TN accounted for one in three prisoners under preventive detention in India

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As of December 31, 2024, Tamil Nadu had 1,117 detenues lodged in prisons, the highest in the country by a considerable marginPhoto | Express Illustrations

CHENNAI: One in every three prisoners held in preventive detention in India was in Tamil Nadu, according to the National Crime Records Bureau's (NCRB) Prison Statistics India 2024 report. Significantly, one-third of these detenues in TN are from Scheduled Caste communities, despite SCs only accounting for a fifth of TN's population.

Preventive detention allows the state to detain a person without trial for up to 12 months on the grounds that their activities are considered prejudicial to public order.

As of December 31, 2024, Tamil Nadu had 1,117 detenues lodged in prisons, the highest in the country by a considerable margin. Out of 3,048 detenues recorded across India, TN alone accounted for 36.6% of the total, more than the combined figures of Jammu and Kashmir (660) and Maharashtra (414). Gujarat reported 249 detenues, Kerala 215 and Madhya Pradesh 92. Uttar Pradesh, despite having the country's largest prison population of 86,762 inmates, recorded only 82 detenues. Bihar, which has the second-largest prison population at 51,990, reported none.

The figures reveal TN's unusually high reliance on preventive detention laws. The trend isn't new, if data submitted by all states to the NCRB are accurate. In 2022, TN accounted for nearly half of all detenues in India, 2,129 out of 4,324.

Detenues accounted for 5.5% of TN's 20,400 prison inmates

The number fell to 1,354 in 2023 and further to 1,117 in 2024, but TN has consistently remained at the top. J&K has remained a distant second in the same period.

India's total prison population stood at 5,11,542 in 2024, including 1,36,138 convicts, 3,71,440 undertrials and 3,048 detenues. In TN, detenues accounted for 5.5% of the state's 20,400 prison inmates. In contrast, the figure was just 0.09% in UP.

Detention orders can be issued by District Collectors or Commissioners of Police based on what the law terms "subjective satisfaction". Unlike regular criminal proceedings, lawyers representing detenues cannot appear before the advisory board reviewing the detention order, leaving habeas corpus petitions before the high court as the principal legal remedy.

In TN, most preventive detentions are carried out under the Tamil Nadu Prevention of Dangerous Activities Act, 1982, better known as the Goondas Act. Originally enacted to target habitual bootleggers and slum-grabbers, the law has since expanded to include drug offenders, forest offenders, sand offenders, cyber law offenders, video pirates and sexual offenders.

A major shift came in 2014, when the state removed the "habitual offender" requirement from the law, making even first-time offenders liable for preventive detention. However, the NCRB data does not provide a category-wise breakup of detenues, making it unclear how many people were detained for under the various categories in the the Act.

"TN has been using the Goondas Act as a shortcut. The police believe normal criminal procedure, with its safeguards, may not achieve the preventive outcome they want. But this law is meant only for exceptional circumstances. It is being used for state convenience. This is administrative detention," said Akila RS, a Chennai-based advocate who has extensively studied the Act.

In 2024 alone, TN released 3,788 detenues. Of them, 3,521, or 93%, were released before completing their detention period, while only 235 served the full term. The premature release rate has steadily increased from 89.8% in 2022 and 89.3% in 2023, indicating that a growing number of detention orders are either revoked by the government or quashed by courts before expiry.

TN also accounted for nearly 40% of all detenue releases in India in 2024 and more than half of all premature releases nationally. Despite the lower year-end detenue count, the state has consistently released more than 3,300 detenues annually, suggesting a high yearly turnover in detention orders.

One-third of all prisoners held under preventive detention in Tamil Nadu's prisons belong to the historically oppressed Scheduled Caste communities.

According to data from the National Crime Records Bureau (NCRB), as on December 31, 2024, TN had 1,117 detenues lodged in prisons, the highest in the country. Of them, 1,074 were men and 43 were women, with 528 were aged 18-30 years.

Dalits constituted 31.2% of detenues despite only accounting for around one-fifth of the state's population. Over 65% of detenues were either illiterate (351) or had studied only up to Class 10 (379), pointing to the disproportionate impact of preventive detention on socially and economically vulnerable groups.

Lawyers and activists argue that the widening scope introduced through the 2014 amendment to Goondas Act, has increasingly brought young and first-time offenders within the ambit of the law.

Human rights activist Henri Tiphagne alleged that the law was being used excessively, including against protesting farmers. "During the Melma farmers' protest in Tiruvannamalai, Goondas Act was invoked generously. Police use it simply to keep people in jail," he said.

Tiphagne also referred to observations made by Justice N Anand Venkatesh of the Madras HC, who has remarked that preventive detention had become "a shield for shabby and defective policing".

Former TN DGP Sylendra Babu defended the use of preventive detention laws. "Preventive detention is necessary to curb rowdyism and prevent caste or communal violence, but it must be invoked only after gathering proper intelligence and evidence.

TN police have generally used these provisions effectively," he claimed. Babu described the use of the law against protesting farmers as "an exceptional case" and dismissed criticism as having "become fashionable".