



February 03, 2022

## **Jail Mail: Ten Things You Should Know About Indian Prisons CHRI's Analysis of Prison Statistics India 2020**

Dear Friends,

Hope you are well!

The National Crime Records Bureau (NCRB) has released its latest report on the prison statistics for 2020 – [Prison Statistics India \(PSI\) 2020](#). Since 2020, the world has been devastated by the worst pandemic in a century. The country's judiciary sought to reduce the pandemic's impact on prisons by taking decisions to decongest them. As a result nearly [68,000 prisoners were released temporarily](#) in 2020. An analysis of the figures given in PSI 2020 reveal that these releases have had an overall impact on trends especially in terms of admissions, releases, prison population, ratio of undertrial prisoners and occupancy rates.

In this Jail Mail, we are sharing with you our regular feature i.e. an in-depth analysis of the prison statistics --Ten Things You Should Know About Indian Prisons -- based on the 2020 report. This note analyses the prison data with focus on the impact of the pandemic and pandemic induced measures such as prison decongestion, restrictions on the functioning of courts, ending of physical family visits, etc. Last month, we had released '[CHRI's Analysis of Changes in Prison Population Between December 2019 & November 2021](#)', which documented prison data for 2021. Of the other aspects highlighted, the note is indicative of an alarming increase in prison population and occupancy post-2020.

### **Key Facts & Figures**

#### **❖ Prison Occupancy has reduced in 2020: isn't that a good sign?**

Between 2019 and 2020, prison occupancy decreased from 120% to 118%. However, data for 2021 indicates a sharp increase to an [estimated 133%](#). The slight fall in occupancy rates in 2020 could be attributed to the temporary releases and reduction in total number of people admitted to prisons in 2020 (Only 16.3 lakh persons were admitted to prisons in 2020 in comparison to 19 lakh in 2019). **Also, India's prison population grew at a much higher rate than the global prison population during this period.** From 2018 to 2021, global prison population only increased by 0.25% while India's prison population increased at a rate 18 times higher with an increase of 4.6% during the same period (Dec. 2018 to Dec. 2020).

### ❖ Did COVID-19 impact admissions and releases in 2020?

In 2020, both admissions and releases reduced in comparison to 2019, by 14% and 21% respectively. The reduction in total number of admissions was despite [one million more arrests in 2020](#) in comparison to 2019.

### ❖ Has COVID-19 also impacted proportion of undertrial prisoners?

Yes, the proportion of undertrial prisoners increased from 69% in 2019 to 76% in 2020, highest in the last two decades. From 2018 to 2020, India's position jumped from 16th to 6th out of 218 countries in terms of the proportion of undertrial prisoners in its prisons. Overall, from 2015 to 2019, the undertrial prison population increased by 17.2% against an increase of mere 7.4% in the convict population.

### ❖ Are prisoners spending longer periods in detention as undertrials?

Yes, the percentage of undertrials who have spent 5 or more years without completion of their trial has increased from 0.7% in 2010 to 1.9%. In 2020. During this period, the share of undertrial prisoners who have spent 3-to-5 years has increased from 2.9% to 4.5%.

### ❖ Prison inspections during COVID-19?

Prison inspections play an important role in ensuring that prison services remain transparent, prisoners' grievances are heard and prison administration can seek resolutions for administrative challenges. There were 27% lesser inspections in 2020 in comparison to 2019 which is understood by the restrictions on prison visits due to COVID-19 pandemic.

### ❖ Has expenditure on prisoners increased during 2020?

No, the prison expenditure in terms of expenses on per prisoner per day reduced from Rs. 118 in 2019 to Rs. 113 in 2020. Out of the expenditure on prisoners, the expenses on welfare activities, medical and educational programmes remained less than 8%. During the pandemic it would have been reasonable to expect that the expenditure on sanitation, hygiene, etc. would have increased. However, such increases are not reflected in the PSI data.

### ❖ Were there more prison deaths in 2020?

Yes, there were 123 more deaths in Indian prisons in 2020 compared to 2019. Among the total 1,887 deaths in 2020, 165 were due to 'unnatural causes' including death by suicide. More prisoners died due to age-related ailments and lung diseases in 2020 compared to the previous year despite the formation of High Powered Committees across the country to determine the categories who should be released to decongesting jails. With 31.9 suicides per lakh prison population, the rate of death by suicide among prisoners in 2020 was three times higher than that in the general population.

Increase in death by suicide and deaths among prisoners during the pandemic calls for a deep introspection of the state of medical infrastructure in prison. Brutal fact emerges in that 24 states and Union Territories did not have sanctioned psychologists/psychiatrists. In addition, on average, there was only one (1) correctional officer for 619 inmates calls for review and change in the light of the high rate of death by suicide.

As you are all aware, prison statistics are vital in all our efforts to demand accountability for the safety of prisoners especially during a pandemic. CHRI calls upon its readers to stay informed on the status of prisons in their state 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 concerned authorities to bring

- immediate reforms in key areas to address COVID-19 threat in prisons.
2. As prison administrators, make further endeavours to record accurate data and motivate staff towards learning new techniques of digital record management.
  3. As heads of prison departments, you can make all relevant prison data accessible to the public through your websites to enable a participatory process of prison reforms. Do encourage digital records management making available the necessary technical equipment. Input the 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.
  4. As a prison monitor, review prison data of your state, and correlate the same during prison inspections, and take steps to improve prison conditions.
  5. As a lawyer, examine the prison data for your state, and use relevant statistics, patterns and trends to raise concerns regarding prison issues in court through public interest litigation or other similar measures.

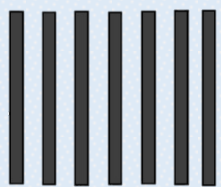
Your suggestions and issues of concern are important to us. Do write back at [chriprisonsprog@gmail.com](mailto:chriprisonsprog@gmail.com) with your feedback.

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

With best regards,

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# TEN THINGS YOU SHOULD KNOW ABOUT **INDIAN PRISONS**

Based on  
NCRB's PRISON STATISTICS OF INDIA **2020** 



There were **488,511** prisoners in 2020, **18%** more than the capacity



In 2020, **1.63 million** prisoners were admitted to prisons, of whom **3.9%** were women and **185** were transgender persons



There were **20,046** women prisoners, out of whom **1,427** were with **1,628** children



**76.1%** of prisoners were awaiting trial in India, **1/4th** of whom had already spent more than **1 year** in prison



**7,524** prisoners suffered from mental illness. **156** died by suicide in 2020



There were **4,926** foreign national prisoners of whom **791** were women



**1,887** prisoners died in 2020, **1,642** among these deaths were due to 'illness' & 'ageing'



**30%** of staff positions were vacant in 2020. Women constituted only **13.6%** of the total staff strength



Ratio of prisoners per prison staff was **7:1**, prisoners per correctional staff was **619:1** and prisoners per medical staff was **218:1**



On an average, **Rs. 113** per prisoner per day was spent on prisoners' expenses



## I. PRISON POPULATION, CAPACITY AND OCCUPANCY

### Findings PSI 2020

- ☞ On 31<sup>st</sup> December, 2020 **there were 4,88,511 prisoners in India, 18% more than the total capacity.**
- ☞ Total prison capacity increased by 3.3% from 4,00,934 in 2019 to 4,14,033 in 2020.
- ☞ Total number of **prisons decreased from 1,351 in 2019 to 1,306 in 2020.**<sup>1</sup>
- ☞ Highest occupancy continued to be in District Jails (136.5%), followed by Central jails (113.6%).
- ☞ **Uttar Pradesh had highest occupancy at 177%** (77% prisoners more than the capacity) followed by Sikkim at 173.8% and Uttarakhand at 168.6%.
- ☞ **Seventeen out of total 36 States and UTs had prison overcrowding in 2020** in comparison to 21 States and UTs which has overall prison overcrowding in 2019.\*
- ☞ **Seven States and UTs** namely D & N Haveli (159.5%), Madhya Pradesh (158.6%), Meghalaya (154.9%), Sikkim (173.8%), Tripura (177%), Uttar Pradesh (177%) and Uttarakhand (168.6%) **had more than 150% prison occupancy at the end of 2020.**
- ☞ **The occupancy rate for transgender persons stood at 636.4%,** followed by 121.3% for male and 72.2% for female.

