



Commonwealth Human Rights Initiative



January 15, 2020

JAIL MAIL: Ten Things You Should Know About Indian Prisons

An Analysis of NCRB's Prison Statistics India 2018

Dear Friends,

Warm wishes for the New Year!

The National Crime Records Bureau (NCRB) released its annual publication on prisons in India for the year 2018, on 4th January 2020. The Prison Statistics India (PSI) is the 'principle databank' available with the government of India on prisons. It is a compilation of detailed annual statistical information on prisons, prisoners and prison administration received from all the states and UTs. Since 2015, CHRI analyses NCRB's annual report on prisons to come up with trends, major findings and a comparative commentary on certain indicators to present the status of prisons and prisoners in India. You may read our previous analysis here – [2015](#), [2016](#) and [2017](#).

[PSI 2018](#) presents national and state wise data running into twelve chapters. Caste and Religion data of prisoners which was excluded from the PSI 2016 and 2017, has been added back to the PSI 2018. The caste and religion data of prisoners is statistically important for academicians and policy makers. Since NCRB did not receive data from West Bengal for the year 2018, the PSI 2018 includes 2017 data of the state for national level figures.

There were 4,66,084 prisoners in 1339 prisons in India as on 31st December, 2018. Our analysis shows that the undertrial population in the prisons is increasing at a higher rate and with the continuing pace the share of undertrial prisoners would have crossed the 70% mark in 2019, highest since 2001 – making India's proportion of pre-trial detainees 12th highest in the world.

CHRI's analysis attached with this newsletter, presents major findings, trends and a comparative commentary on 10 indicators – prison population and occupancy, undertrial prisoners ratio, period of confinement, women and prisons: inmates and staff, education, caste and religion profile of prisoners, prison staff, foreign national prisoners, prison inspections, expenditure on prisoners and deaths in prisons.

What you can do

1. Individuals and organisations working on prisons may,

- a) access the data on prisons in their state and conduct trend analysis on key aspects to produce evidence based research, and/or

- b) write to appropriate authorities to bring to their notice any disturbing trends or data that warrants immediate action such as vacancies in staff, occupancy rates, custodial deaths etc.

2. Prison administrators may,

- a) ensure that a standardised prisoner file management system is maintained in their prison/s, which would guarantee accuracy of national prison statistics, and
- b) make efforts to proactively disclose data on their websites, preferably every quarter.

You can also write to us at chriprisonsprog@gmail.com with comments and suggestions.

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

With best regards,

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**This jail mail has been prepared by Siddharth Lamba, Project Officer, Prison Reforms, Access to Justice Programme, CHRI.*

About Jail Mail

Jail Mail is a regular series of Prison Reform Updates from CHRI for readers interested in the rights of prisoners and the reform of prisons as a matter of public concern. The engagement of civil society in the management and monitoring of prisons and the rights of prisoners is vital to the transparency of this traditionally closed institution and to ensure the practical realisation of the rights of those behind bars. *Jail Mail* invites discussion between civil society members and those entrusted to oversee and manage prisons.

Evidence-based research and watch reports of CHRI's Prison Reforms Programme, interviews with critical stakeholders, topical issues and developments concerning the liberty of prisoners, and health of prisons in India and around the world will form the sources of *Jail Mail*. Its periodicity will depend on the urgency of issues and the interest they generate.

About CHRI and the Prison Reforms Programme

The Commonwealth Human Rights Initiative (CHRI) is an independent, non-profit, non-partisan, international non-governmental organisation, mandated to ensure the practical realisation of human rights in the countries of the Commonwealth. In 1987, several Commonwealth professional associations founded CHRI, with the conviction that there was little focus on the issues of human rights within the Commonwealth although the organisation provided member countries a shared set of values and legal principles from which to work.

The Prison Reforms Programme of CHRI is more than 15 years old. The programme focuses on improving prison monitoring through the strengthening of undertrial review mechanisms and prison visiting system nationally, and ensuring early safeguards against unnecessary pre-trial detentions, specifically in Rajasthan and West Bengal. The programme also advocates for timely repatriation of foreign national prisoners and immediate release of asylum seekers. Evidence-based research, advocacy, capacity-building of actors of the criminal justice system including prison officials, welfare and probation officers, criminal defense lawyers, magistrates, legal aid functionaries and civil society actors are the regular activities of the programme

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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 OF INDIA 2018



There were 4.6 Lakh prisoners in 2018, 69% of which were either illiterate or studied below class X.



In 2018 more than 18 lakh prisoners were admitted to prisons, of which 78,496 were women



There were 18,873 women prisoners, out of which 1,732 women were with 1,999 children



69.4% of prisoners were awaiting trial in India, 1/4th of which have already spent more than 1 year.



6,623 prisoners suffered from mental illness, highest being confined in Uttar Pradesh (1174).



There are 5,168 foreign national prisoners out which 787 are women.



There were 1,845 deaths in prisons in 2018, out of which 1,559 deaths were due to 'illness'



Only 11.7% of the total prison staff of 60,024 are women.



Ratio of prisoners per prison official is 9:1, prisoners per correctional staff is 756:1 and prisoners per medical staff is 243:1

