

## **2. "Prison statistics India-2017 Report"**

**Prelims: Institutional Reforms**

**Mains: GS II: Issues relating to Development and Management of Human Resources.**

### **Why in News?**

- ▶▶ The National Crime Records Bureau (NCRB) has released the report "Prison Statistics India 2017" recently.

### **Key Findings of the Report:**

- ▶▶ Indian jails have an average occupancy rate of 115% of their capacity and continue to remain congested and overcrowded.
- ▶▶ In 16 of the 28 States covered in the report, occupancy rate was higher than 100% with States and Union Territories such as Uttar Pradesh (165%), Chhattisgarh (157.2%), Delhi (151.2%) and Sikkim (140.7%) faring the worst.
- ▶▶ While overall occupancy rates have come down from 140% in 2007 to 115% in 2017, only a few States have, in this period, gone about building more jails or increasing capacity in prisons in line with the changes in inmate population.
- ▶▶ Tamil Nadu have reduced their prison occupancy rate (to 61.3%) by increasing the number of jails and their capacity and reducing arrests for actions unless there is a cognisable offence made out. U.P. continue to have high occupancy rates because of increased inmate population despite a relative increase in prison capacity.
- ▶▶ Rajasthan and Maharashtra have not managed to augment jail capacity to fit in the increased inmate population in the past decade.
- ▶▶ It has to be noted that more than 68% of those incarcerated were undertrials, indicating that a majority were poor and were unable to execute bail bonds or provide sureties.

### **Reasons for Overcrowding in Jails:**

1. **Judicial Backlogs**-Due to 1 crore cases (2016) pending in various courts of the country, jails across the country will remain overcrowded in the absence of any effective systemic intervention.
2. **Inadequate Prison Capacity**- Most Indian prisons were built in the colonial era, are in constant need of repair and part of them are uninhabitable for long periods.
3. **Restricted access to legal Representatives**-Many inmates are unaware of their rights and cannot afford legal aid, limited ability to communicate with lawyers from within the jail premises hampers their ability to defend themselves.

4. **Problems in Acquiring Bail** – For poor and marginalized it is also difficult to get bail which leaves them no option but to stay in jails and wait for courts final order.
5. **Unnecessary Arrests:** Over 60 per cent of arrests were unnecessary and such arrests accounted for 3 per cent of jail expenditure.

#### **Key Recommendations of the Law Commission:**

- ▶▶ There were a series of recommendations made by the Law Commission of India in its 268th report and key recommendations are as follows:
  - ✓ Highlighted the inconsistencies in the bail system as one of the key reasons for overcrowding in prisons.
  - ✓ Expediting the trial process for such prisoners is the most important endeavour, but short of this there are ways to decongest prisons by granting relief to undertrials.
  - ✓ The Commission recommended that those detained for offences that come with a punishment of up to seven years of imprisonment should be released on completing one-third of that period. Those who charged with offences that attract a longer jail term, should be released after they complete half of that period.
  - ✓ For those who have spent the whole period as undertrials, the period undergone should be considered for remission.
  - ✓ It also recommended that the police should avoid needless arrests, while magistrates should refrain from mechanical remand orders.
- ▶▶ Despite the Supreme Court and other institutions regularly raising the issue of prison reforms and decongestion in jails, it is evident that the measures taken have been piecemeal in most States.
- ▶▶ **Justice Amitava Roy committee** is a ray of hope in the direction of prison reforms, but without political reforms in India's criminal justice system are impossible.

#### **About National Crime Record Bureau (NCRB):**

- ▶▶ NCRB, headquartered in New Delhi, was set-up in 1986 under the Ministry of Home Affairs to function as a repository of information on crime and criminals so as to assist the investigators in linking crime to the perpetrators.
- ▶▶ It has been created by a government resolution based on the recommendations of the National Police Commission (1977-1981) and the MHA's Task force (1985).
- ▶▶ NCRB brings out the annual comprehensive statistics of crime across the country ('Crime in India' report).