<sup>1</sup> Prison Statistics India 2020 has not clarified whether the temporary prisons created during the COVID-19 pandemic for enabling quarantine of new admissions and suspected cases of infection have been included in the information contained therein.



**Table 1: State wise change in Occupancy Rate from 2019 to 2020 and from 2020 to 2021<sup>2</sup>.**

S. No.	States/UTs	Change in Occupancy Rates from 2019 to 2020	Change in Occupancy Rates from 2020 to 2021	S. No.	States/UTs	Change in Occupancy Rates from 2019 to 2020	Change in Occupancy Rates from 2020 to 2021
1.	A & N Islands	28.1 ↑	Not Available	19.	Lakshadweep	-1.6 ↓	Not Available
2.	Andhra Pradesh	-2 ↓	15.7 ↑	20.	Madhya Pradesh	3.3 ↑	1.4 ↑
3.	Arunachal Pradesh	-30 ↓	25.6 ↑	21.	Maharashtra	-24 ↓	17.5 ↑
4.	Assam	0	17.9 ↑	22.	Manipur	-19.8 ↓	Not Available
5.	Bihar	18.9 ↑	22.8 ↑	23.	Meghalaya	-2.5 ↓	5.1 ↑
6.	Chandigarh	-1.5 ↓	-7.6 ↓	24.	Mizoram	-41.5 ↓	-5.4 ↓
7.	Chhattisgarh	-18.3 ↓	Not Available	25.	Nagaland	-3.8 ↓	8.7 ↑
8.	D & N Haveli	93.8 ↑	Not Available	26.	Odisha	-0.3 ↓	17.4 ↑
9.	Daman & Diu	17.5 ↑	Not Available	27.	Puducherry	-6 ↓	Not Available
10.	Delhi	-90.9 ↓	85.4 ↑	28.	Punjab	-25.2 ↓	32.3 ↑
11.	Goa	27.6	-34.8 ↓	29.	Rajasthan	2.2 ↑	7.8 ↑
12.	Gujarat	-14.8 ↓	Not Available	30.	Sikkim	20 ↑	Not Available
13.	Haryana	1.4 ↑	4.7 ↑	31.	Tamil Nadu	-2.3 ↓	1.3 ↑
14.	Himachal Pradesh	1.6 ↑	1.5 ↑	32.	Telangana	-8.4 ↓	8 ↑
15.	Jammu & Kashmir	1.2 ↑	31.6 ↑	33.	Tripura	-10.8 ↓	6.9 ↑
16.	Jharkhand	-12.8 ↓	32.5 ↑	34.	Uttar Pradesh	9.1 ↑	12.4 ↑
17.	Karnataka	-18.8 ↓	Not Available	35.	Uttarakhand	9.6 ↑	Not Available
18.	Kerala	-77.1 ↓	95.3 ↑	36.	West Bengal	14.3 ↑	Not Available
<b>Average Change in Occupancy Rates</b>						<b>-4.6 ↓</b>	<b>16.9 ↑</b>

<sup>2</sup> CHRI analysed the change in prison population of India after two waves of the COVID-19 pandemic against the pre COVID prison population as on 31st December, 2019. The document was released before NCRB released PSI 2020. The complete analysis can be accessed [here](#).



### CHRI's Comments

The table above shows that while prison occupancy decreased in 2020, it increased sharply in 2021 among the States and UTs for which the data was available for anytime in 2021 on the prison department websites. In 2020, occupancy rates decreased in 19 of 36 States and UTs whereas in 2021 prison occupancy decreased in only 3 States/UT namely Chandigarh, Goa and Mizoram. In 2020, 17 out of 36 States and UTs had overcrowded prisons whereas in 2021, 16 out of 24 States and UTs had overcrowded prisons.

NCRB has included transgender category in the gender classification of prisoners in PSI 2020, released in December 2021. CHRI's report '[Lost Identity: Transgender Persons Inside Indian Prisons](#)' released in the year 2020 had highlighted the wrongful omission of transgender persons as a separate gender identity in the documentation processes by the Prison departments and the gender binary of male and female used by NCRB in its data on prisoners.

A bare look at the prison statistics shows that in 2020, prison population increased marginally by 1.5% from 2019 to 2020 which is much lower than the average increase of 3.1% in last five years. Prison occupancy which had been on a steady increase in last five years from 114.4% in 2015 to 120.1% in 2019, decreased to 118% in 2020. However, the 2020 trends must be understood, keeping in mind, the extraordinary but temporary impact of the Supreme Court directed decongestion process in prisons. According to the CHRI's tracker of '*State/Ut Wise Prisons*' *Response to the Coronavirus Pandemic In India*' atleast 68, 249 prisoners were released temporarily in the year 2020 in response to the pandemic.

From 2018 to 2021, global prison population only increased by 0.25% while India's prison population increased at a rate 18 times higher with an increase of 4.6% during the same period (Dec. 2018 to Dec. 2020). *(Last comparable data available for global prison population before 2021, is of 2018.)*

Despite the temporary releases in the year 2020, India's prisons were largely overcrowded on 31<sup>st</sup> December, 2020. It is assumed that several prisoners who were released temporarily had returned to the prison after completion of their interim release period by the end of the 2020. CHRI's analysis of prison populations in 24 States and UTs for which the information was available on prison department's websites, shows that by next year (2021) prison population shot up by 14% in the said States. This reflects that the trends of the year 2020, particularly the marginal decrease in occupancy rate and comparatively lesser increase in prison population should not be taken at face value. Our analysis of the 2021 prison



population shows that the prison occupancy jumped to 133% (considering the capacity and prison population among the 24 States/UTs for which information on 2021 prison populations were available).

## II. ADMISSIONS, RELEASES AND PROPORTION OF UNDERTRIAL PRISONERS

### Findings PSI 2020

- ☞ In 2020, **16,31,110 inmates were admitted to prisons, 14.3% lesser than in 2019** (19,02,209).<sup>3</sup>
- ☞ Among the admissions, the total number of **convicts admitted to prisons in 2020 decreased by 56%** from 1.88 lakh in 2019 to 0.82 lakhs in 2020.
- ☞ Total number of **persons released from prisons in 2020 also decreased by 21%** from 18.16 lakh in 2019 to 14.4 lakh in 2020.
- ☞ Among the releases, the number of **convicts released in 2020 was 41% lower than in 2019** and **releases of undertrial prisoners reduced by 19%**.
- ☞ The number of **undertrials released under Section 436A** (release on completion of half period of the maximum sentence prescribed for the offence charged of) **decreased by 30%**.
- ☞ The number of **convicts released under parole increased by 22%** from 26,390 in 2019 to 32,122 in 2020.
- ☞ In 2020, the **undertrial prisoners' population increased by 12%, three times higher than the average annual increase** in last 5 years.