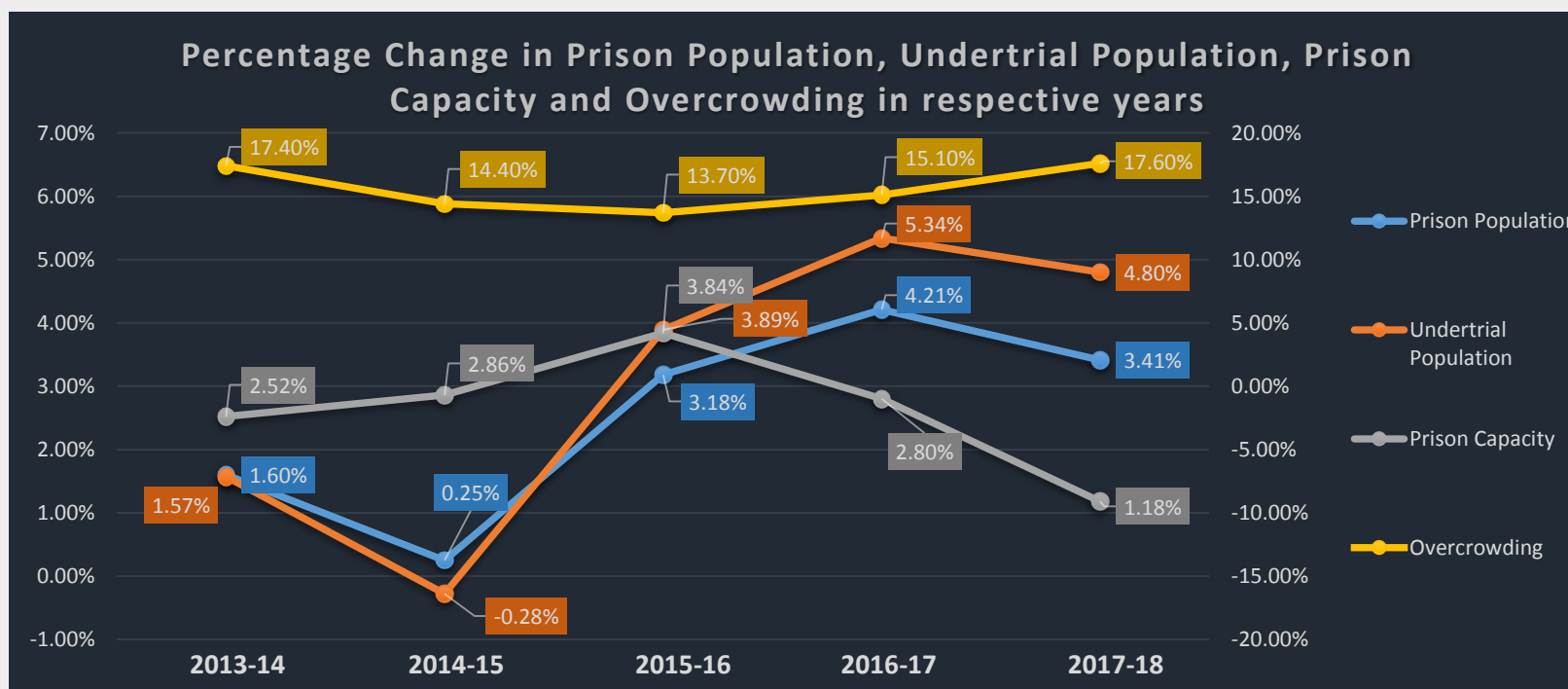


On average, prisons spent Rs.104.4 per prisoner every day.

I. PRISON POPULATION AND OCCUPANCY

Findings – PSI 2018

- In 2018, the **occupancy rate at 117.6%** was highest in the last six years.
- **District Jails bear the burden of overcrowding** at 132.8% occupancy followed by Central Jails at 119%.
- Among the states, **Uttar Pradesh with the highest prison population** (22.3% of national prison population) has **worst occupancy rate of 176.5 %**.
- **Seven states**, namely Uttar Pradesh, Madhya Pradesh, Maharashtra, Chhattisgarh, Uttarakhand, Sikkim and Meghalaya **have an occupancy rate of above 140 %**.
- From 2013 to 2018, the total **prison population has increased by 13.12 %** against an **increase of 13.9 % in the prison capacity**.
- From 2013 to 2018, the **undertrial population increased by 16.17 %**.
- At the end of 2018, there were **4,66,084 total prisoners** out of which **3,23,537 were undertrials**.



CHRI's Comments

The country's prison population is increasing at a higher rate. According to a report published by Institute of Criminal Policy Research based on the data at the end of October 2015, the world's prison population has increased by "almost 20 %" since 2000. India's prison population, from 2000 to 2018 has increased by staggering 71%, from 2,72,079 in 2000 to 4,66,084 in 2018. The graph shows that increase in total prison population is directly proportional to the increase in undertrial population. It reflects that the increasing rate of growing prison population can be addressed by checking the increase in undertrial population. It also shows that overcrowding increases when the rate of increase in prison capacity is slower.

