. Further, CHRI's studies on prison visiting system over many years have shown that documentation and follow up on inspections is very poor which renders the inspections largely ineffective.

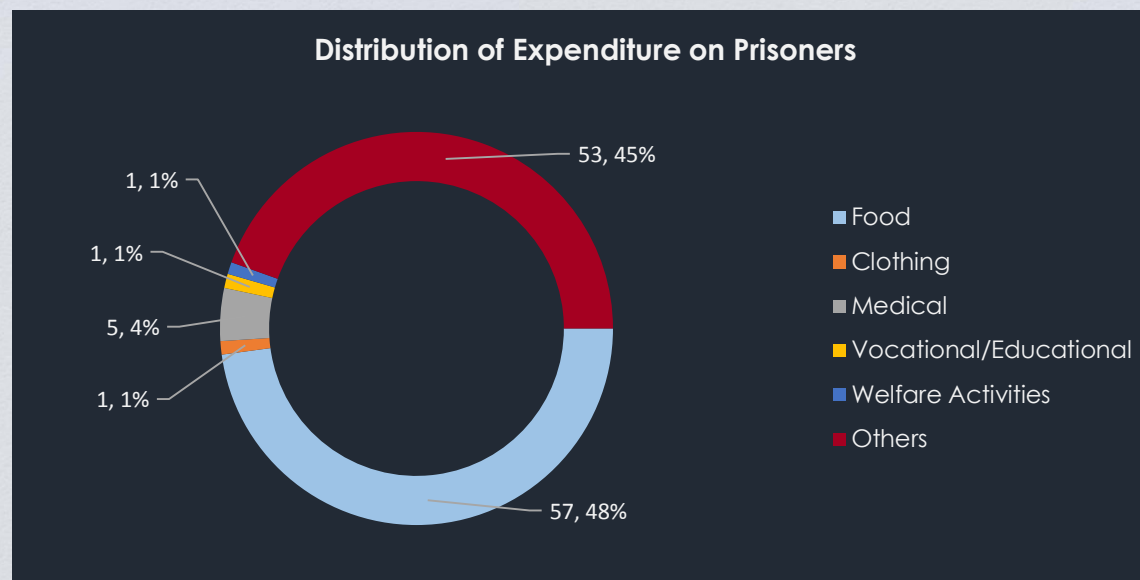
CHRI's recent [Second National Report](#) on Prison Monitoring in India – Looking into the Haze 2019 has revealed that of the 491 prisons for which data was analysed only 24% of prisons had a Board of Visitors which held only 20% of its total mandated meetings and only 52% prisons have NOVs appointed who made only 11% of the total mandated visits. CHRI believes that regular inspections by trained visitors and proper documentation can have a remarkable impact on improving prison conditions and inmates' lives in prisons.

## IX. EXPENDITURE ON PRISONERS

### Findings – PSI 2019

- On an average **34.6% of the total budget** of prisons in India was **spent on prisoners**.
- **Rs. 118 were spent on per prisoner per day** on an average in 2019.
- **Rs. 57 per day** per prisoner was spent **on food**.
- **Rs. 5 per day** per prisoner was spent **on medical**.
- **Rs. 1 per day** prisoner was spent on vocational/educational activities, welfare activities and clothing each.





## CHRI's Comments

The per day expenditure on prisoners has increased by Rs. 31.3 from 2015 to 2019. The percentage share of expenditure on inmates out of the total prison expenditure increased from 28.7% in 2015 to 34.6% in 2019. However, Rs. 118 per prisoner per day seems to be an exaggerated aggregate because of varying methods of calculating per prisoner expenditure by States/UTs. Haryana claims to have spent 100% of its total expenditure on prisoners only. It has showed nil expenditure from other sources than sanctioned budget. A closer look reveals that Haryana spent 88% of the total expenditure 'on prisoners' in 'other activities'.

Further, 92.4% of the expenditure by states/UTs appears to be on food and 'other' activities which include transport for hearings, transfers, hospital etc. and expense on sanitation hygiene etc., and only a meagre amount is left for vocational/educational, welfare and medical needs of a prisoner. The data on expenditure on prisoners shows that the prison institutions do not have adequate funds nor do they have staff (as indicated earlier) for imparting correctional services. The extreme variation in the state wise share of expenditure on prisoners indicates lack of uniformity in resources for sustainable living conditions in prisons, which continues to be an area of concern.