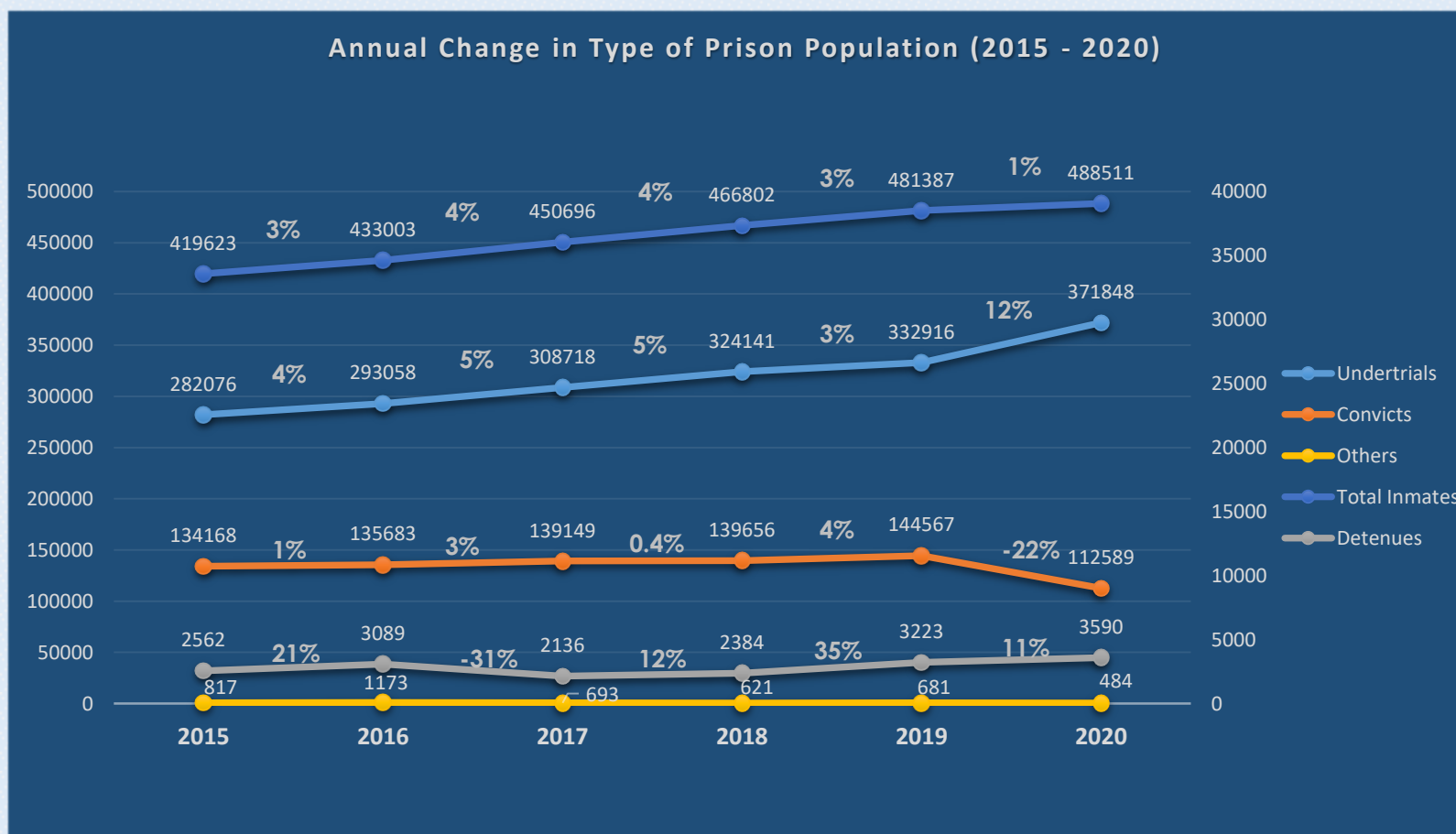
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<sup>3</sup> Due to ambiguity on whether temporary prisons have been included in the PSI 2020 or not, it is not clear whether the persons admitted to the temporary prisons have been counted in the admission data. A large number of persons are released within first two weeks of admission into the prisons. Hence, it is not clear whether such persons who were released from temporary prison itself have been included in the total admission data or not.





- ☞ In 2020, the **convict prisoners' population decreased by 22%**. Reduction in convict prisoners' population was recorded first time in last 5 years.
- ☞ The proportion of undertrial prisoners (**UTP ratio**) in total prison population sharply increased in 2020, from 69% in 2019 to 76% in 2020.
- ☞ **Worst UTP ratio was recorded in Delhi (90.7%)** followed by **Jammu and Kashmir (90.5%)** and Bihar (85.1%).
- ☞ In total, **15 States and UTs had higher UTP ratio than the national average of 76.1%.**





## CHRI's Comments

A comparative analysis of proportion of undertrial prisoners, admissions and releases reveals that the UTP ratio has sharply increased despite reduction in new admissions. The abovementioned figures indicate that reduction in releases of undertrial prisoners could be a reason behind this surge in UTP ratio. Another statistic from the PSI 2020 throws more light: there was a 65% reduction in the movement of inmates to the courts in 2020 in comparison to the previous year 2019. Restricted functioning of courts and resultant reduction in release of undertrial prisoners challenges the efficacy of the decongestion efforts led by the HPCs across the country to ease overcrowding amid pandemic.

In 2020, with more than two thirds of prisoners awaiting completion of trial in India, its position has jumped from 16<sup>th</sup> to 6<sup>th</sup> out of 218 countries in terms of the proportion of undertrial prisoners in its prisons. High undertrial population is a challenge in reducing prison occupancy as surge in prison populations is led by undertrial population. Additionally, it burdens the prison staff with more focus on security and movement of prisoners to courts instead of correctional programmes for the convict prisoners.

The information on release of prisoners recorded in the PSI does not mention temporary releases of prisoners explicitly. However, the net increase in prison population despite lesser admissions suggests that most of the prisoners released temporarily must have surrendered back on completion of the interim release period by the end of 2020.

