

Advanced P.G. Diploma in Criminal Law & Forensic Science

CRIMINAL JUSTICE INSTITUTIONS AND PROCESSES

UNIT IV: CORRECTIONAL INSTITUTIONS

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Introduction

- The management of prisons in our country is regulated by the Prisons Act, 1894 and Prison Manuals/Regulations framed by various States.
- Prisons have been included at Entry No. 4 (Prison Reformatories, Borstal Institutions and other institutions of like nature and persons detained there in;) in the State List (List II) of the Seventh Schedule to the Constitution of India.
- Thus, States have all the responsibilities/competence to bring about any change which may be needed in the current prison law to address any inadequacies in the prison management system.
- Our prison system has been under the close scrutiny of judiciary since long, prison being an institution primarily for persons remanded to judicial custody or sentenced to undergo jail sentence by the courts only.
- District and Sessions Judges and the District Magistrates have been given a responsibility to monitor the prison management very closely and to review it periodically under their jurisdiction, as the members of Board of Visitors prescribed in the Prison Manuals of States.
- Various Committees, Commissions, Working Groups have been constituted from time to time both by the State Governments and the Government of India to improve the prison conditions to the extent as are conducive to the culture of reformation and rehabilitation of prisoners.
- Over the years prison laws have also been developed by the High Courts and the Apex Court of the country while adjudicating upon various cases brought before them by the States or the affected persons and even public spirited organizations and persons, through Writ Petitions, PIL, and Appeals etc.

The major Acts and Statutes applicable to management of prisons and prisoners

1. Constitution of India
2. The Prisons Act, 1894
3. The Prisoners Act, 1900
4. The Prisoners (Attendance in Courts) Act, 1955
5. The Transfer of Prisoners Act, 1950
6. The Repatriation of Prisoners Act, 2003
7. The Identification of Prisoners Act, 1900
8. The Mental Health Act, 1987
9. The Probation of Offenders Act, 1958
10. The Juvenile Justice (Care & Protection) Act, 2000
11. The Borstal Schools Act 1925
12. The Representation of Peoples Act, 1951
13. The Code of Criminal Procedure, 1973
14. The Indian Penal code

Prisons – Types & Occupancy

Year	No. of Prisons	Actual Capacity of Prisons	No. of Prisoners at the end of the year	Occupancy Rate at the end of the year
2020	1,306	4,14,033	4,88,511	118.0%
2021	1319	4,25,609	5,54,034	130.2%
2022	1330	4,36,266	5,73,220	131.4%

Prisons – Types & Occupancy- KEY FACTS

- The 1,330 prisons in the country consist of 574 Sub Jails, 428 District Jails, 148 Central Jails, 91 Open Jails, 42 Special Jails, 34 Women Jails, 10 Borstal Schools and 3 Other than the above Jails.
- The highest number of jails was reported in Rajasthan (146) followed by TamilNadu (142), Madhya Pradesh (132), Andhra Pradesh (106), Odisha (92) and Uttar Pradesh (77). These Six (6) States together cover 52.3% of total jails in the country as on 31st December, 2022.
- Out of the total capacity 4,36,266 in 1,330 prisons in 2022, the Central Jails of the country were having the highest capacity (1,97,052) followed by the District Jails (1,68,981) and the Sub Jails (47,270). Among the other types of jails, Special Jails, Women Jails and Open Jails were having a capacity of 7,573, 7,080 and 6,043 inmates respectively as on 31st December, 2022. The highest number of inmates were lodged in District Jails (2,64,534) followed by Central Jails (2,46,155) and Sub Jails (45,679) as on 31st December, 2022.
- The number of inmates in Women Jails was 4,258.
- Out of the 5,73,220 prisoners, 5,49,351 were male prisoners, 23,772 were female prisoners (4.1%) and 97 were transgender.

