

Two-thirds of prison inmates in India are undertrials



THE HINDU

Over 3,000 of the 2.8 lakh have been behind bars for more than five years

Two of every three persons incarcerated in India have not yet been convicted of any crime, and Muslims are over-represented among such undertrials, new official data show.

Despite repeated Supreme Court orders on the rights of undertrials, the jails are filling ever faster with them, shows Prisons Statistics for 2013 released by the National Crime Records Bureau. The number of convicts grew by 1.4 per cent from 2012 to 2013, but the number of undertrials shot up by 9.3 per cent during the period.

Men make up 96 per cent of all prison inmates. Nearly 2,000 children of women inmates live behind bars, 80 per cent of those women being undertrials.

A sharp increase in the number of undertrials charged with crimes against women contributes to the rise in the number of all undertrials. The number of those incarcerated on charges of rape rose by over 30 per cent from 2012 to 2013, and the number facing charges of molestation grew by over 50 per cent. The number of men convicted of rape rose dramatically too, by 16 per cent – the biggest increase among major sections of the Indian Penal Code.

Undertrials are younger than convicts – nearly half are under the age of 30 and over 70 per cent have not completed school. Muslims form 21 per cent of them. On the other hand, 17 per cent of those convicted are Muslims.

“These numbers definitely point to a failure of the delivery of justice, but it also appears that the system is unequally unjust,” said Harsh Mander, Director of the Centre for Equity Studies, which works on issues of access to justice in prisons. “The disproportionate presence of members of the Scheduled Castes and Scheduled Tribes and Muslims among undertrials points not simply to a technical breakdown but also to the increased vulnerability of these groups, and probably bias,” Mr. Mander told *The Hindu*.

Among the 2.8 lakh undertrials, over 3,000 have been behind bars for over five years. Between them, Uttar Pradesh and Bihar are home to 1,500 of those undertrials. Most undertrials – 60 per cent of them – have, however, been behind bars for less than six months.

While most States have a little over twice as many undertrials as convicts, Bihar has a staggering six times as many.

The NCRB numbers also provide the only insight available into the number of people on death row; at the end of 2013, 382 persons had been sentenced to death and were awaiting either legal relief or the execution of sentence.

“Excessive pre-trial detention violates undertrial prisoners’ rights to liberty and fair trial, and adversely impacts their life and livelihood,” Divya Iyer, Research Manager at Amnesty International India, said, adding that the new numbers were a “serious concern”. While a lack of effective management of information relating to prisoners, the absence of functional and effective undertrial review committees, lack of adequate legal aid, and delays in court productions of undertrials contributed to the problem, the authorities must as a first step identify and release all those prisoners who are eligible for release under law, including those who have already been in prison for over half the term they would have faced if convicted, Ms. Iyer said.

New prison statistics for 2013 released earlier this week show that undertrials are filling India’s prisons. But how does India’s prison population compare globally?



Within India, Punjab, Haryana and Delhi have far higher incarceration rates (prisoners for every 100,000 people) than other states. Bear in mind that these are for the population as a whole, but since 96 per cent of India's prison population is male, these rates are nearly double for the male population.

How does this compare globally? It puts India near the bottom, even its worst states. (The international data here is from the International Centre for Prison Studies.)

And how does India's undertrial situation look in the global context?



Among Indian states, Uttar Pradesh and Bihar stand out, housing over 85,000 undertrials between them. In most Indian states, undertrials make up over half the prison population.

Here, India's worst states are worse off than the countries at the bottom of the world's list, and India itself does worse or nearly as badly as its neighbours.

Religion v science: desperate claims

Rationalist analyses recent statements by Prime Minister Modi and the Pope

✘ Narendra Nayak If this were to be applied to two disparate individuals whose recent diatribes have shown this trait, Pope Francis and Prime Minister Narendra Modi would aptly suit the bill. As I have already mentioned, the disparities between the two individuals are quite obvious.

While the former is the anointed head of a long line of individuals who have headed a cult-worshipping man (born by a process of parthenogenesis, who came back to life after being killed and then ascended bodily to heaven), the latter is the elected representative of the largest democracy on Earth, representing more than a billion people belonging to various religions, faiths, atheists, agnostics and the like. But, that is where the similarity ends.

