

**GOVERNMENT OF INDIA
MINISTRY OF HOME AFFAIRS**

**RAJYA SABHA
UNSTARRED QUESTION NO. 2450**

TO BE ANSWERED ON THE 22ND MARCH, 2023/ CHAITRA 1, 1945 (SAKA)

UNDERTRIAL PRISONERS

2450 DR. ASHOK KUMAR MITTAL:

Will the Minister of HOME AFFAIRS be pleased to state:

(a) the number of prisoners in the central jails across the country, State-wise details thereof;

(b) the steps taken by Government to deal with the problem of overcrowding in jails;

(c) the number of undertrial prisoners, convicts, detenues, and other prisoners in jail, details thereof; and

(d) what are the steps taken by Government to improve the infrastructure of prisons in the country, details thereof?

ANSWER

**MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS
(SHRI AJAY KUMAR MISHRA)**

(a): The National Crime Records Bureau (NCRB) compiles prison statistics reported to it by the States and Union Territories and publishes the same in its annual publication “Prison Statistics India”. The latest published report is of the year 2021. State/Union Territory-wise number of prisoners lodged in the central jails of the country as on 31st December, 2021 are given in Annexure.

(b): ‘Prisons’/‘persons detained therein’ is a “State List” subject under Entry 4 of List II of the Seventh Schedule to the Constitution of India. The administration and management of prisons and persons detained therein is

the responsibility of respective State Governments, who are competent to address the issue of overcrowding in prisons. However, the Ministry of Home Affairs has also been supplementing the efforts of the State Governments in this regard by undertaking the following initiatives/steps:

(i) The Government of India had inserted Section 436A in the Code of Criminal Procedure (CrPC), which provides for release of an under-trial prisoner on bail on undergoing detention for a period extending up to one half of the maximum period of imprisonment specified for an offence under any law.

(ii) The concept of plea bargaining has been introduced by inserting a new “Chapter XXIA” on “Plea Bargaining” (Sections 265A to 265L) in the Code of Criminal Procedure, 1973, which enables pre-trial negotiation between the defendant and the prosecution.

(iii) E-prisons Software, which is a Prison Management Application integrated with Interoperable Criminal Justice System provides facility to the State Jail authorities to access the data of inmates in a quick and efficient manner and helps them in identifying the inmates whose cases are due for consideration by the Under Trial Review Committee, etc.

(iv) The State Legal Services Authorities have established Legal Service Clinics in jails, who provide free legal assistance to persons in need. These Legal Service Clinics are managed by Empanelled Legal Services Advocates and trained Para-Legal Volunteers. These clinics have been established to ensure that no prisoner remains unrepresented and legal aid and advice is provided to them. National Legal Services Authority also holds awareness camps in jails to generate awareness about the availability of free legal aid, plea bargaining, Lok Adalats and legal rights of inmates, including their right to bail.

(v) On directions of the Hon'ble Supreme Court of India, National Legal Services Authority had prepared a Standard Operating Procedure (SOP) for Under-Trial Review Committees, which has been circulated by MHA to all States/Union Territories for making best use of the same.

(vi) The Model Prison Manual 2016 circulated to all States/ Union Territories has specific chapters on "Legal Aid" and "Undertrial Prisoners", etc, which provide detailed guidelines on the facilities which may be provided to undertrial inmates, namely legal defence, interview with lawyers, application to Courts for legal aid at Government cost etc.

(vii) The Ministry of Home Affairs has issued advisories to States & Union Territories to adopt various measures to reduce overcrowding in prisons. These advisories are available on MHA's website.

(c): As on 31st December, 2021, there were 4,27,165 undertrial prisoners; 1,22,852 convicts; 3470 detenues and 547 other prisoners lodged in the jails of the country.

(d): Administration and management of prisons and persons detained therein is the responsibility of respective State Governments who are competent to take appropriate measures for improving the infrastructure of prisons as per local need and requirement for the same.

**State/UT-wise number of prisoners lodged in central jails of
the country as on 31st December, 2021**

Sl. No	State/UT	Prison Inmates
1	ANDHRA PRADESH	4978
2	ARUNACHAL PRADESH	0
3	ASSAM	3816
4	BIHAR	23786
5	CHHATTISGARH	12706
6	GOA	551
7	GUJARAT	9471
8	HARYANA	4237
9	HIMACHAL PRADESH	1051
10	JHARKHAND	11710
11	KARNATAKA	10167
12	KERALA	2348
13	MADHYA PRADESH	25357
14	MAHARASHTRA	26243
15	MANIPUR	611
16	MEGHALAYA	0
17	MIZORAM	544
18	NAGALAND	154
19	ODISHA	4183
20	PUNJAB	20491
21	RAJASTHAN	9964
22	SIKKIM	309
23	TAMIL NADU	12901
24	TELANGANA	3716
25	TRIPURA	490
26	UTTAR PRADESH	15030
27	UTTARAKHAND	612
28	WEST BENGAL	13245
29	A & N ISLANDS	0
30	CHANDIGARH	897
31	D N H & DAMAN DIU	0
32	DELHI	17736
33	JAMMU & KASHMIR	1704
34	LADAKH	0
35	LAKSHADWEEP	0
36	PUDUCHERRY	303
	TOTAL	239311