

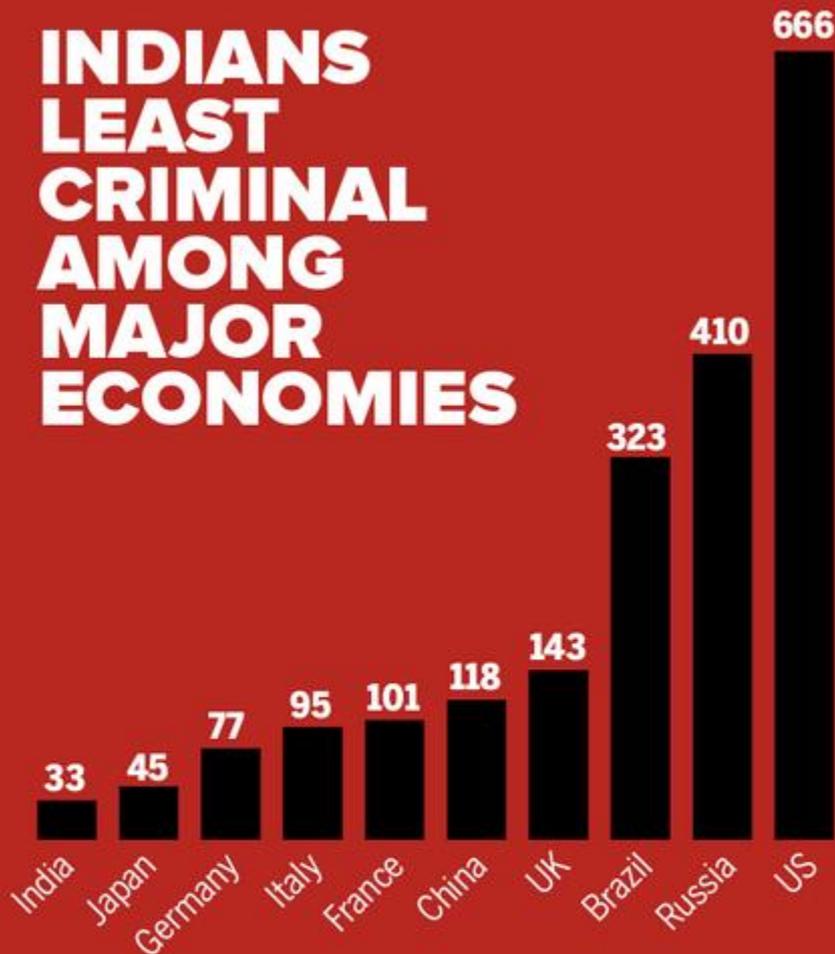
On Indian prison population

With comments by

Ashok Chowgule

18th April, 2018.

INDIANS LEAST CRIMINAL AMONG MAJOR ECONOMIES



Prison population rate (inmates per lakh of people)

Source: (World Prison Brief) Institute for Criminal Policy Research

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Indians least criminal among world's major economies: Report

<https://timesofindia.indiatimes.com/india/indians-least-criminal-among-worlds-major-economies/articleshow/63440920.cms>

MAJORITY OF INDIANS IN JAIL ARE AWAITING TRIAL



Source: Institute for Criminal Policy Research

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I think that many of those awaiting trial are those who cannot meet the conditions for getting a bail. I also think that the reason is that they are not able to get the sureties who would be responsible if the person does not make himself available for trial.

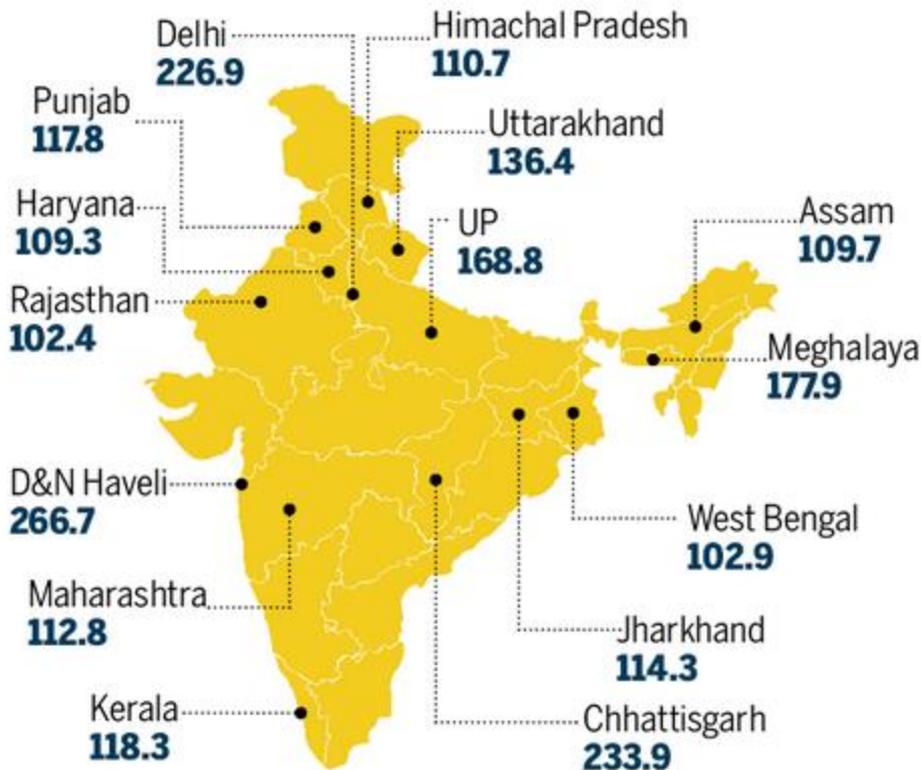
I have read that many of under-trials are in jail for a period longer than the maximum punishment that will be given if he is guilty. Meaning he will be freed on the day the trial is complete.

