

PRISONS

30% jails in the country hold than 150% inmates than their capacity

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The third India Justice Report continues to compare and track the improvements and shortfalls in each state's structural and financial capacity to deliver justice. Using the latest available government figures the first ever ranking was published in November 2019. Each state's ranking is assessed on quantitative measurements of budgets, human resources, infrastructure, workload and diversity within the police, judiciary, prisons and legal aid in 18 large and medium sized states with a population of over 1 crore and 7 small states with less. Data for 8 Union Territories (UTs) and 3 other unranked states is also provided. The IJR's not only provides pillar and theme wise comparisons between similarly situated states but also captures improvements and shortfalls in pillars and themes since IJR 2020 and over 5 years. These mark out clear discernible trends and directions.

At the end of 2021, the inmate population in 1319 jails grew 13% from 4.8 lakh in 2020 to 5.5 lakh taking the national average overcrowding to 130%. National average figures, however, conceal the alarming overcrowding in individual jails in various states. Following the United Nations Office on Drugs and Crime's (UNODC) classification of 'critical' and 'extreme' overcrowding,¹ the e-Prisons portal between July to October 2022, shows 391 jails with more than 150% occupancy or with 'extreme' overcrowding.

Undertrial prisoners comprise 77% of the prison population – up from 76%. The number of undertrials is the highest it's been since 2010, having nearly doubled from 2.4 lakh in 2010 to 4.3 lakh in 2021: a decadal increase of 78%. Between 2017 and 2021, the number of undertrials has seen an increase of 38%, while the number of convicts has declined by 12%. The undertrial population of all states exceed 60% with the exception of Andaman and Nicobar Islands, Arunachal Pradesh, Mizoram and Tripura. In Delhi 91% or 9 out of 10 inmates are people awaiting completion of investigation or trial.

Periods for which people awaiting completion of investigation or trial have to stay inside is also increasing. 88,725 (20.8%) undertrials spent 1 to 3 years incarcerated, At the end of 2021,

¹ E/Cn.15/2016/10, United Nations Office on Drugs and Crime, Twenty-fifth Session of the Commission on Crime Prevention and Criminal Justice, 2016. Available at: https://www.unodc.org/unodc/en/commissions/CCPCJ/session/25_Session_2016/session-25-of-the-ccpci.html

11,490 undertrials had been incarcerated for more than 5 years, an increase from 7,128 in 2020 and 5,011 in 2019.

11 states/UTs have not sanctioned any correctional staff

Despite enunciated policy statements, prisons continue to remain places of custody with little movement toward becoming places of correction and rehabilitation. On the ground 11 states/UTs record no sanctioned posts for correctional staff, an increase from 7 states/UTs which had no correctional staff in 2019. The states that do have specialised staff like social workers have very few. Only Chandigarh and Tamil Nadu meet the Model Prison Manual's benchmark of 1 correctional officer for every 200 prisoners and six states- Rajasthan, Gujarat, Jharkhand, Telangana, Uttar Pradesh and Tripura - have one correctional officer for more than 1000 prisoners. Nationally, on average, 1 correctional staff member serves 625 inmates.

Mental health - Only 33 psychiatrists/psychologists across 1319 jails

Mental stress is a consequence of incarceration and is exacerbated by poor prison conditions. The Mental Healthcare Act, 2017 requires mandatory training of all medical officers in prisons to provide basic and emergency mental healthcare as well as mandates each state government to set up a mental health establishment in the medical wing of at least one prison in the state.²

Nevertheless, though it is an almost inevitable condition, capacity response remains largely neglected. As of 2021, no state/UT met the benchmark of one psychologist/psychiatrist for 500 inmates.

In 2021, the sanctioned strength of psychologists/psychiatrists across India's 1,319 prisons and 5.5 lakh inmates stood at 68. In reality, the data records the presence of only 33 or one for every 16,789 inmates. Twenty-four states/UTs³ make no provision for a psychologist or psychiatrist within their cohort of correctional staff. Tamil Nadu with 18,059 inmates across 142 jails has 11 psychologists against 15 sanctioned posts.

This is the highest share in the country with one for every 1,638 inmates. Maharashtra housing 36,853 inmates across 60 jails has only three psychologists against a sanctioned capacity of 8. In the absence of sanctioned posts for mental healthcare inside prisons, it is not

² Section 103(6) of the Mental Healthcare Act, 2017. Available at: <https://bit.ly/3SxKGsB>

³ Andaman and Nicobar Islands, Andhra Pradesh, Arunachal Pradesh, Bihar, Chhattisgarh, DnH & Daman and Diu, Goa, Himachal Pradesh, Jammu & Kashmir, Jharkhand, Kerala, Ladakh, Lakshadweep, Madhya Pradesh, Manipur, Meghalaya, Mizoram, Nagaland, Odisha, Puducherry, Rajasthan, Sikkim, Uttar Pradesh and Uttarakhand.

a surprise that the number of prisoners with mental illness has jumped from 3,130 in 2010,⁴ 5,203 in 2015⁵ to 9,180 in 2021.⁶

Unnatural deaths rose by 40%

A total of 2,116 prisoners died inside prisons in 2021 - a 27% increase from the number of deaths in 2017. Of this, 1,879 were classified as 'natural deaths' that are classified as deaths due to illness and ageing. Showing an increase of nearly 40%, unnatural deaths - deaths due to suicide, negligence or excesses by prison staff and murder by inmates - rose from 133 in 2017 to 185 in 2021. 150 prisoners died by suicide and suicide accounted for 81% of unnatural deaths in prisons.

Only 1 doctor for 842 inmates

The chronic shortage of qualified doctors has become more acute with vacancies rising sharply from 37% in 2019 to 48% in 2021. There were only 658 doctors across 1319 prisons in the country - a fall of 14% from 2019. An increase in vacancies has a direct impact on workload and no large and mid-states met the Model Prison Manual's benchmark for 1 medical officer for every 300 inmates. In eleven states there was one doctor for more than 1000 inmates. Five states/UTs - DNH & Daman and Diu, Ladakh, Lakshadweep, Mizoram and Nagaland recorded no doctors in their prisons.

⁴ Prison Statistics India, 2010, p70

⁵ Prison Statistics India, 2015, p70

⁶ Prison Statistics India, 2021, p176

About India Justice Report 2022

The India Justice Report (IJR) 2022 remains the only comprehensive quantitative index using government's own statistics ranks the capacity of the formal justice system operating in various states. This IJR is a collaborative effort undertaken in partnership with DAKSH, Commonwealth Human Rights Initiative, Common Cause, Centre for Social Justice, Vidhi Centre for Legal Policy and TISS-Prayas.

First published in 2019, the third edition of the IJR adds an assessment of the capacity of State Human Rights Commissions. It continues to track improvements and persisting deficits in each state's structural and financial capacity to deliver justice based on quantitative measurements of budgets, human resources, infrastructure, workload, and diversity across police, judiciary, prisons and legal aid for all 36 states and UTs.

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