Prisoners – Types & Demography

Year	No. of Convicts	No. of undertrials	No. of Detenues	No. of other inmates	Total no. of Prisoners
2020	1,12,589	3,71,848	3,590	484	4,88,511
2021	1,22,852	4,27,165	3,470	547	5,54,034
2022	1,33,415	4,34,302	4,324	1,179	5,73,220

Prisoners – Types & Demography-Key Facts

- During the year 2022, a total of 18,04,787 inmates were admitted in various jails of the country and the admission of inmates has decreased by 0.1 % over 2021 (18,06,823 inmates).
- The number of Convicts, Undertrial inmates and Detenues were reported as 1,33,415, 4,34,302 and 4,324 respectively accounting for 23.3%, 75.8% and 0.8% respectively at the end of 2022. Other prisoners accounted for 0.2% (1,179 prisoners) of total prisoners.
- **Convicted**
 - Out of total 1,33,415 convicts, the highest number of convicted prisoners were lodged in Central Jails (64.9%, 86,545 convicts) followed by District Jails (27.9%, 37,163 convicts) and Sub Jails (2.1%, 2,861 convicts) as on 31st December, 2022.
 - Among the 1,33,415 convicts, 138 were civil convicts.
- **Undertrial Prisoners**
 - Among the 4,34,302 undertrial prisoners, the highest number of undertrial prisoners was lodged in District Jails (52.1%, 2,26,386 undertrials) followed by Central Jails (35.8%, 1,55,528 undertrials) and Sub Jails (9.8%, 42,652 undertrials) as on 31st December, 2022.
 - Among the 4,34,302 undertrial prisoners, only 44 were civil inmates.

Key Facts continued.....

- **Detenues**

- Among the 4,324 detenues, the highest number of detenues were lodged in Central Jails (80.0%, 3,458 detenues) followed by District Jails (15.4%, 665 detenues) and Special Jails (2.4%, 104 detenues) as on 31st December, 2022.
- Tamil Nadu has reported the maximum number of detenues (49.2%, 2,129) in the country followed by Jammu & Kashmir (12.6%, 546) and Gujarat (7.7%, 334) at the end of 2022.

- **Women Prisoners with Children**

- There were 1,537 women prisoners with 1,764 children as on 31st December, 2022.
- Among these women prisoners, 1,312 women prisoners were undertrial prisoners who were accompanied by 1,479 children and 198 convicted prisoners who were accompanied by 230 children.

- **Age-group of the Prisoners**

- As on 31st December, 2022 the maximum number of inmates (2,56,169 inmates, 44.7%) were belonging to the age group 18-30 years followed by the age group 30-50 years (2,43,809 inmates, 42.5%). 73,236 inmates (12.8%) were belonging to the age group above 50 years.
- **c.** Only 6 inmates belonged to the age group of 16-18 years.

Key Facts continued.....

Education

- Among the 5,73,220 prisoners, literacy profile of 2,28,369 (39.8%) prisoners was below Class X, 2) 1,38,130 (24.1%) prisoners were Class X & above but below Graduation, 3) 41,432 (7.2%) prisoners were having a Degree, 4) 11,347 (2.0%) prisoners were Post Graduates and 5) 7,063 (1.2%) prisoners were Technical Degree/Diploma holders.
- A total of 1,46,879 (25.6%) prisoners were Illiterate.
- **Foreign Prisoners**
- The no. of Foreign Prisoners constituted only 1% of the total prisoners in 2020 and 2021 and 1.1% in 2022.
- Among the foreign convicts, the highest number of foreign convicts were from Bangladesh (53.5%, 632 convicts) followed by Nepal (16.9%, 200 convicts), Myanmar (7.8%, 92 convicts), Nigerians (6.4%, 76 convicts) and Pakistanis (6.3%, 74 convicts) at the end of 2022.
- Among the foreign Undertrials, the highest number of foreign undertrials were from Bangladesh (40.4%, 1,902 undertrial) followed by Nigeria (18.4%, 864 undertrial) and Nepal (12.5%, 589 undertrial) at the end of 2022.

Types of offences-Key Facts

Convicts

Among the convicts under IPC crimes (1,17,296) lodged in various jails in the country, around 86.1% of convicts have committed Offences affecting Human Body (1,00,947 inmates) and around 9.4% of convicts have committed Offences against Property (11,076 inmates) as on 31st December, 2022.