While Pope Francis is desperate to defend the patriarchal concept and image of god, that is of an old man (mind you, MAN) with a long beard sitting on the top of a hill with a deep bass voice hurling thunder bolts at those who dare to defy his dictates, Modi is trying to pamper the egos of a population which wants to be known as the fountain head of all that was necessary to know or to be known.

As science progressed, the concepts of origin of the Earth and life started falling apart. The Roman Catholic church tried its best to stifle dissent through inquisitions, censorship and the like. But the progress of science was so fast and widespread that it had to do things to stay relevant. While the apologies to the cock-and-bull-stories of the old and new testaments were made by claiming that these were not literal but allegorical!

India, however, is a country with a massive inferiority complex, brought on by a variety of invasions and the rule by a nation of traders with white skins (which was replaced by a party which again owes its origin to white skin, ruled again by a party headed by a daughter-in-law with her nativity of white skin).

Overthrow of this domination by Westerners led to a catharsis, headed by a person of humble origins, but essentially one of our own, heading a party which again has totally "swadeshi" origins. Having established that, it became necessary to replace the Western-dominated "education", science and everything that can be pointed out as decadent.

While science and technology cannot be wished away and most of it coming visibly and tangibly from this so-called "decadent West", how does one go about

establishing the superiority of one's own? The easy way would be to rewrite history.

One does not need a shred of evidence for that. Claims should be sufficient – well, everything from the light bulb to space travel had its origins in our subcontinent since there have been mentions of that in some mythology or the other. It could be anything from aeroplanes to test tube babies!

That reminds me of the days of Cold War when there used to be glossy well-printed text books on scientific topics from Russian publishers which would be available for a pittance in some select book shops. Every discovery or invention, which was useful to the modern world, was claimed to have been discovered or invented by a Russian a few years or decades before the event happened in the West. But, the same was not publicised either due to conspiracies hatched in the West or the negligence of the originator to publish/patent/manufacture the same.

With the end of the Cold War, these publications ceased to exist and probably history changed too, with none disputing the claims of the West. Of course, there have been some claiming that all knowledge from embryology to space science was in the Koran. But they are in fringe groups with not much credibility.

Coming back to the Catholic church, they have apologised to Galileo and agreed that Darwin could have been right. Their latest statement is that Big Bang could have happened and that god is not a magician with a wand who could bring about miraculous events.

Well, if not, what is god would be our next question to Pope Francis: colourless, odourless, tasteless, formless, omniscient, omnipotent entity who “created” everything? If so, how did this creator come into existence? Again by parthenogenesis like the figure worshiped by the religion which he preaches? If yes, what is the origin of the previous one?

Of course, one could always say, like the Chinese, that the world was being held up by an elephant standing on another one of its kind and so on. When asked what was supporting that one, the reply was, “Don't be stupid, it is elephants all the way down!”

When asked whether this statement was to announce to the world the importance of science, I remarked that science has progressed in this world with the Roman Catholic church, without it and in spite of it too!

The Roman Catholic church was one of the biggest opponents of reasoning. Even if reasoning were to be encouraged, it would be to a certain limit and that limit would be set by the ruling individual. Individuals have been trying to change these levels by raising the limits each time, but still, the limits have to be set with anathema to any self-respecting scientist. Science does not like limits, that too set by heads of cults worshipping mythical figures.

As for the prime minister's “make in India” invite, the world would like to know whether that is demonstrated by “making” our own version of history. One would

do well to remember that both are desperate individuals – one trying to hold together his crumbling empire racked by scandals, dissent and an octopus-like grip of a cabal surrounding him. The other is trying to hold up what can be called as Hindu pride, supported by a section of the population here and more so, the NRIs who are grazing in greener pastures but, would like to reminisce about the glories of our past without wanting to come back to where it all originated.

Narendra Nayak is a well-known rationalist and president of the Federation of Rationalists Association of India. He teaches biochemistry at Kasturba Medical College in Mangalore, Karnataka, India

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