



PRESS NOTE

CHRI's New Report Records Reduction in Prison Overcrowding, Urges Continuing Efforts with Supreme Court Monitoring

New Delhi, December 19 – Underlining the record reduction in India's prison population by 10.42% between April-June 2020 during the COVID-19 pandemic, the Commonwealth Human Rights Initiative (CHRI) today urged state governments and prison authorities to continue efforts to reduce overcrowding through efforts such as releasing eligible prisoners and controlling the inflow.

CHRI's new report, 'Responding to the Pandemic: Prisons and Overcrowding,' records that after the setting up of High Powered Committees (HPCs) in states, there was an average fall in prison occupancy rates in 22 states/UTs from 107.8% on 31 December, 2019 to 103.1% on 1 April 2020 and to 93.3% by 30 June 2020. However, a closer look at the prison-wise occupancy showed that 27% of the prisons in 19 states/UTs continued to be overcrowded.

Speakers at the event emphasized the need to devise strategies to ensure that occupancy levels in prisons stayed within sanctioned capacity. The process of decongestion needed to be a continuous exercise, in order to keep the prison population in check.

The report, released by Justice Madan B Lokur, former Supreme Court judge, examines the functioning and the efforts made by HPCs in 24 states/UTs to decongest prisons. It also analyzes the functioning of the Undertrial Review Committees (UTRCs) of 17 states and union territories during this period, and assesses the compliance with the mandate to meet weekly.

“We talk about bail not jail, but the issue of prison overcrowding can be addressed at a much earlier stage...it is where the role of investigating officer, prosecution, the judge and the legal aid lawyer become very important.” said Justice Lokur. He added “we need to ask, why UTRCs have not been set up in all the districts.”



The former Supreme Court Justice also raised concerns on the lack of guidance documents for functioning of HPCs. Highlighting the potential of technology in addressing overcrowding by quickly identifying eligible prisoners, he asked: “India is a powerhouse in software development -- why can’t we take advantage of it?”

Indian prisons were considered high-risk areas for the spread of COVID-19 due to overcrowding and the absence of adequate resources as well as healthcare facilities. The pandemic has illustrated that a coordinated response by judicial officers, prison administrators, legal aid providers, district and police functionaries along with civil society has the potential to address systemic challenges that prisons face.

CHRI has called upon the Supreme Court to actively monitor decongestion efforts by directing the HPCs to conduct periodic reviews of prison-wise occupancy rates and oversee the functioning of the Undertrial Review Committees (UTRC). With states like Uttarakhand, Delhi and Chhattisgarh deciding to not extend interim bail/ parole, the fear of overcrowding causing the spread of the virus is far from over, it stressed.

“If this was possible in a pandemic, in a crisis, the question should be asked if this can’t become the ‘normal’ approach in normal times?” asked Sanjoy Hazarika, International Director, CHRI. Noting that India had among the highest rates of prison occupancies in the world and certainly in the Commonwealth, he emphasised the critical role of media and outreach “to impact on policy and practise so that such studies become embedded in cultural approaches, behavioral conduct and institutional change.”

“Unless prison departments prepare prison-specific plans that ensure compliance with physical distancing norms and adequate healthcare infrastructure to handle the inflow of returning prisoners, the HPCs need to be extremely cautious before revoking interim bails. If it is not done prudently, decongestion efforts would be rendered futile,” said Madhurima Dhanuka, who leads CHRI’s Prison Reforms Programme.

The report’s key recommendations include:

- Prioritise healthcare facilities in prisons
- Ensure effective communication between lawyers and prisoners



- Allocate additional budgets for prisons and increase staff strength in prisons
- Legal services institutions must prioritise legal awareness initiatives and strengthen functioning of prison legal aid clinics
- Ensure proactive disclosure and encourage sharing of good practices
- Adopt alternatives to imprisonment to support efforts to decongest prisons
- Develop recovery plans to mitigate impact of the pandemic on judicial processes

‘Responding to the Pandemic: Prisons and Overcrowding’ is authored by Anju Anna John and Sugandha Shankar.

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