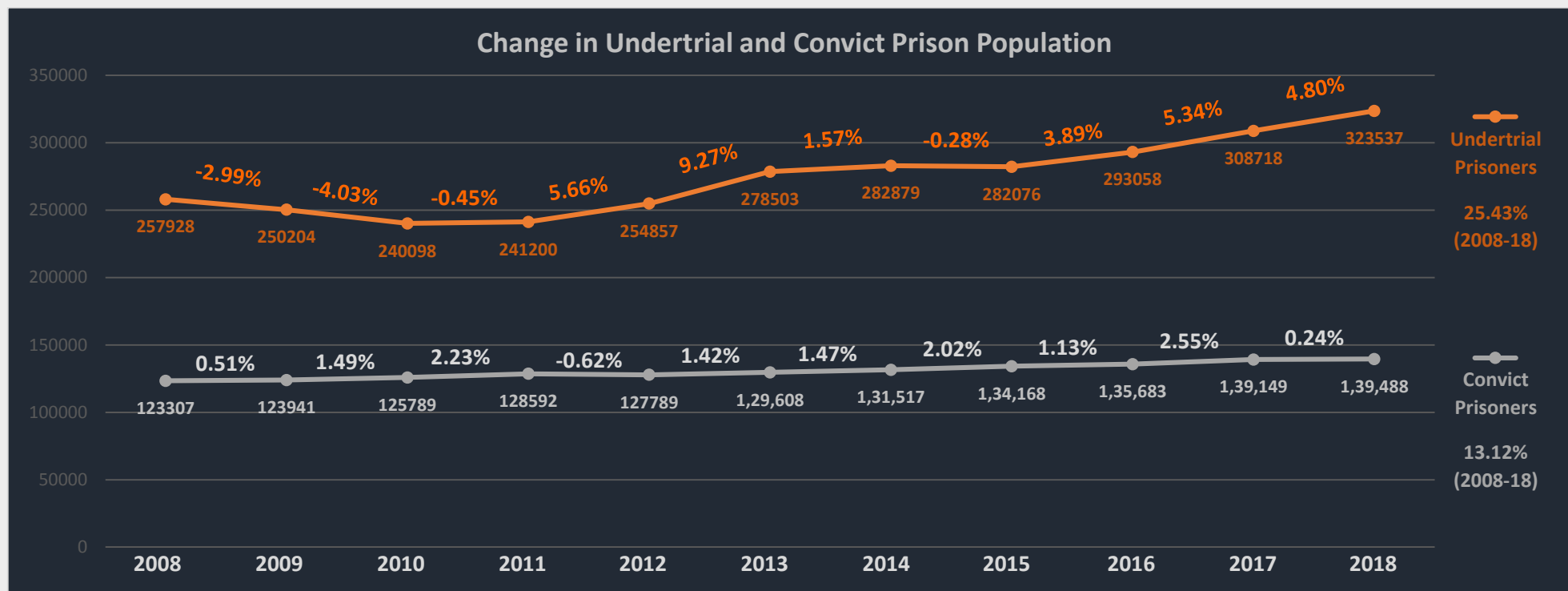
The average occupancy rate of 117.6 % does not adequately reflect the actual status of overcrowding in Indian prisons. State wise occupancy rate reveal extreme variation ranging from Nagaland's 30.5 % to Uttar Pradesh's 176.5 % (excludes Union Territory Lakshadweep (1.6%). The District Jails in Uttar Pradesh have an occupancy of 183 %. CHRI believes that overcrowding can be addressed by strategically increasing prison capacity at one hand and checking the increasing rate of undertrial population on the other hand.

II. PROPORTION OF UNDERTRIAL PRISONERS

Findings - PSI 2018

- In 2018, **69.4% of the prison population comprised undertrial prisoners**, highest since 2002.
- From 2016 to 2018, while the **convict population increased by 2.8%**, the **undertrial population increased by 10%**.
- The annual rate of **increase of undertrial population** has amplified more than 3 times since **2013-14 (1.57%) to 2017-18 (4.8%)**.
- **Uttar Pradesh (23.2%)** and **Bihar (9.7%)**, combined have **more than 1/3th of the country's total undertrial population**.
- *In last six years, **highest decrease in UT ratio was in Arunachal Pradesh** from 88% to 48.2%.

- *In last six years, **highest increase in UTP ratio was in Himachal Pradesh** from 49.9% UTPs in 2013 to 61.6% UTPs in 2018 followed by Uttarakhand from 50% UTPs in 2013 to 60.7% in 2018.
- *In last six years, **seventeen states reduced their UTP ratio** while **eleven states recorded an increased UTP ratio**.¹



CHRI's Comments

The graph shows that the undertrial population is consistently increasing post 2011 barring an exception in 2015. The increase in convict population in prisons on the other hand has not crossed 3% mark since 2008. If this increase in the undertrial population is not addressed urgently, the UTP ratio will cross 70% mark which was last recorded in 2001

¹ *This excludes Tamil Nadu, Telangana, A & N Islands, Chandigarh, Dadar & Nagar Haveli, Daman & Diu, Lakshadweep and Puducherry. Tamil Nadu and Telangana. These have been excluded from the comparison because in 2014 the two states were merged. The rest of the Union Territories were excluded because of their dynamic and comparatively small prison population.

(70.4%). The annual data on UTP ratio shows that it was confined between 64-67 percent from 2003 to 2016. However, a steep increase can be seen post 2016.

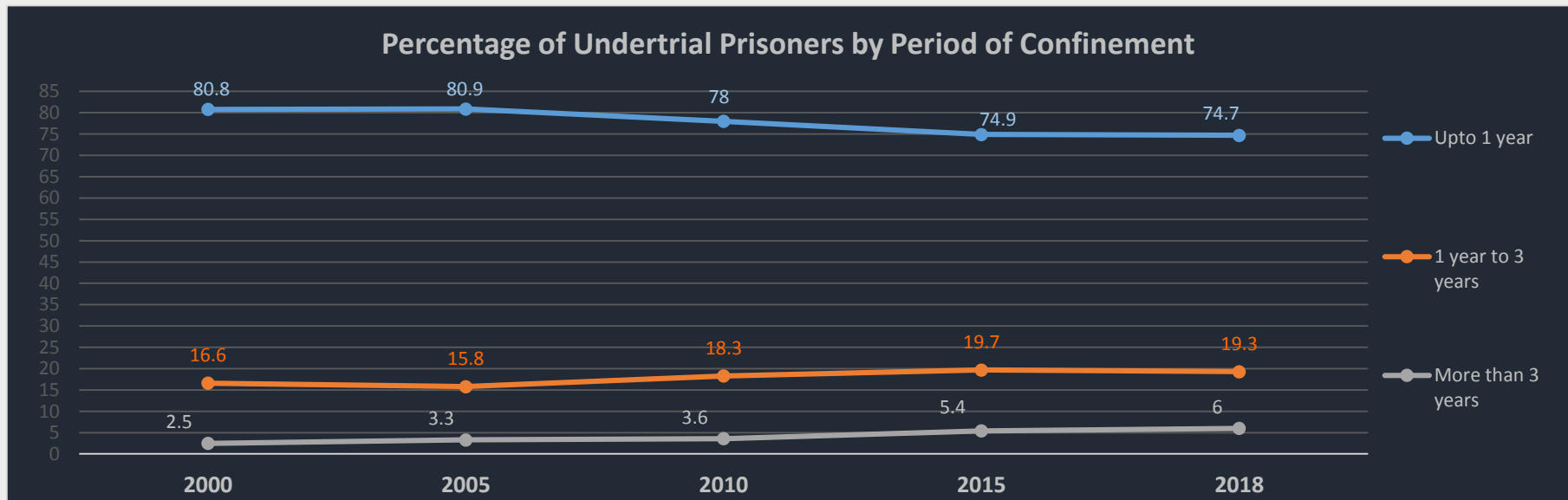
A higher undertrial population means more burden on the criminal justice system. The ten year (2008 – 2018) increase in UT population by 25.4% against 13.1% increase in convict population may indicate that trials are taking longer to complete leading to an adverse UTP ratio as well as increase in number of prisoners spending longer durations behind bars. However, the fact that seventeen states have reduced their UTP ratio in comparison to lesser number of states (eleven) where it has got worse calls for a state level introspection on the reasons for increasing undertrial population.

