

A wooden gavel with a gold band and several wooden mallets are arranged on a dark, textured surface. In the center, a small, rectangular, light brown sign with the words "HUMAN RIGHTS" in bold, black, sans-serif capital letters is placed. The background has a torn paper effect at the top and bottom edges.

**HUMAN
RIGHTS**

Jail before Conviction

A Human Right Concern

"The remedy of bail is the solemn expression of the humaneness of the justice system."

-CJI D.Y. Chandrachud

Recently, Punjab and Haryana High Court has observed in **Harinder Singh @ Harry v. State of Punjab**, MANU/PH/2543/2022 that imprisonment of the accused before their conviction becomes a sort of punishment in view of abysmally low rate of conviction in our country.

The Court stated that except habitual offenders, commoners living simple life after arrest lose self-respect and confidence within themselves as well as State. Many times arrest entails deprivation of source of income of entire family besides forever stigma in a closely knit society like ours.

In light of the above observation of the Punjab and Haryana High Court, it is pertinent to highlight certain facts as provided by the **National Crime Research Bureau (NCRB) – Prison Statistics 2021** relating to Prisons and Under-trial Prisoners in India.

Prison Statistics – 2021 (Occupancy)

Year	No.of Prisoners	Actual Capacity of Prisons	Occupancy Rate
2019	4,81,387	4,00,934	120.1%
2020	4,88,511	4,14,033	118%
2021	5,54,034	4,25,609	130.2%

A significant increase of **13%** in the number of prisoners at the end of 2021 in comparison to mere **2.8%** increase in the actual capacity of Prisons.

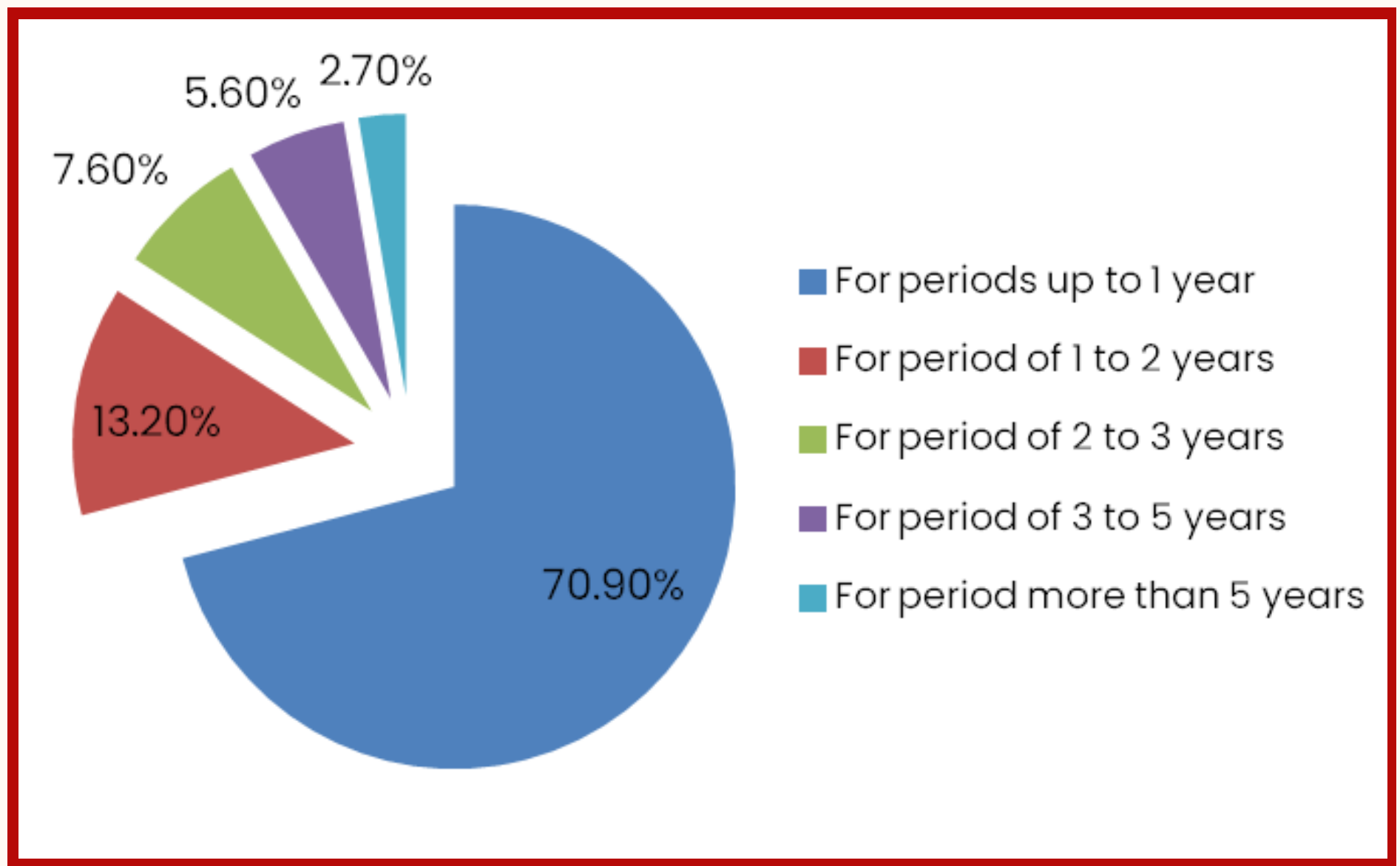
Prison Statistics – 2021 (Under-trials)

Year	No. of Convicts	No. of Under-trial Prisoners	Total no. of Prisoners
2019	1,44,567	3,32,916	4,81,387
2020	1,12,589	3,71,848	4,88,511
2021	1,22,852	4,27,165	5,54,034

- **77.1%** of the Prisoners are Under-trial and only **22.2%** are Convicts and the rest are Detenues
- **14.87%** increase in the number of Under-trial prisoners in 2021 and only **9.1%** increase in the number of convicts during that period

Prison Statistics – 2021

(Under-Trials Incarceration Period)



Among 4,27,165

under-trial prisoners at the end of 2021

- 3,02,917 (70.9%) were confined for periods up to 1 year
- 56,233 (13.2%) confined for 1 to 2 years
- 32,492 (7.6%) confined for 2 to 3 years
- 24,033 (5.6%) confined for 3 to 5 years
- 11,490 (2.7%) were confined for more than 5 years.

Prison Statistics – 2021

(Under-Trials under Special & Local Laws)

- 65.2% inmates (66,881) were under-trial under Liquor and Narcotics Drugs – Related Acts
- 14.3% inmates (14,677) were under-trial under Arms/Explosive – Related Acts
- 4.7% inmates (4,846) were under-trial under Crime Against SC/ST – Related Acts
- 15.8% inmates (16212) under other laws

Under-Trials under **SLL Crimes**

