

Death in Prisons

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HOW ARE PRISON DEATHS CLASSIFIED?

- **Prison Deaths** are labeled as **Natural or Unnatural** by the Prison Statistics India report published by the **National Crime Records Bureau (NCRB)** every year.
- In 2021, a total of 2,116 prisoners died in judicial custody, with almost 90% of cases recorded as natural deaths.
- **Natural Deaths** account for aging and illness. Illness has been further sub-categorized into diseases **such as heart conditions, HIV, tuberculosis, and cancer**, among others.
- As the prison population swells, recorded natural deaths have increased from 1,424 in 2016 to 1,879 in 2021.
- **Unnatural Deaths are more diverse in classification, profiled as,**
- Suicide (due to hanging, poisoning, self-inflicted injury, drug overdose, electrocution, etc.)
- Death due to inmates
- Death due to assault by outside elements
- Death due to firing
- Death due to negligence or excesses
- Accidental deaths (natural calamities like earthquakes, snakebites, drowning, accidental fall, burn injury, drug/alcohol consumption, etc.)
- The **suicide rate among inmates** was found to be **more than twice** in comparison to what is recorded in the general population.

How are Deaths Investigated?

- Since 1993, the NCRB has been required to intimate a custodial death within 24 hours, followed by post-mortem reports, magisterial inquest reports or videography reports of the post-mortem.
- In cases of custodial rape and death, the **Code of Criminal Procedure** also requires compulsory judicial magisterial inquiry in place of an executive magistrate inquiry.

WHAT ARE THE EFFORTS TO TACKLE PRISON DEATH?

Judgment of Supreme Court:

- The Supreme Court in a 1996 judgment articulated the social obligation towards prisoners' health, noting that they suffer from a "double handicap":
- "First, the prisoners do not enjoy the access to medical expertise that free citizens have. Their incarceration places limitations on such access; no physician of choice, no second opinions, and few if any specialists.
- Secondly, because of the conditions of their incarceration, inmates are exposed to more health hazards than free citizens."

GOVERNMENT EFFORTS

- The **Model Prison Manual of 2016** and the **Mental Healthcare Act of 2017**, outline inmates' right to healthcare.
- This includes **adequate investment in healthcare facilities**, setting up mental health units, training officers to provide basic and emergency care, and formulating suicide prevention programmes to thwart such instances.
- In light of rising suicide cases, the **NHRC in June 2023** issued an advisory to States, highlighting that **suicides arise out of both medical and mental health issues.**
- The NHRC recommended filling positions of "Prison Welfare Officers, Probation Officers, Psychologists, and Medical Staff".

WHAT ARE THE NHRC'S RECOMMENDATIONS RELATED TO PRISON DEATHS?

Preventing Suicide Attempts:

- Regular checks and vigilance on bed sheets and blankets of inmates are advised to ensure that these items are not used in attempts to commit suicide.

Mental Health Training for Staff:

- A component of mental health **literacy should be included** in the basic training of prison staff. Periodic refresher courses are also recommended to keep staff informed and updated on **mental health-related matters**.

Regular Observation and Support:

- Regular observation of **inmates by prison staff is essential**, and assigning a prisoner 'buddy' who is trained in psychological first aid can provide critical support to those in need.

Gatekeeper Model Implementation:

- The Gatekeeper Model, devised by the **World Health Organization (WHO)**, should be adopted to strengthen mental health care in prisons.
- This involves **training carefully selected inmates to identify fellow prisoners** who may be at risk of suicide, thereby facilitating early intervention and support.

Addressing Addiction Issues:

- Measures to **tackle addiction among prisoners** should be implemented, including regular visits by mental health care professionals and de-addiction experts to provide necessary support and interventions.

Life-Skill Education and Activities:

- Inmates should be provided with **life-skill-based education and engaging activities** such as **Yoga, Sports, crafts**, drama, music, dance, and suitable spiritual and optional religious instructions.
- These activities help channelize inmates' energies positively and occupy their time constructively. Collaboration with reputable **NGOs** can be sought to facilitate this.

IMPORTANT FACTS FROM PRISON STATISTICS

Number of Prisons:

- The total number of prisons at national level has increased from 1,306 in 2020 to 1,319 in 2021, having increased by 1.0%.
- The highest number of jails was reported in Rajasthan (144) followed by Tamil Nadu (142), Madhya Pradesh (131).

Capacity:

- The actual capacity of prisons has increased from 4,14,033 in 2020 to 4,25,609 in 2021, having increased by 2.8%.
- Out of the total capacity 4,25,609 in 1,319 prisons in 2021, the Central Jails of the country were having the highest capacity (1,93,536) followed by the District Jails and the Sub Jails.

Convicted Prisoners:

- The number of convicted prisoners **has increased from 1,12,589 in 2020 to 1,22,852 in 2021**, having increased by 9.1% during the period.

- The highest number of convicted prisoners were lodged in Central Jails followed by District Jails and Sub Jails by December, 2021.

Undertrial Prisoners

- The number of undertrial prisoners has increased from 3,71,848 in 2020 to 4,27,165 in 2021 having increased by 14.9% during this period.
- Among the 4,27,165 undertrial prisoners, the highest number of undertrial prisoners was lodged in District Jails followed by Central Jails and Sub Jails as on 31st December, 2021.

Detenues:

- The number of detenues has decreased from 3,590 in 2020 to 3,470 in 2021 (as on 31st December of each year), having decreased by 3.3% during this period. b. Among the 3,470 detenues, the highest number of detenues were lodged in Central Jails followed by District Jails and Special Jails as on 31st December, 2021.