Prison Statistics India 2016 - NCRB

What is the issue?

- The Prison Statistics India 2016 report was published by the National Crime Records Bureau (NCRB) some time back.
- The lack of certain categories of information in the report calls for the NCRB to be more prompt and open in releasing data.

What are the report highlights?

- **Prison population** - The report notes that at the end of 2016, there were close to 4,33,000 people in prison.
- Of these, 68% were undertrials, or people who are yet to be found guilty of the crimes they are accused of.
- India's under-trial population remains among the highest in the world.
- More than half of all undertrials were detained for less than 6 months in 2016.
- This suggests that the high proportion of undertrials in the overall prison population may be the result of unnecessary arrests and ineffective legal aid during remand hearings.
- **Preventive detention** - Another concern is the rise in the number of people held under administrative (or 'preventive') detention laws in Jammu and Kashmir.
- There has been a 300% increase, with 431 detainees in 2016, compared to 90 in 2015.
- Administrative, or 'preventive', detention is being used by authorities to unfairly detain persons without charge or trial and circumvent regular criminal justice procedures.

- **Prisoner release** - A new and important addition to the report is the data on number of prisoners eligible to be released and actually released.
- In 2016, out of the nearly 1,500 undertrials found eligible for release under Section 436A, only 929 were released.
- [Section 436A of the Code of Criminal Procedure allows undertrials to be released on a personal bond.
- This is possible if they have undergone half of the maximum term of imprisonment they would have faced if convicted.]
- Research by Amnesty India has found that prison officials are frequently

unaware of this section and unwilling to apply it.
    - In 2017, the Law Commission of India had recommended that undertrials who have completed a third of their maximum sentence for offences attracting up to 7 years of imprisonment be released on bail.
    - The NCRB could consider including the number of such undertrials in its upcoming report for informing the policy on the use of undertrial detention.]
- **Unnatural deaths** - Unnatural deaths doubled between 2015 and 2016, from 115 to 231.
- **Mental health concerns** - About 6,000 individuals with mental illness were in jail in 2016.
- The rate of suicide among prisoners has also increased by 28%, from 77 in 2015 to 102 in 2016.
- The National Human Rights Commission in 2014 stated that on average, a person is one-and-a-half times more likely to commit suicide in prison than outside.
- This is an indicator of the magnitude of mental health concerns within prisons.
- Moreover, the report mentions that there was only one mental health professional for every 21,650 prisoners, in 2016.
- Only 6 States and one Union Territory had psychologists/psychiatrists.
- Odisha, U.P. and M.P., the 3 States with the most prisoners with mental illness, did not have a single psychologist or psychiatrist.

What are the shortcomings in the report?

- **Demographic details** - The NCRB failed to include demographic details of religion, and the Scheduled Caste and Scheduled Tribe status of prisoners.
- But these demographic details, which were consistently published for the last 20 years, are crucial to understand India's prison population.
- It had, notably, been instrumental in revealing the overrepresentation of Muslims, Dalits and Adivasis among under-trials in prisons.
- [The 2015 report noted that Muslims, Dalits and Adivasis accounted for 55% of the under-trial population.
- This was despite the fact that they made up only 50% of the convict population and 38% of the total Indian population.]
- **Prison visits** - The 2016 prison statistics do not mention the number of prison visits by official and non-official visitors.
- [The non-official visitors include district magistrates and judges, social workers and researchers.]
- The number of "unnatural" deaths in prisons underlines the relevance of prison visits.

- The details on this aspect can be used to provide some information on independent monitoring of prisons.
- This is essential to uncover torture and other forms of ill-treatment, increase transparency and balance the power asymmetry in prisons.
- **Mental health concerns** - The report does not provide information on whether the reported mentally affected prisoners were diagnosed with mental illness before entering prison.
- The resultant lack of clarity thus makes it difficult to determine whether prison conditions worsened their plight.

What lies ahead?

- This present report is different from its earlier versions on account of its omission of certain key data.
- However, despite these gaps, the report brings to light some concerns involved in India's prison system.
- The important information in the report has to be utilised, to facilitate a dialogue on improving prison policies.
- Going forward, the NCRB should also address the shortcomings and open about its prison statistics for appreciable democratic discourse in India.

Source: The Hindu

Quick Facts

NCRB

- The National Crime Records Bureau (NCRB) is an attached office of the Ministry of Home Affairs.
- It was established in 1986 with a mandate to empower Indian Police with information technology solutions and criminal intelligence.

Related News: National Crime Records Bureau Report 2017, Reflection on NCRB data, Reforming Prisons in India

SHANKAR IAS PARLIAMENT
Information is Empowering