It is important to note that only 6 states (Arunachal Pradesh, Chhattisgarh, Madhya Pradesh, Mizoram, Sikkim and Tripura) have 60% or less UTP ratio. An in-depth study on factors such as crime rate, judicial pendency, working of Undertrial Review Committees, status of legal aid, etc. in these states may reveal the factors behind a balanced UTP ratio. The UTP ratio is higher than 70% in 12 states (Bihar, J & K, Jharkhand, Karnataka, Maharashtra, Manipur, Meghalaya, Odisha, Rajasthan, Uttar Pradesh, West Bengal and Delhi). CHRI believes that case studies on states such as Arunachal Pradesh which have reduced the UTP ratio might help in policy formulation.

III. PERIOD OF CONFINEMENT OF UNDERTRIAL PRISONERS

Findings – PSI 2018

- The percentage share of undertrial prisoners confined for **more than 3 years** has **increased by 140% since 2000**.
- The percentage share of undertrial prisoners confined for **1 to 3 years** has **increased by 16.2% since 2000**.
- The percentage of undertrial prisoners confined for **less than 1 year** has **decreased by 7.54%**.
- Only **eight states** (Andhra Pradesh, Kerala, Mizoram, Tamil Nadu, Telangana, Assam, Sikkim and Tripura) **have 1 or less than 1% undertrial prisoners confined for more than 3 years**.
- **Thirteen states** have **more than 6%** undertrial population **confined for more than 3 years**.
- **Jammu & Kashmir** has **highest percentage (17.8)** of undertrial population confined for more than 3 years followed by **Maharashtra (10.7)**.



CHRI's Comments

Analysis of the duration of confinement of undertrial prisoners shows that the share of undertrial prisoners confined for larger durations (more than 1 year) is consistently increasing while an inverse fall in the share of undertrial population spending shorter duration (less than 1 year) is decreasing. The increase in number of prisoners confined for longer duration is conservatively represented in the macro figures as the undertrial population itself is increasing at a growing pace every year.

There were 4,976 undertrial prisoners confined for more than 3 years in 2000 which increased to 19,420 in 2018. The socio economic impacts of pre-trial detention are well known; An [Open Society Justice Initiative's report](#) on pre-trial detention noted that poor are more likely to remain longer in pre-trial detention and are exposed to health and social vulnerabilities. Therefore, the increasing number of undertrial prisoners confined for more than 1 year need to be checked and addressed by the Government immediately.

These increasing numbers also cast a doubt upon the functioning of the Under-trial Review Committees². In 2018, there were 1822 undertrial prisoners eligible for release under section 436 A of CrPC out of which 1072 (58.83%) undertrial

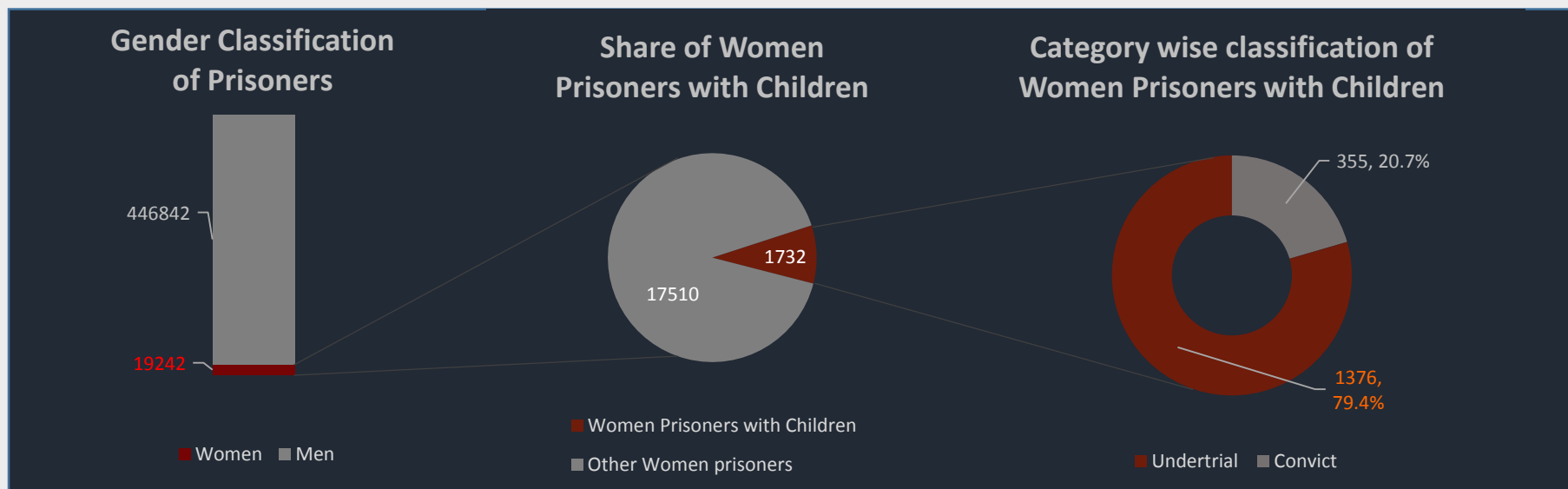
² An Undertrial Review Committee (UTRC) is a district level oversight mechanism headed by the senior most judicial officer of the district and comprises members from district administration, District Legal Services Authority, police and prison department, that primarily focuses on addressing overcrowding in the prisons.

