

**GOVERNMENT OF INDIA  
MINISTRY OF HOME AFFAIRS**

**RAJYA SABHA  
UNSTARRED QUESTION NO. 1651**

**TO BE ANSWERED ON THE 15<sup>TH</sup> MARCH, 2023/ PHALGUNA 24, 1944 (SAKA)**

**STATUS OF PRISONS IN THE COUNTRY**

**1651. SHRI PARIMAL NATHWANI:**

**Will the Minister of HOME AFFAIRS be pleased to state:**

**(a) whether it is a fact that majority of the prisons in the country are overcrowded;**

**(b) the State-wise capacity of the prisons in the country along with the number of inmates therein currently; and**

**(c) what steps are taken/being taken by Government to solve the problem?**

**ANSWER**

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

**(a) and (b): The National Crime Records Bureau (NCRB) compiles prison statistics reported to it by the States and Union Territories (UTs) and publishes the same in its annual publication "Prison Statistics India". The latest published report is of the year 2021. State/UT-wise details of the available capacity of prisons and inmate population in jails of the country as on 31<sup>st</sup> December, 2021 are given in Annexure.**

**(c): 'Prisons'/'persons detained therein' is a "State List" subject under Entry 4 of List II of the Seventh Schedule to the Constitution of India. Administration and management of prisons is therefore the responsibility of respective State Governments. However, the Ministry of Home Affairs has taken the following steps to address the issue of overcrowding in prisons:**

**(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. The concept of plea bargaining has also 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.**

**(ii) 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.**

**(iii) 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 (NALSA) 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.**

**(iv) On directions of the Hon'ble Supreme Court of India, NALSA had prepared a Standard Operating Procedure (SOP) for Under-Trial Review Committees, which has been circulated by MHA to all States/UTs for making best use of the same.**

**(v) The Model Prison Manual 2016 circulated to all States/UTs 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.**

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

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**State/UT-wise details of the available capacity of prisons and inmate population in the country on 31<sup>st</sup> December, 2021**

<b>Sl. No</b>	<b>State/UT</b>	<b>Available Capacity</b>	<b>Inmate Population</b>
1	ANDHRA PRADESH	8761	7950
2	ARUNACHAL PRADESH	333	251
3	ASSAM	8938	10079
4	BIHAR	47750	66879
5	CHHATTISGARH	13500	20061
6	GOA	624	551
7	GUJARAT	13999	16597
8	HARYANA	19999	24158
9	HIMACHAL PRADESH	2417	2876
10	JHARKHAND	17501	21257
11	KARNATAKA	15385	15473
12	KERALA	7920	7111
13	MADHYA PRADESH	29571	48513
14	MAHARASHTRA	24772	36853
15	MANIPUR	1272	611
16	MEGHALAYA	680	1089
17	MIZORAM	1420	1116
18	NAGALAND	1450	500
19	ODISHA	20987	20804
20	PUNJAB	26556	26146
21	RAJASTHAN	22897	22938
22	SIKKIM	260	434
23	TAMIL NADU	23592	18015
24	TELANGANA	7997	7316
25	TRIPURA	2204	1033
26	UTTAR PRADESH	63751	117789
27	UTTARAKHAND	3741	6921
28	WEST BENGAL	21476	25769
29	A & N ISLANDS	319	267
30	CHANDIGARH	1120	897
31	D N H & DAMAN DIU	170	185
32	DELHI	10026	18295
33	JAMMU & KASHMIR	3586	4970
34	LADAKH	155	20
35	LAKSHADWEEP	64	5
36	PUDUCHERRY	416	305
	<b>TOTAL</b>	<b>425609</b>	<b>554034</b>