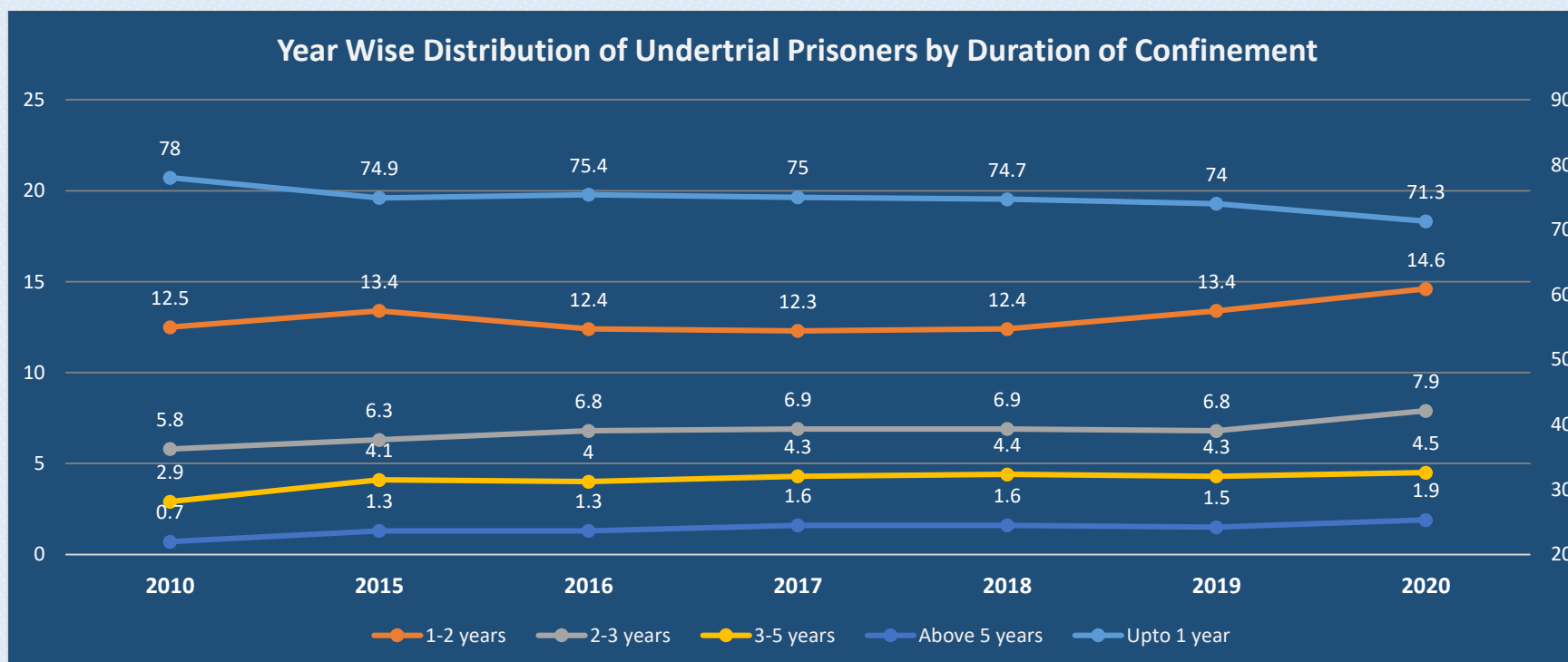
## III. PERIOD OF CONFINEMENT OF UNDERTRIAL PRISONERS

### Findings PSI 2020

- ☞ 71.3% of undertrial prisoners in 2020 were confined for a period of upto 1 year, lowest since 2010.
- ☞ 14.6% were confined for a period between 1 to 3 years, awaiting conclusion of their trial, highest since 2010.
- ☞ 7.9% were confined for a period between 2 to 3 years, highest since 2010.
- ☞ **4.5% were confined for a period between 3 to 5 years, highest since 2010.**
- ☞ **1.9% were confined for more than 5 years still awaiting completion of their trial, highest since 2010.**



- ☞ From 2010 to 2020, the proportion of undertrial prisoners confined for a period of upto 1 year has fell by 7 percentage points.
- ☞ From 2010 to 2020, **the proportion of undertrial prisoners confined for 3 to 5 years and above 5 years has almost doubled.**
- ☞ Nineteen States and UTs have less than 1% of their undertrial prisoners confined for than 5 years. Among these seven (Mizoram, Sikkim, Tripura, Chandigarh, Daman & Diu, Lakshadweep and Puducherry) had no undertrial prisoner confined for more than 5 years.





### CHRI's Comments

The graph shows that the share of prisoners confined for longer durations (more than a year to above 5 years) is increasing consistently since last ten years. 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. For instance, the absolute number (population) of undertrial prisoners confined for 3 to 5 years has increased by 40% from 2016 to 2020 while their percentage share out of the total undertrial population only increased from 4% to 4.5%. Similarly, the absolute number of undertrial prisoners confined for more than 5 years has increased by 82% during this period while their proportion (percentage share) out of total undertrial population has only increased from 1.3% to 1.9%.

During the pandemic, undertrial prisoners who have been in prison for longer durations awaiting completion of their trials should have been prioritized for release under the prison decongestion measures. However, the figures in the chart show that the decongestion efforts have had no impact on the high number of prisoners spending longer durations behind bars without being convicted.

Increase in number of prisoners spending longer durations behind bars without completion of their trial reflects the struggling state of criminal justice system. Long and delayed trials not only deny the right to a speedy trial to the accused but also deny right to timely justice to the victim. If the criminal trials were to be capped at a maximum duration of 1 year, 30% (more than 1 lakh prisoners) undertrial prisoners would be released.

The Undertrial Review Committee (UTRC)<sup>4</sup> is a mechanism to prevent unnecessary detention and periodically review the cases for recommending releases on the basis of the categories identified by the Supreme Court in *In Re Inhuman Conditions in 1382 Prisons*<sup>5</sup> case. In a CHRI study on the functioning of the UTRCs across India from April to June 2020 (first wave of the COVID-19 pandemic in India), it was found that only 31% of the UTRCs whose meeting minutes were studied had considered all 14 mandated categories of cases for review. The dismal impact of the UTRC's functioning is also reflected in the data presented in the PSI 2020: In 2020, there were only 1291 cases identified to be eligible for release

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<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.

<sup>5</sup> WP (C) 406 of 2013.



under Section 436A of Cr.P.C. (one of the 14 categories for review by UTRC) in comparison to 1535 cases identified in 2019. Among those identified, only 442 were released in 2020 in comparison to 635 undertrials released in 2019 under this provision. The data also reveals that there was no prisoner identified under this category in 25 States and UTs. 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 AND STAFF

### Findings PSI 2020

#### Women Prisoners:

- ☞ There were **20,046 women prisoners in 2020, comprising 4.1% of the total prison population.**
- ☞ Only **14 States and UTs had women prisons in 2020**, a total of 29, two less than in 2019.
- ☞ Only **15.4% (3,084) of the total women inmates were in women prisons in 2020** in comparison to 18.3% (3,652) in 2019.  
**Rest of the 16,962 women inmates were living in women enclosures inside male dominated<sup>6</sup> prisons.**
- ☞ There were **791 women foreign national prisoners** in 2020, 19% of all Foreign National Prisoners.
- ☞ There were **62 detenue** and 104 'other'<sup>7</sup> women inmates in 2020. **22% of all inmates categorized as 'others' were women in 2020**, highest among 'convicts', 'undertrials' and 'detenues'.
- ☞ Women UTP ratio has further deteriorated from 68% in 2019 to 76% in 2020.
- ☞ There were **1,427 women prisoners (26 less than in 2019) with 1,628 (151 less than in 2019) children** in 2020.

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<sup>6</sup> In prisons other than women prisons, there are women enclosures for women inmates. Women inmates are not generally allowed to access other areas of such prisons.

<sup>7</sup> PSI does not define who are included under this category of prisoners.





- ☞ Overall, women prisoners' occupancy rate was 76% in 2020 while **six States and UTs** namely Chhattisgarh, Jharkhand, Maharashtra, Uttar Pradesh, Uttarakhand and Jammu and Kashmir **recorded overcrowding for women inmates.**

### Women Staff:

- ☞ There are **8,380 women staff** in 2020 which is merely **13.7% of the total prison staff**. This is a marginal increase from 12.8% women in total prison staff in 2019.
- ☞ **Highest share of women in prison staff** was in **Karnataka at 31.7%** followed by **Mizoram at 24.8%** and **Sikkim at 22.9%**.
- ☞ **Lowest share of women in prison staff** among the states is in **Goa at 1.7%** followed by **Uttarakhand at 4.1%** and **Uttar Pradesh at 5.7%**.
- ☞ In **17 States and UTs**, women formed **less than 10% of the total prison staff** in those States/UTs.
- ☞ In last five years, number of women staff has increased by 63% from 5150 in 2019 to 8380 in 2020. The share of women in prison staff has increased by merely 4 percentage points from 9.6% in 2016 to 13.7% in 2020.
- ☞ In the last five years, **Bihar tops the list in increasing the share of women staff** by 14.6 percentage points, followed by **Karnataka** with an increase of **13 percentage points** and **Mizoram** with an increase of **10.5 percentage points**.
- ☞ From 2016 to 2020, **11 States and UTs have recorded reduced share of women in prison staff.**