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 2018

- There were **19,242 women prisoners** which is **4.12% of the total prison population**.
- **Share of women prisoners** has **increased by 23.4%**, from **3.34% in 2000 to 4.12% in 2018**.
- **From 2000 to 2018**, the number of **women in prisons has increased by 111.7%** against the increase of 71.3% in the total prison population.
- There were **1,732 women prisoners residing in prison with their 1,999 children**. Among these **79.34% were undertrial** prisoners.
- **Uttar Pradesh** has highest number of **Women inmates (451) with children (509)** followed by Bihar with 158 women inmates with 196 children.
- **15.2 %** of the Foreign National Prisoners (**FNP**) in India were **women**, majority being from Bangladesh???
- **Uttarakhand** has the **highest female occupancy rate (164.9%)** followed by **Chhattisgarh (146.6%)** and **Maharashtra (128.1%)**.
- The **women prisons(i am assuming there is 1 each)** in **Maharashtra** and **West Bengal** are **overcrowded** by 59.2% and 42% respectively.
- There are a total of **7,042 women staff** in Indian prisons which is **11.73% of the total prison staff**. It has **increased by 2.7 percentage points from 2017 to 2018**.
- The **lowest share of women staff (7.53%)** is in the **'officers' category** and highest (18.4) is in 'ministerial' category.
- **Bihar** has **highest** number of **women prison staff (988)** followed by Madhya Pradesh (760) and Maharashtra (661).



CHRI's Comments

Women prisoners in India are increasing at a higher rate (111.7%) than the increase in number of prisoners (71%). According to the World Prison Brief's World Female Imprisonment List (fourth edition), the increase in world's (Africa, Americas, Asia, Europe and Oceania) female prison population has increased by 53.3% since 2000. In India, with an increase of 111.7%, the rate of increase of female prison population is twice that of the world rate.

It is also alarming to note that almost 80% of the women with children in prisons are awaiting trial (undertrial) and in total, there were 1,999 children in prisons accompanying 1,732 women prisoners. In light of undeniable poor living conditions and adversarial environment in prisons it is a crisis that almost 2000 children are forced to be in prisons. CHRI urges for the implementation of the the recommendations given in the 'Women in Prisons – India' report of the Ministry of Women and Child Development 2017/18??.

Though, the women staff in prisons has increased from 9% in 2017 to 11.7% in 2018; it remains much lower than the gender share in the general population. The share of women in prison staff (11.7%) is twice that of women in prison population (4.1%). However, this should not be interpreted as adequate because women staff are also deployed at tasks not concerning women prisoners. This is further affirmed by the fact that highest share of women in staff is reflected in the ministerial category of prison staff. CHRI believes that prisons, as correctional institutions must reflect progressive standards in their operations and particularly be gender representative.

V. EDUCATION, CASTE AND RELIGION OF PRISONERS

Findings – PSI 2018

Education

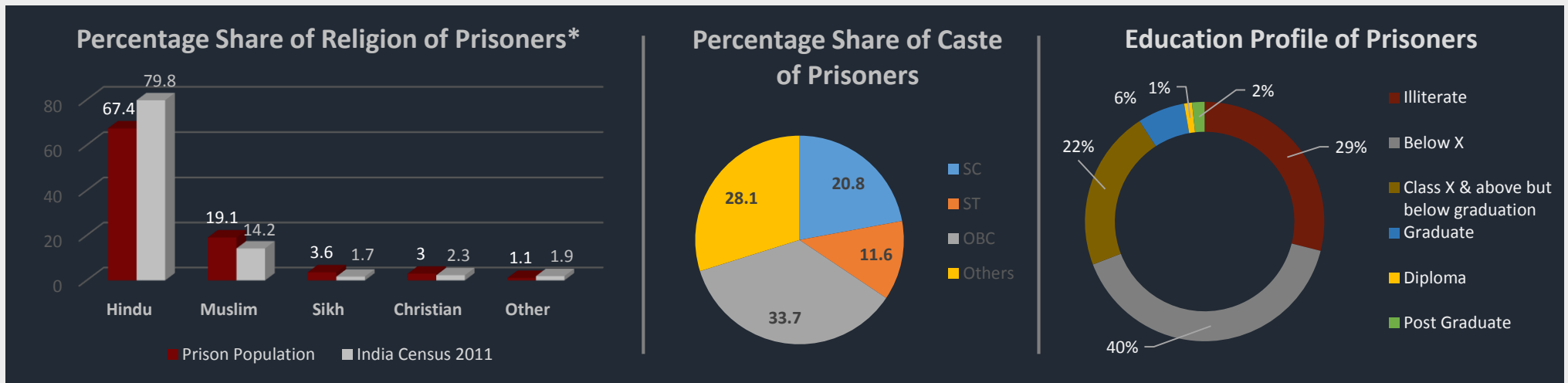
- Every **1 out of 3** prisoner in India is **illiterate**.
- Only **30% prisoners** have studied **above class X**.
- **49.4%** prisoners in the '**others**' category are **illiterate**.
- Only **6.4% are graduate**, **1%** have a **technical degree** or diploma and only **1.6% are post graduate**.

Caste

- Other Backward Castes (**OBC**) form the **highest share (33.7%)** of prisoners.
- Schedule Castes (**SC**) form **20.8%**, Schedule Tribes (**ST**) form **11.6%** and the '**others**' category forms **28.1%** of total prisoners in India.
- From **2013 to 2018**, the share of **OBC in Detenués has increased by 16.8 percentage points** while ST and SC combined decreased by 19.3 percentage points.