Among the convicts of Offences against Human Body, the highest number of inmates were convicted for Murder (63.2%, 63,798 convicts) followed by convicts of Rape (18.0%, 18,138 convicts) and convicts of Attempt to Murder (7.1%, 7,172 convicts) as on 31st December, 2022.

Among the convicts of Offences against Women, the highest number of inmates were convicted for Rape (76.2%, 18,138 convicts) followed by convicts of Dowry Deaths (16.6%, 3,939 convicts) as on 31st December, 2022.

Undertrials

Among the undertrial prisoners under IPC crimes (3,26,825) lodged in various jails in the country, around 63.7% (2,08,299 inmates) of undertrial prisoners have committed Offences affecting Human Body followed by prisoners of Offences against Property (28.4%, 92,917 inmates) as on 31st December, 2022.

Among the undertrial prisoners of Offences against Women, the highest number of inmates were undertrial for Rape (64.2%, 47,138 inmates) followed by undertrials for Dowry Death (21.3%, 15,657 inmates) at the end of 2022.

Types of Prisons

Central Jail (148)

- The prisoners sentenced to imprisonment for a longer period (more than 2 years) are confined in the Central Jails, which have larger capacity in comparison to other jails.
- These jails also have rehabilitation capacities.

District Jail (428)

- Prisoners sentenced from 1 month to 2 years and upwards of the District are kept in these jails.. Uttar Pradesh has the highest number of district jails (64) followed by Madhya Pradesh (41), Bihar (31) and Maharashtra(28).
- Goa, Chandigarh, DNH & Daman Diu, Delhi, Lakshadweep and Puducherry have no District Jail as on 31st December, 2022.

Sub jail (574)

- Sub jails are smaller institutions situated at a sub-divisional level in the States. The authorized capacity of sub jails is very less. Normally they admit prisoners sentenced up to one month and all the remand prisoners of the local courts.

Types of Prisons continued....

- **Open jail (91)**

- Open jails are minimum security prisons. Only convicted prisoners with good behavior satisfying certain norms prescribed in the prison rules are admitted in open jails. Minimum security is kept in such prisons and prisoners are engaged mostly in agricultural activities. There are open jails in some states where families are allowed to stay with prisoners. Rajasthan is pioneer in establishing open prisons with innovative thinking. Rajasthan has reported the highest number of 41 open jails followed by Maharashtra (19), Madhya Pradesh (7), Gujarat and West Bengal (4 each) and Kerala, Tamil Nadu (3 each).

- **Special Jail (42)**

- Special jail means any prison provided for the confinement of a particular class or particular classes of prisoners. Offenders may include prisoners involved in terrorist and extremists activities, inmates who have committed serious violations of prison discipline, inmates showing tendencies towards violence and aggression, habitual offenders, drug peddlers, etc.

- **Women Jail (34)**

- Women jails are special Jails that exclusively confines only female prisoners Women jails exist only in 16 States/Uts. Rajasthan (7), having highest Tamil Nadu (5), Kerala (3), Andhra Pradesh, Bihar, Gujarat, Punjab, Uttar Pradesh and Delhi (2 each). Karnataka, Maharashtra, Mizoram, Odisha, Telangana, Tripura and West Bengal have one women jail each.

Types of Prisons continued....

Borstal School(10)

Borstal Schools are a type of youth detention centre and are used exclusively for the detention (imprisonment) of convicted adolescent offenders. The primary objective of Borstal Schools is to ensure care, welfare and rehabilitation of young offenders in an environment suitable for them to keep them away from contaminating atmosphere of the prison. The adolescents in conflict with law detained in Borstal Schools are provided various vocational training and education with the help of trained teachers. The emphasis is given on the education, training and moral influence conducive for their reformation and prevention of crime

Other jails (3)

Jails that do not fall into the categories discussed above, fall under the category of Other Jails. Three states - Karnataka, Kerala & Maharashtra have 1 other jail each in their jurisdiction