### **CHRI's Comments**

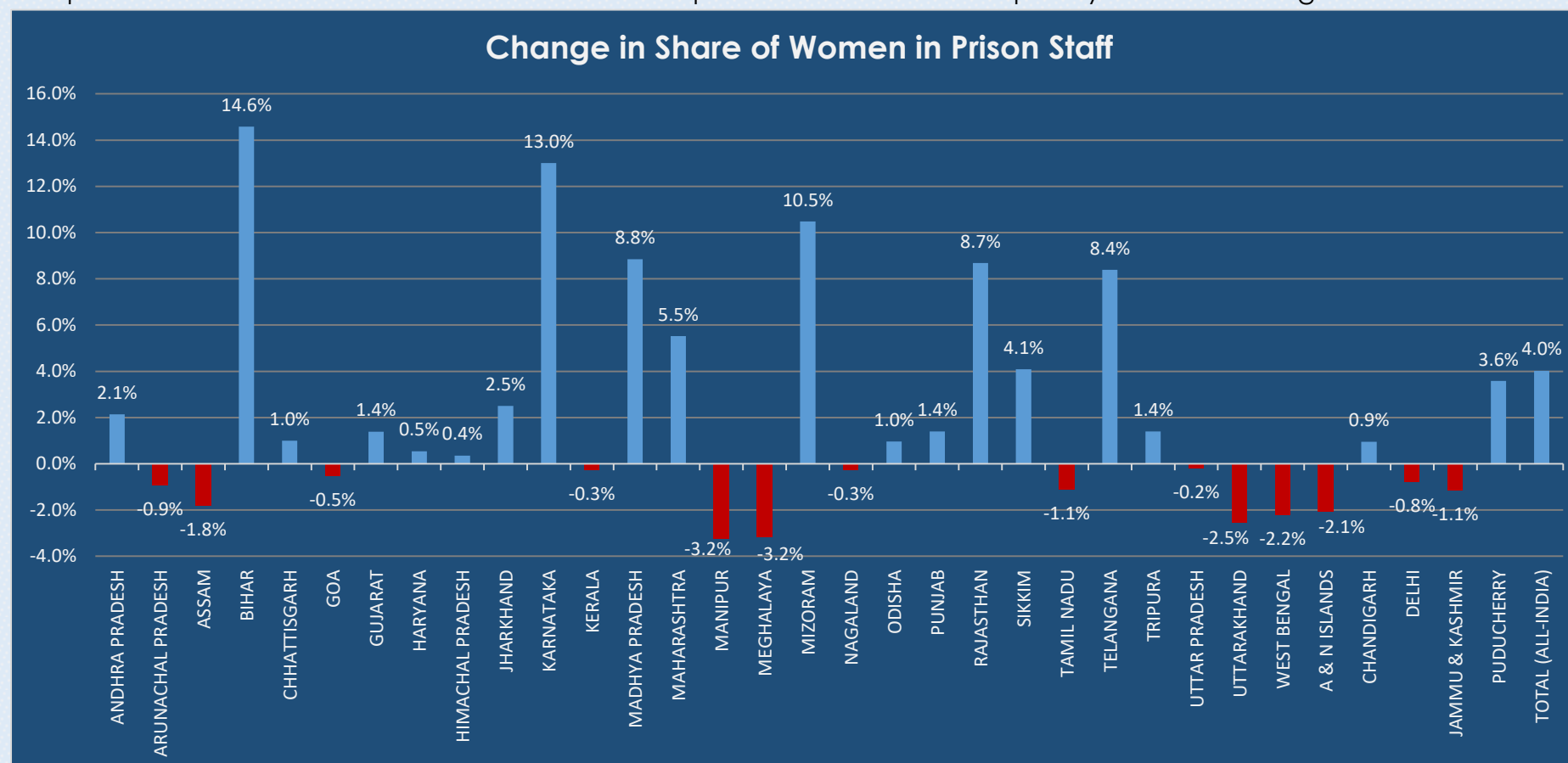
A high majority of women prisoners in India continue to be incarcerated in 'enclosures' inside prisons designed and governed for male prisoners. In 2020, the women prisons have reduced from 31 in 2019 to just 29 in the entire country. Building exclusive prisons for women might not address the problems faced by the women prisoners as it could increase the distance between their original place of residence and the prisons. However, it is important to ensure that women prisoners are not kept in 'enclosures' inside male dominated prisons and are allowed equal access on all levels (especially equal access to amenities and recreational measures) at par with the male prisoners.

Despite the pandemic induced prison decongestion efforts, the population of women prisoners has increased. This is explained by the fact that none of the HPCs considered women as an exclusive category for release during the



pandemic. The vulnerabilities associated with women are well established and release of women prisoners should be prioritized during the pandemic when the family visits, physical court hearings, etc. are banned.

The data on women's share in prison staff shows that women have been excluded from prison services for many decades. Manipur, Meghalaya, Mizoram, Sikkim, Uttarakhand, A & N Islands, Chandigarh, DNH and Daman Diu, Ladakh, Lakshadweep and Puducherry are 11 States and UTs which do not have a single women in the 'officers' category. It must be noted that the share of women in the prison staff should have no correlation with the share of women prisoners among the total prison population. Further, the fact that one third of the States and UTs have actually reduced women's share in the prison staff shows that inclusion of women in prison services is not a priority for the State governments in India.





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

### Findings PSI 2020

#### Education Profile

- ☞ Almost **1 out of 3 prisoners (26.9%) in India continued to be illiterate** in 2020, with a marginal decrease from 2019 (27.7%).
- ☞ **41%** had **not completed Class X**.
- ☞ **21.5%** have passed **Class X but were below graduate standard**.
- ☞ Only **6.4%** were **graduate**, **1.3%** had **a technical or diploma degree** and **1.7%** were **post graduates**.
- ☞ The **share of illiterate prisoners among the 'other' category of prisoners was 61%** (293 out of 484), twice than the overall average and share of illiterate prisoners under any other category (convicts, undertrials or detainee).

#### Religion Profile

- ☞ **Hindus comprised 72.8% of the total prison population** against their share of 79.8% in the general population.
- ☞ **Muslims comprised 20.3% of the total prison population** against their share of 14.2% in the general population.
- ☞ **Christians comprised 2.6% of the total prison population** against their share of 2.3% in the general population.
- ☞ **Sikhs comprised 3.4% of the total prison population** against their share of 1.7% in the general population.
- ☞ Persons belonging to 'other' religions formed 0.8% of the total prison population.
- ☞ **One out three (31.6%) detainees in India was a Muslim in 2020.**
- ☞ **More than half (57.2%) of all prisoners categorized as 'others' were Muslims in 2020.**

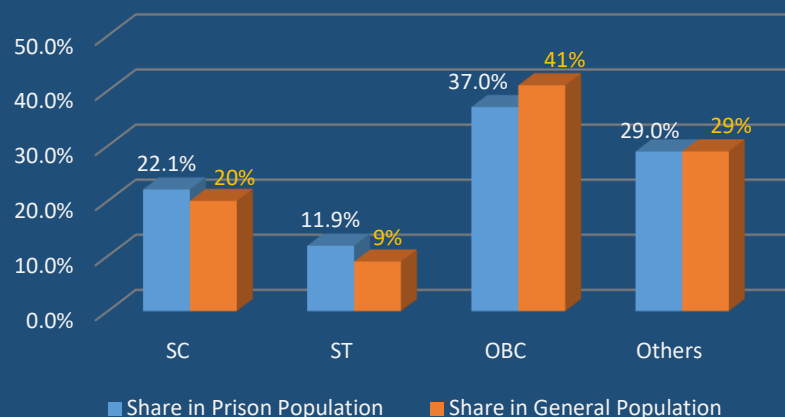
#### Caste Profile

- ☞ **22.1% belonged to Scheduled Caste** against their share of 20% in the general population.