Religion

- **Hindus** form **67.4%**, **Muslims 19.1%**, **Sikh 3.6%**, **Christian 3%** and '**others**' are **1.1%** of the total prison population.
- From **2013 to 2018**, population of **Hindus in prisons decreased by 2.5 percentage points**, **Muslims decreased by 0.6 percentage points** and **Sikhs decreased by 1.3 percentage points**.
- From **2013 to 2018**, **Hindu detenués decreased by 15.1 percentage points** while **Muslim detenués increased by 15.9 percentage points**.
- **Muslim (19.1%)**, **Christian (3%)** and **Sikh (3.6%)** have **higher share of population in prisons than in the country**.
- The population of **Hindus in prisons (67.4%)** is **lower than the religion's share (79.8%)** in the country.



CHRI's Comments

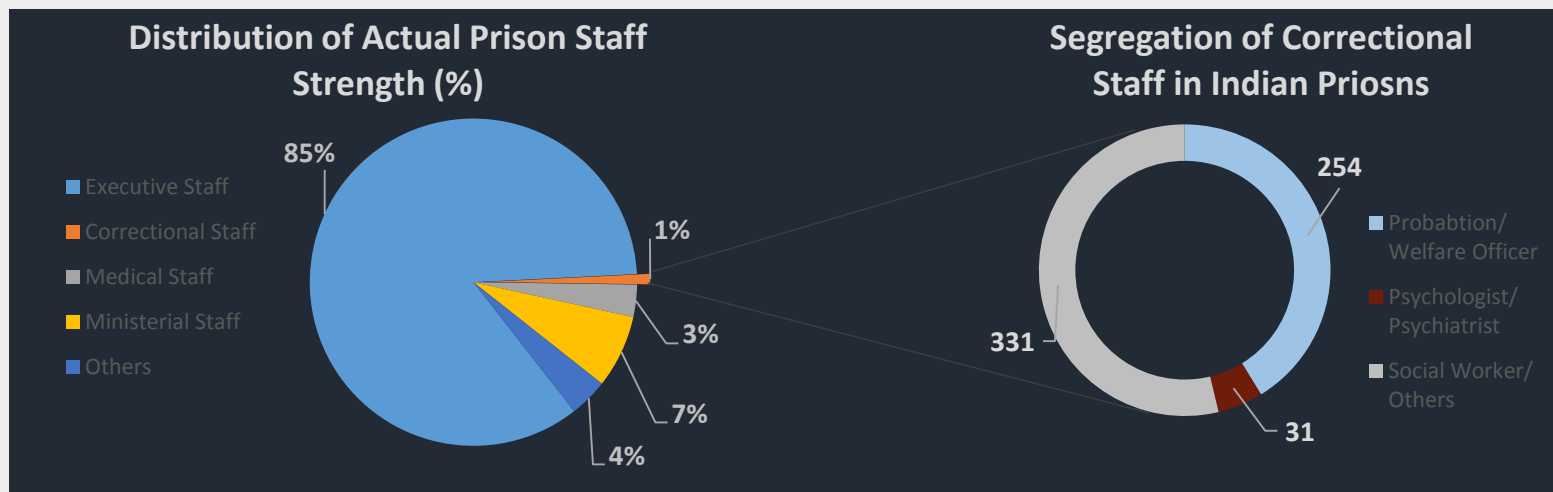
7 out of 10 prisoners in India are either illiterate or have not studied till class X. This reflects the social vulnerability of 70% of the prison population. High uneducated prison population should be an area of concern for the legal aid authorities, courts and correctional institutions who are tasked with rehabilitation of prisoners. Illiteracy is often associated with poverty as well which necessitates literacy programmes in prisons so that prisoners are informed and aware.

The PSI 2016 and 2017 did not contain caste and religion data of prisoners. However, the PSI 2018 has included the caste and religion data of prisoners. The chart above shows that ST form 11.6% of the total prison population which is disproportionate to their share in the country's population. Similarly the share of SC in prison population at 20.8% is higher than their share in the general population. Similarly, the chart on 'Percentage Share of Religion of Prisoners' highlights the disproportionate share of Muslim, Sikh and Christian population in Prisons..

VI. PRISON STAFF

Findings – PSI 2018

- In 2018, there were **60,024 actual staff** in prisons against the **sanctioned strength of 85,840**. The **average staff vacancy** in Indian prisons has slightly reduced to **30.07% in 2018** from 31.2% in last year.
- **Nagaland (0.5%), Arunachal Pradesh (6.9%)** and **Kerala (7%)** are the top three states to have **lowest staff vacancy** in their prisons.
- **Jharkhand (67.8%), Chandigarh (52%)** and **Sikkim (51.6%)** have **highest staff vacancy** in their prisons.
- **18 states and UTs** have **no sanctioned probation or welfare officers**. Punjab which had 10 sanctioned probation/welfare officers in 2017 recorded zero such sanctioned strength in 2018.
- **23 states and UTs** have **no sanctioned psychologists/psychiatrists**. Chandigarh, Tripura and Odisha which had zero sanctioned positions of Psychologists/psychiatrists recorded 1, 1 and 4 sanctioned strength in 2018.
- **20 states and UTs** have **no sanctioned social workers in 2018**, without any change from 2017.
- **9 States and UTs** have **no sanctioned correctional staff** while **14 states and UTs** had **not appointed any correctional staff** at the end of 2018.
- The **inmate to staff ratio** is unchanged in 2018 at **7:1**. The ratio of **inmate to correctional staff** is **756:1** and **inmate to medical staff** is **243:1**.



