



## State of Prisons in India

This editorial is based on [“Decongesting Jails: Data Reveals A Grim Picture”](#) which was published in Hindustan Times on 11/02/2022. It talks about the data presented by the Prisons Statistics of India (PSI) 2020 and the problem of overcrowding in prisons.

**For Prelims:** Prisons Statistics of India (PSI) 2020, National Crime Records Bureau (NCRB), Right to Life, Plea Bargaining.

**For Mains:** Overcrowding in Prisons, Analysis of Prisons Statistics of India (PSI) 2020

The clamour for decongesting prisons has been raging for a while now. The need became even more acute with the coronavirus pandemic.

The **Prisons Statistics of India (PSI) 2020**, released recently, provides a disappointing picture of the prisons in India suffering from overcrowding, delays in trials and unavailability of proper medical health facilities to the prison inmates.

As we stare at potential waves of Covid-19, there is a dire need for the justice system to look into the **risks it is subjecting prison populations to**, and urgently formulate the remedies. It is important to **decongest jails** and adopt **measures that protect the [right to life](#) and health of the prisoners**.

### Prison Statistics of India (PSI) 2020

#### What does the PSI 2020 Present?

- The recently released Prisons Statistics of India (PSI) 2020 gives a glimpse of how successful the prison decongestion and medical safeguards have been.
  - The Prison Statistics India 2016, published by the [National Crime Records Bureau \(NCRB\)](#).
  - The 2020 report does not contain any Covid-19 specific data.
- Between December 2019 and December 2020, prison occupancy **reduced marginally from 120% to 118%**.
  - The pandemic year (2020) **witnessed nearly 900,000 more arrests** than in 2019.
  - In absolute numbers, in December 2020, there were 7,124 more people in jail than in December 2019.
- The **increase in the share of under-trials** in prisons was at an all-time high. PSI 2020 puts the percentage at 76% in December 2020: An increase from the earlier 69% in December 2019.
  - The people who are **undertrials are those yet to be found guilty of the crimes** they have been accused of.

#### What is the State-wise Scenario of PSI 2020?

- In 17 states, on an average, prison populations rose by 23% from 2019 to 2021, as opposed to 2-4% in previous years.
- The appalling figures come from states such as **Uttar Pradesh, Sikkim, and Uttarakhand**, which had **tragic occupancy rates** of 177%, 174%, and 169%, respectively (December 2020).
- Only **Kerala** (110% to 83%), **Punjab** (103% to 78%), **Haryana** (106% to 95%) **Karnataka** (101% to 98%), **Arunachal Pradesh** (106% to 76%) and **Mizoram** (106% to 65%) could **reduce their occupancy of prisons below 100%**.

### To What Extent is the Video-Conferencing Facility Available for Trials and How Far is it Relevant?

- Video-conferencing(VC) promised some relief from court closures. currently, 69% of prisons have VC facilities, as opposed to 60% in 2019.
  - However, the facility is **not evenly distributed across the country**.
- Tamil Nadu, Manipur, West Bengal, Nagaland, A&N Islands, Rajasthan and Lakshadweep still have **VC facilities in less than 50% of their jails**.
- Tamil Nadu, which has more than 14,000 prisoners, has VC facilities in **only 14 of its 142 jails**.
- **Uttarakhand, which has VC facilities in all its jails**, continues to increase under-trial numbers and has an **occupancy rate of 169%**.
- It is important to keep in mind that the VC facilities only accomplish the necessity of law that a prisoner must be produced before a magistrate every two weeks. **Fulfilling this technicality does nothing for decongestion** or effectuating speedy justice.

### Where does the Availability of Medical Staff in Prisons Stand?

- There remains a **huge shortage of medical staff** (resident medical officers/medical officers, pharmacists, and lab technicians/attendants), **leading to delays in attending to the needs of inmates**.
- **Goa has the highest vacancy (84.6%) of medical staff**, followed by Karnataka (67.1%), Ladakh (66.7%), Jharkhand (59.2%), Uttarakhand (57.6%) and Haryana (50.5%).
  - While Goa has only two medical staff for over 500 inmates, Karnataka has 26 for 14,308 prisoners.
  - With a vacancy of 90%, Uttarakhand has only one medical officer for 5,969 inmates. Jharkhand's vacancy levels are at 77.1%.
- In 15 states, the number of available medical staff was reduced in 2019-20; whereas the inmate population increased by nearly 10,000.
- Shortages in **medical officer vacancies average around 34% nationally**. Mizoram is reported to have no medical officer.
- **Only Arunachal Pradesh and Meghalaya meet the benchmark** of at least **one medical officer for every 300 prisoners**.

### What can be the Way Forward?

- **Addressing Structural Deficiencies:** As much as the Supreme Court's directions and the efforts of the prison administration are appreciated, it is also important to address the structural deficiencies in prison otherwise the prisons will continue to remain the places where the innocent spend an unwarranted amount of time and face unfair and unacceptable health and safety risks.
- **Making Prisons Correctional Institutions:** The ideal policy prescription of **making prisons into places of rehabilitation** and "correctional institutions" will only be achieved when the issues of **unrealistically low budgetary allocation, high workloads** and the **unmindfulness of the police regarding procedural safeguards** are addressed.
- **Recommendation for Prison Reforms:** The Supreme Court appointed **Justice Amitava Roy (retd.) Committee** which gave the following recommendations to address the **overcrowding of prisons**:
  - **Speedy trial** remains one of the best ways to remedy the unwarranted phenomenon of overcrowding.
  - There should be **at least one lawyer for every 30 prisoners**, which is not the case at present.
  - **Special fast-track courts** should be set up to deal exclusively with petty offences which

- have been pending for more than five years.
- An **adjournment should not be granted in cases where witnesses are present.**
    - The **concept of plea bargaining**, in which the accused admits guilt for a lesser sentence, should be promoted.

### ***Drishti Mains Question***

“The overcrowding and lack of proper medical health facilities in prisons is a violation of the right to life and right to health of prison inmates”. Comment.

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