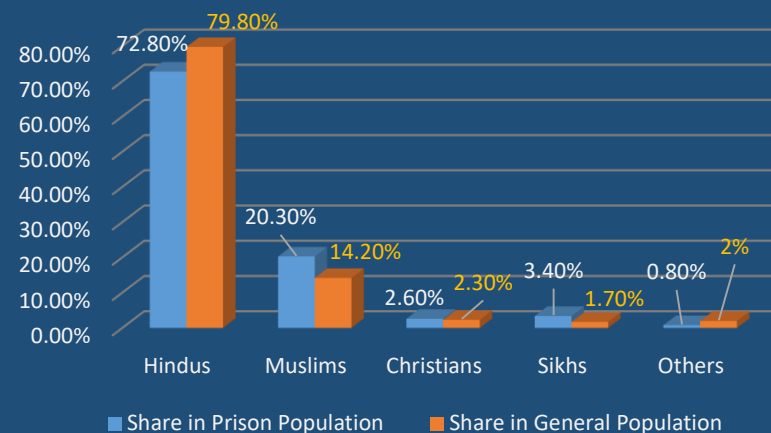


- ☞ **11.9% belonged to Scheduled Tribes** against their share of 9% in the general population.
- ☞ **37% belonged to Other Backward Castes (OBC)** against their share of 41% in the general population.
- ☞ **29% belonged to other castes** against their share of 30% in the general population.

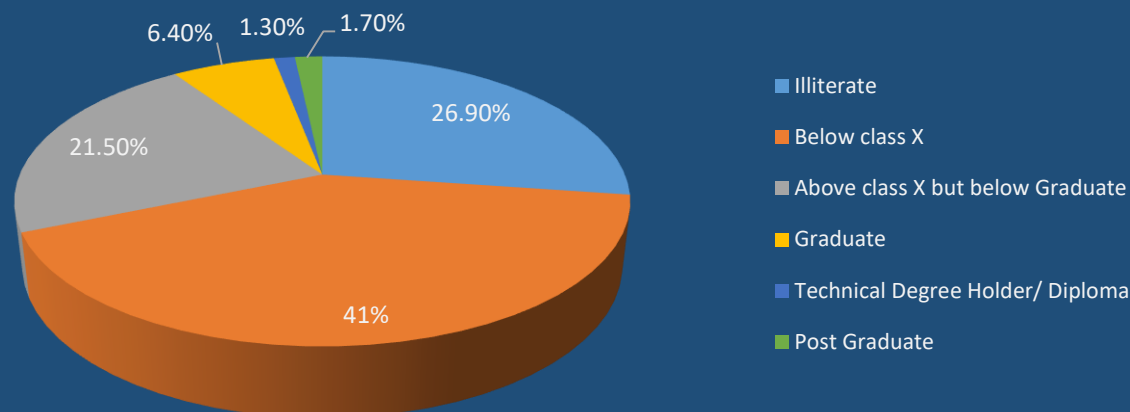
### Caste Based Distribution of Prison Population against General Population



### Religion Based Distribution of Prison Population against General Population



### Classification of Prison Population by Level of Formal Education





### CHRI's Comments

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. The high overrepresentation of Muslims in the detainee population and 'others' category of prisoners is more concerning. The overrepresentation of marginalized communities reflects an objective bias in the criminal justice system. The legal aid institutions and judiciary must take cognizance of the overrepresentation and identify the systematic lacunae in the working of the CJS to address this situation.

## VI. PRISON STAFF

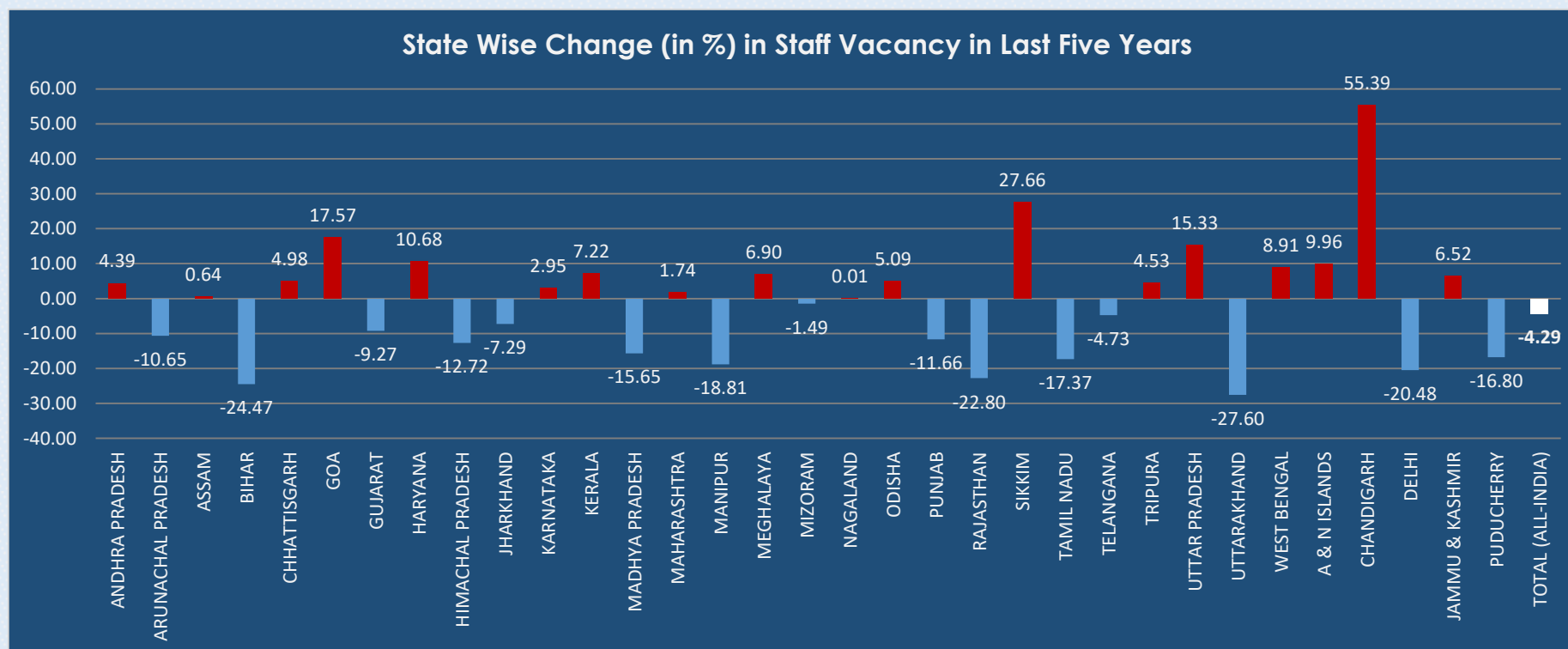
### Findings PSI 2020

- ☞ In 2020, there were **61,296 actual staff in prisons** against the **sanctioned strength of 87,961**. The **average staff vacancy** in Indian prisons has slightly reduced from **34.6% in 2016 to 30.3% in 2020**.
- ☞ **Nagaland (0.5%), Arunachal Pradesh (7%) and Manipur (12.9%)** are the top three states to have **lowest staff vacancy** in their prisons.
- ☞ **Jharkhand (63%), Ladakh (62.1%) and Chandigarh (55.4%)** have **highest staff vacancy** in their prisons.
- ☞ From 2016 to 2020, **actual prison staff strength** has **increased by 7,926** against an **increase of 6,393 in sanctioned strength**.
- ☞ In the last five years, **Uttarakhand tops the list in reducing staff vacancy** by 27.6 percentage points, followed by Bihar which reduced it by 24.5 percentage points and **Rajasthan** by 22.8 percentage points.