Of every 100 jailed inmates, 33 inmates are convicted of crimes. 67 of them are under trials. If the population of under-trials were to be 33% of the total inmate population, that would mean that the number of under trials would be reduced to 17. This would cause the total jailed population to be reduced to half of the current levels ($67-17=50$). It would free up a lot of resources and allow a number of people who have served punishments for crimes they have as yet not been convicted for to move on with their lives.

This graphic indicates a failure of justice delivery system in India.

INDIAN PRISONS ARE SERIOUSLY OVERCROWDED

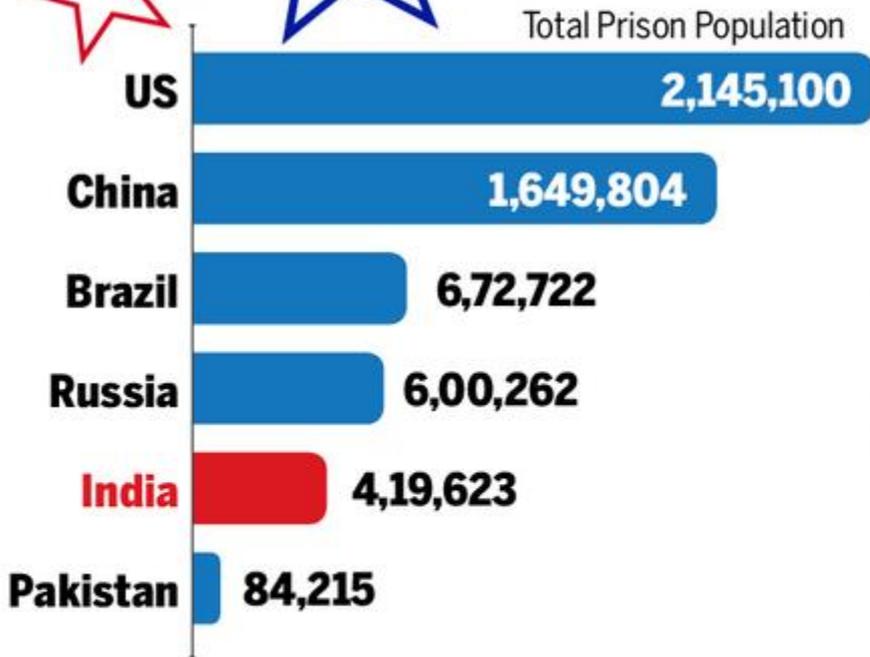
All figures in %



Source: Prison Statistics India

If the jail population reduces by half, then the overcrowding will drastically reduce. And in most cases, the jail capacity can be seriously reduced. Leading to a significant reduction in costs in this part of the government machinery.

UNITED STATES HAS THE MAXIMUM PRISONERS



Source: Institute for Criminal Policy Research

If the jail population reduces by half, the numbers that will be released by more than two lakhs. This is a significant number of people who will at least have an opportunity to lead a better life.

General comment

Sometime around 1980, H D Shourie (father of Arun Shourie), through his NGO called Common Cause, had suggested to the then Chief Justice of India, PN Bhagwati, that any under-trial who is in prison (due to an inability to post a bond) for a period longer than the maximum jail punishment that would be given to him if he is convicted should be released without any more hearings. The CJI thought this was a just thing to do. However, instead of passing a one paragraph order, he asked for data on how many such people were in prison. It should have occurred to him that even if there was one such person, justice would be served.

As happens in such cases, the bureaucrats were lethargic, and very little data came by the time the CJI retired, and the whole scheme was forgotten.

I believe that a couple of years ago, the Supreme Court has passed an order for the release. However, there is no follow up by anyone – the judges in the various courts, the bureaucrats, and, most importantly, the NGOs who claim to be working for human rights of the people. In the last category, even the people who are awake all night, and even have the audacity to wake up the justices of the Supreme Court to try and save a convicted terrorist from being hanged, are silent on the issue.

We do not need to have seminars in five-star hotels, or forming committees/commissions consisting of 'eminent' citizens to deal with the issue of judicial reforms.

- **Ripe for prison reform**
- Author: R.K. Raghavan
- Publication: The Hindu
Date: October 22, 2018
- URL: https://www.thehindu.com/opinion/op-ed/ripe-for-prison-reform/article25290500.ece?utm_source=email&utm_medium=Email&utm_campaign=Newsletter
-

- Chandrapida (@Chandrapida1) tweeted at 9:34 PM on Fri, Jan 11, 2019:
Uttar Pradesh is comparable to Brazil in terms of population roughly 21 to 22 crore. Last year 4018 murders took place in UP compared to 56000 in Brazil.
(<https://twitter.com/Chandrapida1/status/1083756617387061248?s=03>)