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 31st 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 2020.¹
► 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.

¹ 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.

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

**Average Change in Occupancy Rates**

| -4.6 | 16.9 |
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\textsuperscript{st} 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).\(^3\)
- 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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\(^3\) 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 16th to 6th 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 up to 1 year has fallen 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 less 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.

<table>
<thead>
<tr>
<th>Year</th>
<th>1-2 years</th>
<th>2-3 years</th>
<th>3-5 years</th>
<th>Above 5 years</th>
<th>Upto 1 year</th>
</tr>
</thead>
<tbody>
<tr>
<td>2010</td>
<td>5.8</td>
<td>4.1</td>
<td>6.3</td>
<td>4.4</td>
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<td>2015</td>
<td>6.3</td>
<td>4.1</td>
<td>6.8</td>
<td>4.4</td>
<td>14.6</td>
</tr>
<tr>
<td>2016</td>
<td>6.8</td>
<td>4</td>
<td>6.9</td>
<td>4.4</td>
<td>13.4</td>
</tr>
<tr>
<td>2017</td>
<td>6.9</td>
<td>4.3</td>
<td>6.9</td>
<td>4.4</td>
<td>12.4</td>
</tr>
<tr>
<td>2018</td>
<td>6.8</td>
<td>4.3</td>
<td>6.9</td>
<td>4.4</td>
<td>12.4</td>
</tr>
<tr>
<td>2019</td>
<td>6.8</td>
<td>4.3</td>
<td>6.8</td>
<td>4.4</td>
<td>13.4</td>
</tr>
<tr>
<td>2020</td>
<td>7.9</td>
<td>4.5</td>
<td>6.8</td>
<td>4.5</td>
<td>14.6</td>
</tr>
</tbody>
</table>

![Year Wise Distribution of Undertrial Prisoners by Duration of Confinement](chart.png)
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)\(^4\) 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\(^5\) 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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\(^4\) 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.

\(^5\) 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 prisons.
- There were **791 women foreign national prisoners** in 2020, 19% of all Foreign National Prisoners.
- There were **62 detene** and 104 ‘other’ 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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6 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.

7 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.

![Change in Share of Women in Prison Staff](image-url)
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 detenue).

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%) detenues 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.
**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 detenue 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, **Uttar Pradesh 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.

![Graph showing Offence Wise Proportion of Undertrial Prisoners to Convicts]
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 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 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 Uttar Pradesh.

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.