- ☞ In terms of worsening staff vacancy, from 2016 to 2020, **Chandigarh tops the list by worsening its staff vacancy by 55.9 percentage points** followed by **Sikkim** which increased it by **27.6 percentage points** and **Goa** by **17.6 percentage points**.
- ☞ **17 states and UTs** have **no sanctioned probation or welfare officers**. **24 states and UTs** have **no sanctioned psychologists/psychiatrists**. **21 states and UTs** have **no sanctioned social workers**.
- ☞ **10 States and UTs** have **no sanctioned correctional staff** while **13 states and UTs** had not appointed any **correctional staff** at the end of 2020.
- ☞ In the last five years, the **inmate to staff ratio** has improved slightly from **8:1 in 2016 to 7:1 in 2020**.
- ☞ The ratio of **inmate to correctional staff** at **619:1 in 2020** has marginally improved from **697:1 in 2016**.
- ☞ The ratio of **inmate to medical staff** at **218:1 in 2020** has slightly worsened from **214: 1 in 2016**.





### CHRI's Comments

High vacancy in prison staff has become a norm of Indian prisons as for decades now States and UTs have failed to reduce vacancy below the 30% mark. One third of the sanctioned prison staff positions lie vacant and the rest of the staff consequently becomes burdened. 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 10 states lays bare the 'correctional' natures of Indian prisons.

Of the total 789 correction staff in Indian prisons, 322 are probation/ welfare officers and 441 are social workers. In absence of any clear and robust scheme on the role of social workers and probation officers during the trial, in prisons and in aftercare services for the prisoners who are released after longer durations, the strength of Probation and Welfare Officers does not seem to be utilized enough.

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 218 inmates or one correctional staff for 619 inmates, on rights of prisoners and objectives of incarceration.

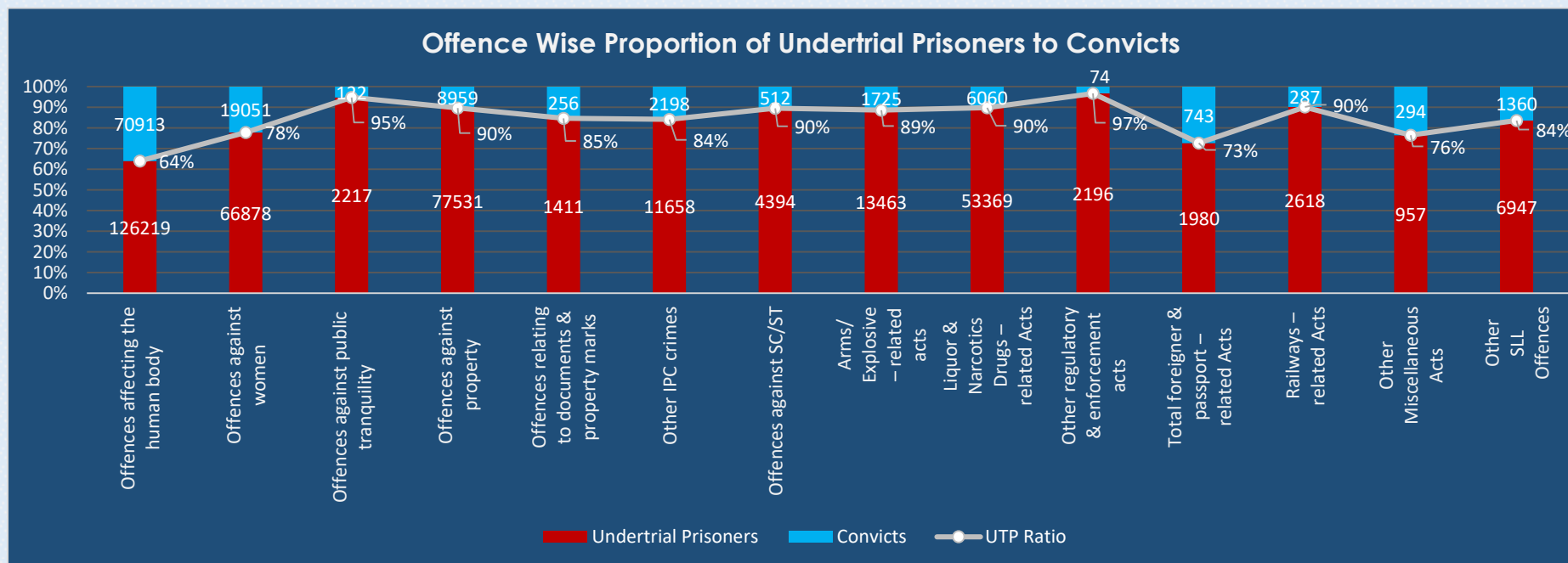
In 2020, 10% of total prison staff (half than in 2019 where 20% prison staff were trained in the year) received trainings which include refresher / specialised / re-orientation courses. It cannot be estimated from the PSI data whether the staff gets trainings on rotational basis or not.



## VII. PRISON POPULATION OFFENCE WISE

### Findings PSI 2020

- ☞ **78.7% prisoners (3,84,619)** were incarcerated for **offences under Indian Penal Code (IPC)**, **73.7% of these were undertrials.**
- ☞ **20.4% prisoners (99,773)** were incarcerated for **offences under Special and Local Laws (SLL)**, **88.5% of these were undertrials.**
- ☞ **Highest 41% prisoners were incarcerated for offences affecting human body, 17.9% were incarcerated for offences against property and 17.7% were incarcerated for offences against women.**
- ☞ Within each category of offence, the highest share of undertrial prisoners (**95%**) was among the prisoners incarcerated for '**IPC offences against public tranquility**' whereas the lowest share of undertrial prisoners (**64%**) was for **IPC offences against human body excluding offences against women.**





### CHRI's Comments

The graph above helps in identifying the category of offences under which a high majority of the prisoners are awaiting completion of their trial. This may shed light on long term measures to bring down the high undertrial prisoners' ratio which was at an all-time high in 2020. It should be matter of concern for the judiciary to investigate the reasons behind such high ratio of undertrial prisoners under specific offences such as 'offences against public tranquility', 'offences relating to documents and property marks', 'total crime against SC/ST', 'Arms and Espionage related acts', etc. where the UTP ratio under that particular category of offence is more than 80%.

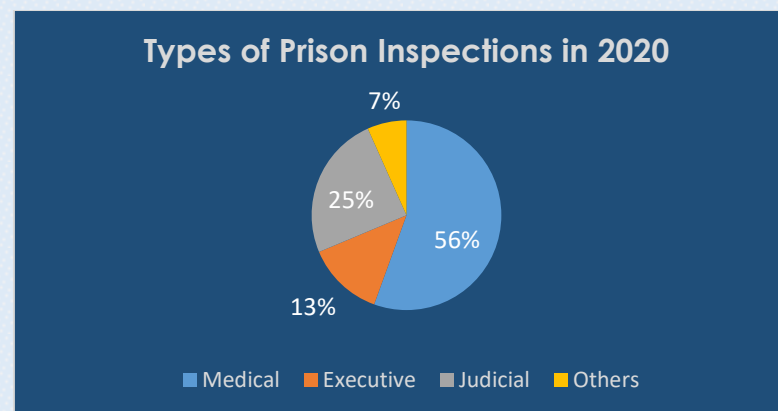
High undertrial population in Indian prisons has implications which go beyond increased burden on prison resources. A person is innocent until proven guilty. High percentage of prisoners incarcerated without conviction shows the dilution of this universal tenets of criminal justice system and human rights.