CHRI's Comments

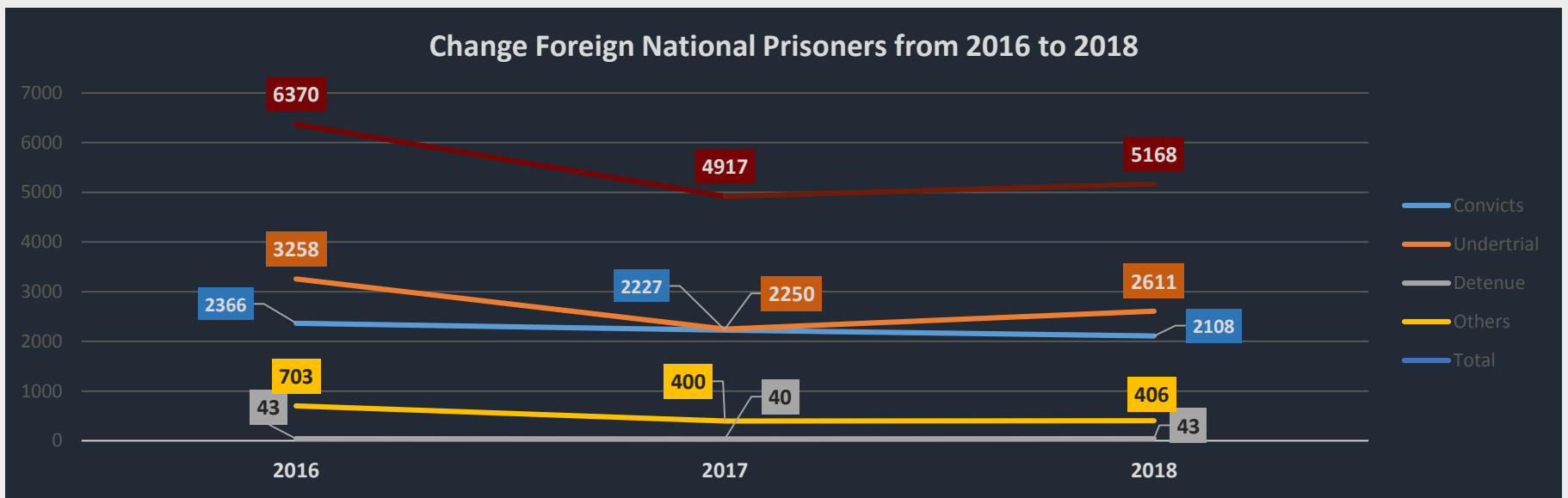
Statistics continue to indicate that the Prison Administration is extremely overburdened because of acute staff shortage of 30%. Though, there has been a reduction in the staff vacancy, nevertheless there is a need of urgent filling up of vacancy in prisons. The 7:1 inmate to staff ratio is not truly reflective of the actual number of staff available to tend to the prisoners. The number of actual staff includes the staff that is 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 uncovers the 'correctional' natures of Indian prisons.

In 2018, 18.8% of total prison staff received trainings which include refresher / specialised / re-orientation courses. From 2017 to 2018, there was an increase of 4.5% in actual staff strength. Now assuming that all the new recruits had received training at the time of recruitment leaves the actual number of staff getting training to a mere 14.3%. It cannot be found out from the PSI data that whether the staff gets trainings on rotational basis or not.

VII. FOREIGN NATIONAL PRISONERS

Findings – PSI 2018

- In 2018, there were **5,168 Foreign National Prisoners (FNP) in India** out of which 787 (15.2%) are women.
- From **2016 to 2018**, the FNPs have **decreased by 18.9%** however, from **2017 to 2018 FNPs increased by 4.9%**.
- In 2018, **40.8%** of the FNPs are **convicts**, **50.5%** are **undertrial** prisoners and **0.8%** are **detenues**. 406 FNPs (**7.9%**) were categorised as '**others**'.
- The highest number of FNPs are housed in the prisons of **West Bengal (2,316)** followed by **Maharashtra (587)** and **Delhi (416)**.
- The most number of FNPs are from **Bangladesh (2,495)** followed by **Nepal (683)** and **Nigeria (622)**.
- From 2016 to 2018, the highest **increase in FNPs is in Manipur (159%), Gujarat (130%)** and **Uttarakhand (115.4%)**.
- From 2016 to 2018, the highest **decrease in FNPs is in Nagaland and Dadar & Nagar Haveli (0 FNPs in 2018)**, followed by **Andaman & Nicobar Islands (59.3%)** and **Tripura (56.5%)**.



CHRI's Comments

Out of 406 FNPs put in the 'others' category in 2018, 361 are in West Bengal and 43 are in Punjab. Bihar and Jammu & Kashmir have 1 each. Similarly, out of 43 FNP detenues in 2018, 30 are in Jammu & Kashmir and rest 13 are in Delhi. From 2016 to 2018, the FNP population has increased in the states of Assam, Chhattisgarh, Gujarat, Himachal Pradesh, Karnataka, Maharashtra, Manipur, Punjab, Rajasthan, Sikkim, Tamil Nadu, Telangana, Uttarakhand and Delhi. This increase in despite the 19% decrease in the total FNP population in the country. This is explained by the decreased in FNPs in West Bengal by 1,484 FNPs which is more than the total decrease of 1,202 FNPs.

Reiterating CHRI's comments on PSI 2017: The Prison Statistics India does not include the persons detained in the detention centres such as that of Assam, making the reported number much lower than actual number of foreign nationals in detention.

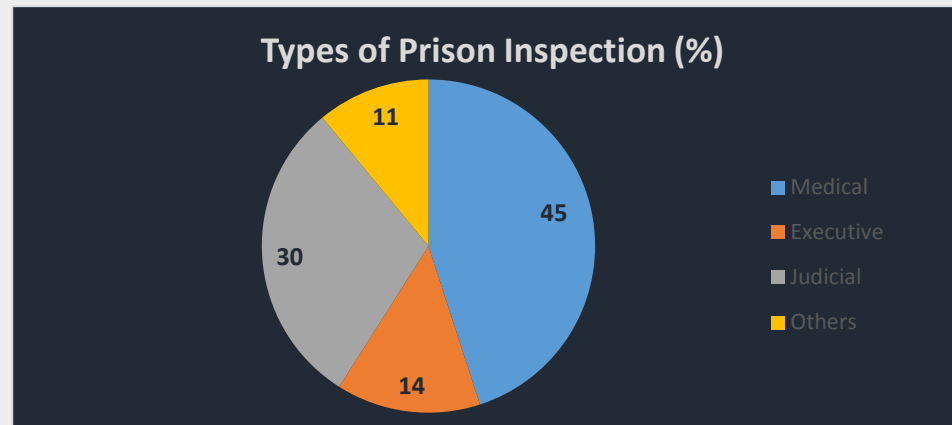
CHRI's 2019 report on [Foreigners in Indian Prisons – Strangers to Justice](#) documented the challenges and issues faced by foreign national prisoners in India based on RTI data. The findings of the report shows that there is a huge variation in the PSI figures and data received through RTI responses on the number of foreign national prisoners. Further, it revealed that only 5.7% percent of foreign national prisoners received consular access. RTI responses also stated that 522 out of 3,908 such prisoners are 'persons whose nationality is not provided'. The NCRB data on foreign national prisoners remains devoid of these figures without which the actual situation of these prisoners remains partially presented.