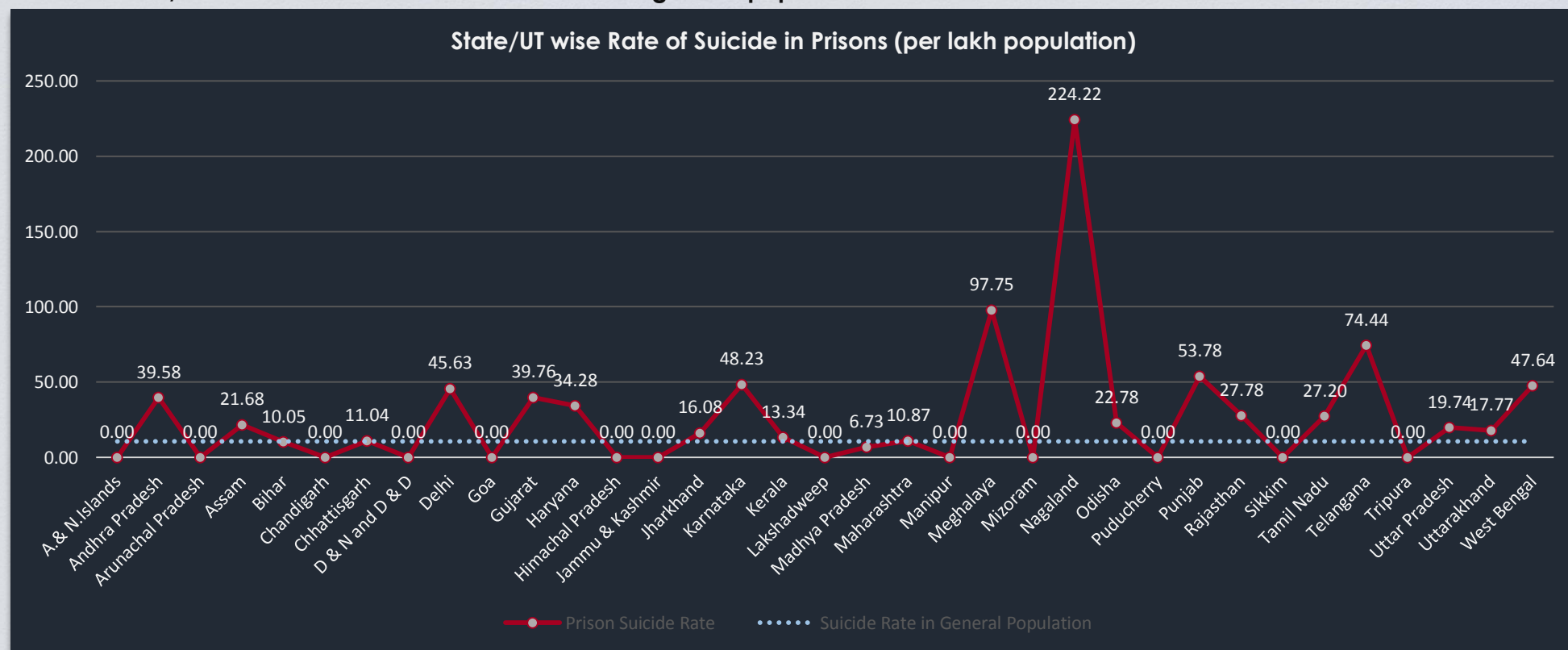
## X. DEATHS IN PRISONS

### Findings – PSI 2019

- There were **1775 deaths** in Indian prisons **in 2019**, increased by 12.1% in the last five years.
- **1544 deaths** were attributed to **natural causes**, increased by 5.1% in the last five years.
- **165 deaths** were attributed to **unnatural causes**, increased by 43.5% in the last five years.



- Causes of 66 deaths, all from Rajasthan, are not yet known.
- Among the prisoners 'died due to natural causes', **78 prisoners died because of 'ageing'**.
- Among the prisoners 'died due to unnatural causes', **116 died by suicide, 10 by murder and 20 by 'accidental deaths'**.
- The **death rate** in Indian prisons in 2019 was **370.8 per lakh prison population**.
- **Highest death rate of 896.6 per lakh population** was recorded in **Nagaland**, followed by **586.5 in Meghalaya** and **579.1 in Goa**.
- The **rate of suicides** in Indian prisons in 2019 was at **24.24 per lakh prison population**, more than **twice that of 10.4** in the same year in **general population**.
- **Highest rate of suicides** was recorded in **Nagaland at 224.2** per lakh population, followed by **97.7 in Meghalaya** and **74.4 in Telangana**.<sup>5</sup>
- **14 States/UTs** recorded more **than twice the rate in general population**.



<sup>5</sup> It must be noted that the prison population of Nagaland (446) and Meghalaya (1023) is comparatively much smaller than other states. Only 1 suicide in each State was recorded.

## CHRI's Comments

In November 2019 the [United Nations reported](#) that the death rate in prisons is as much as 50% higher in prisons than the general population. The data above shows that deaths in prisons are increasing, especially deaths due to 'unnatural causes' which have increased at more than thrice the rate of increase of prison population over the last five years. The overall prison suicide rate in India is more than double the rate of suicides in the general population. Prisoners live in restricted conditions under the close watch of the State authorities. The reasons for much higher death and suicide rates in Indian prisons remain officially unexplained. Nevertheless, some reasons are not far from obvious - poor living conditions and lack of medical facilities. The fact that there is no psychologist or psychiatrist in prisons of 28 States and UTs speaks for the more than double rate of suicide in Indian prisons.

It remains unclear as to how many deaths that were caused by illness and therefore attributed to 'natural deaths', could have been prevented if the overall medical expenditure per prisoner per day was more than Rs. 5 or if the medical staff to prisoners ratio was better than 243:1. The prison authorities, state and district health authorities and the National and State Human Rights Commissions need to work in coordination to make prisons safer and reduce the exponentially high death and suicide rates.

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### Disclaimer

1. NCRB did not receive data on prisons from West Bengal for 2018 and 2019. Consequently Prison Statistics India 2019 continued with the prison statistics of the year 2017 for the State to arrive at national figures/analysis in PSI 2018 and PSI 2019.
2. As per PSI 2017, West Bengal had 45% of the total Foreign National Prisoners (FNP) in the country. In light of this, it would not be appropriate to show trend analysis of FNP population of 2019 as majority of the data is not updated for last two years. Readers may see CHRI's Analysis of PSI 2017 and 2018, [here](#) and [here](#), to see the trend analysis of FNP population. NCRB's FNP data of other States/UTs may be seen in this [additional table](#) of PSI 2019.