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 2020

- There were a total of **37,597 prison inspections** in the year 2020, **27% less than in 2019** (51,225), possibly due to COVID-19 restrictions.
- On an average, there were **2 inspections per prison per month**.
- **56%** of the inspections were **Medical**, **13%** were **Executive**, **25%** were **Judicial** and **7%** were in the '**others**' category.
- **Tripura** with one prison had the **highest (10) inspections per prison per month**. It is followed by **Haryana with 6** and **Andhra Pradesh with 5** inspections per prison per month, respectively.
- **Bihar, Jharkhand, Manipur, Meghalaya, Uttarakhand and Puducherry** reported **less than 1 prison 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.

During the COVID-19 pandemic, family and lawyers' visits to prisons were restricted across the country for preventing spreading of the virus into the prisons. CHRI prepared several checklists for official visitors including the judicial visitors and for the prison departments to self-monitor the prisons on preparedness for the pandemic and ensuring rights of prisoners. These checklists were adopted by several States such as Odisha, Sikkim, Madhya Pradesh, Haryana, Himachal Pradesh and Nagaland for prison monitoring.

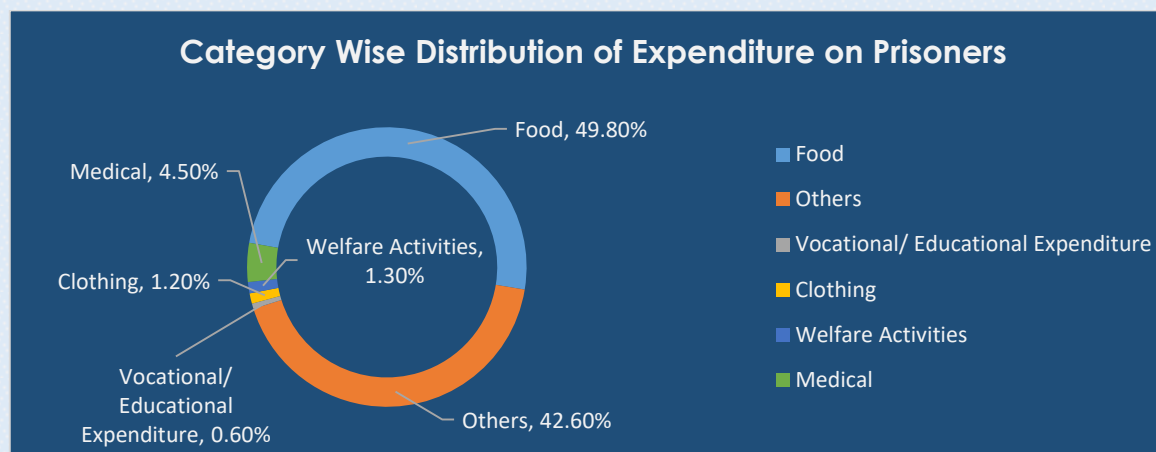




## IX. EXPENDITURE ON PRISONS

### Findings PSI 2020

- ☞ On an average **34.7% of the total budget** of prisons in India was **spent on prisoners**.
- ☞ **Rs. 113 were spent on per prisoner per day** on an average in 2020.
- ☞ **Rs. 56 per day** per prisoner was spent **on food**.
- ☞ **Rs. 5 per day** per prisoner was spent **on medical**.
- ☞ **Rs. 1 per day per** prisoner was spent on vocational/educational activities, welfare activities and clothing each.
- ☞ Rs. 48 per day per prisoner was spent on 'other' expenses of the prisoners.





### CHRI's Comments

In last five years, per prisoner per day expenditure has increased from Rs. 81 in 2016 to Rs. 113 in 2020. In 2019, per prisoner per day expenditure was Rs. 118. The expenses on welfare activities, medical and educational programmes are too meagre. The data also highlights the anomaly in the data recording on budget and expenditure by the States like Haryana and Daman and Diu which claim to have spent 100% of their expenditure on the prisoners.

The other expenses which constitute second highest share of the expenditure on prisoners after food include transport for court hearings, transfers, hospital, sanitation, hygiene, etc. During the pandemic it was expected that the expenditure on sanitation, hygiene, etc. would have increased sharply however such increase is not recorded in the data.

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 2020

- ☞ There were **1,887 deaths** in Indian prisons **in 2020**, 123 deaths more than in 2019.
- ☞ **1,642 deaths** were attributed to **natural causes**, 104 (6.8%) more than the previous year.
- ☞ **165 deaths** were attributed to **unnatural causes**, 29 (18.1%) more than the previous year.
- ☞ Causes of 56 deaths were not known in 2020, all from Rajasthan.
- ☞ Among the prisoners 'died due to natural causes', **100 prisoners (22 more than in 2019) died because of 'ageing' and 224 died due to 'lung diseases' (34 more than in 2019) among other illnesses.**



- ☞ Among the prisoners 'died due to unnatural causes', **156 died by suicide, 40 (34.5%) more than in 2019, 8 by murder, 8 by 'accidental deaths', 5 died due to firing, 4 were executed and 3 died due to assault by outside elements during 2020.**
- ☞ The **death rate** in Indian prisons in 2020 was 386.3 per lakh population, higher than **370.8 per lakh prison population** in 2019.
- ☞ **Highest death rate of 790.5 per lakh population** was recorded in **Arunachal Pradesh**, followed by **767.3 in Nagaland** and **686.9 in Uttarakhand**.
- ☞ The **rate of suicides** in Indian prisons in 2020 was at 31.9 per lakh prison population, higher than **24.2 in 2019**.
- ☞ **The rate of suicides in Indian prisons in 2020 was** almost three times that in the general population (11.3) in the same year.
- ☞ **Highest rate of suicides** was recorded in **Tripura at 229.9** per lakh population, followed by **221.2 in Sikkim** and **160 in Manipur**.
- ☞ **22 States/UTs** recorded a higher rate of suicide than that in the **general population**.

### CHRI's Comments

Ideally no person should die in incarceration and no death of a person in the custody of the State should be called 'natural'. Nevertheless, the fact that despite the functioning of HPCs to decongest prisons during the pandemic a higher number of prisoners died of 'ageing' and due to 'lung diseases' is alarming. While ill health, comorbidities and old age were considered as eligibility for interim release during the pandemic in some States, it was not uniformly considered throughout the country as eligibility criteria.

The pandemic led to severe curbs on the rights of prisoners, particularly their communication with families and lawyers, access to courts, access to medical care, access to rehabilitation and vocational facilities, etc. These exacerbated vulnerabilities of prisoners have been recognised worldwide and has been at the center of several statements and calls upon governments to prioritise prisons during the pandemic. Respective States and UT governments, especially where the



number of suicides increased in comparison to the previous year must enquire the reasons behind such high rate of suicides in prisons and must take preventive measures at the earliest. The fact that **24 states and UTs** had **no sanctioned psychologists/psychiatrists** and that there was only 1 correctional staff for 619 inmates in India on an average must be introspected in the light of the fact that the suicide rate in prisons was thrice than that in the general population.