Despite bilateral agreements for transfer of sentenced prisoners, lack of diligent consular assistance, restrictions on making international calls to family, lack of implementation of agreements on transferring of prisoners between India and Bangladesh, sketchy application of deportation/repatriation procedures and absence of alternative facilities to house the released prisoners contribute to this enormous humanitarian and administrative problem.

VIII. PRISON INSPECTION

Findings – PSI 2018

- There were a total of **46,291 prison inspections** in the year 2018. On an average, there were **3 inspections per prison per month**.
- **44.8%** of the inspections were **Medical**, **13.7%** were **Executive**, **30.6%** were **Judicial** and **10.8%** were in the 'others' category.
- **Andhra Pradesh (17.2%)** had highest number of prison inspections followed by **Madhya Pradesh (9.9%)** and **Uttar Pradesh (7.7%)**.
- **Chandigarh** with one prison has **highest (32) inspections per prison per month**. It is followed by **Himachal Pradesh and Haryana with 11 and 9 inspections** per prison per month, respectively.
- **Manipur, Tamil Nadu, Lakshadweep and Puducherry** reported **less than 1 prison inspection per prison per month**.
- In **judicial inspections**, **Haryana** followed by **Gujarat** with **4 and 3 inspections** had most number of judicial inspections per prison per month.
- In 2018, with a total of **14185 judicial inspections in 1339 prisons**, there wasn't even 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. External and internal visits 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 limited 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 only 24% of prisons have a Board of Visitors which held only 20% of its total mandated meetings and only 52% prisons have NOV's 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 2018

- In 2018, **33.6% of the annual expenditure was spent on prisoners** which is 2 percentage points lesser than that in 2017.
- In 2018 on an average, **INR 104.4 was spent on a prisoner per day** which is INR 1.4 more than last year.
- On an average **per prisoner per day**, **INR 52.4 (50.2%)** was spent on **food**, **INR 43.8 (42.3%)** was spent on **'others'**, **INR 4.5 (4.3%)** was spent on **medical**, **INR 1.5 (1.4%)** was spent on **welfare activities**, **INR 1.5 (1.4%)** was spent on **clothing** and **INR 0.5 (0.5%)** was spent on **vocational/ educational trainings**.
- **Andhra Pradesh (99.2%)** spent **highest share of their expenditure on inmates** followed by **Haryana at 79.7%** and **Chhattisgarh at 71.9%**.
- **Nagaland (5.4%)**, **A & N Islands (7.7%)** and **Arunachal Pradesh (9.8%)** spent lowest share of their expenditure on inmates.

CHRI's Comments

The expenditure on prisoners has increased slightly by INR 1.4 however the share of expenditure on prisoners against total expenditure has decreased in 2018 from the last year. INR 104 on per prisoner per day seems inadequate. Further, since 92.5% of this expenditure is on food and 'other' activities which include transport for hearings, transfers, hospital etc. and expense on sanitation hygiene etc., 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 PRISON

Findings – PSI 2018

- In 2018, there were **1,845 total deaths in Indian prisons, highest since 1998.**
- Out these 1,845, **149 (8.08%) were ‘unnatural’ deaths** and **1,639 (88.8%) were ‘natural’** and 57 (reported in Rajasthan) had undetermined causes of death.
- From 2013 to 2018, while **the increase in total prison population was 13.12%, increase in deaths in prison was 15.5%.**
- From 2013 to 2018, **increase in ‘unnatural’ deaths was by 29.6%.**
- **Punjab (28)** had **highest unnatural deaths** followed by **Uttar Pradesh (17)** and **West Bengal (12).**
- **Uttar Pradesh (426)** had highest natural deaths followed by **Madhya Pradesh (133)** and **Maharashtra (127).**

CHRI’s Comments

Deaths in judicial custody is a serious concern for the state as it is a death under the direct watch of the state. PSI data over the years shows that the deaths in prisons are increasing at a higher rate than the increase in prison population. This increase in the mortality rate in prisons must be seen in the light of expenditure on medical and availability of medical staff in prisons. Further, it also shows the failure of Undertrial Review Committees designed and mandated to review individual cases for release from prisons³. For instance, in 2018, 5 prisoners died due to ‘Schizophrenia with Epilepsy’, 80 died due to ‘Cancer’, 46 died due to ‘HIV’, and 85 died due to ‘TB’. These are commonly understood as fatal diseases and probability of death of such patients can be medically foreseen. It is difficult to understand the reasons behind continued incarceration of prisoners suffering and at advanced stages of such diseases. The state has a sovereign duty to provide medical treatment to its subjects, which in case of direct physical custody only becomes unilateral. All these prisoners either should have been released or be hospitalised. PSI does not record data about place of death (in prison, on the way to hospital or in hospital), however it can be safely assumed that most of these prisoners would have died at the prison itself. In either case, the death would have occurred while they were in the custody of the prison department.

CHRI believes that there must be better access to medical facilities, 24x7 presence of medical officers and robust training of medical officers to address the increasing rate of deaths in prisons in India.

³ UTRC may recommend release of Undertrial prisoners on bail or temporarily who are sick and infirm and require specialised treatment. See Paragraph 3.3.10, page 9 of the NALSA SOP for UTRCs. Available at <https://districts.ecourts.gov.in/sites/default/files/NALSA%20SOP.pdf>.