

**GOVERNMENT OF INDIA
MINISTRY OF HOME AFFAIRS**

**RAJYA SABHA
UNSTARRED QUESTION NO. 1659**

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

RISING PROPORTION OF UNDERTRIALS AMONG PRISONERS

1659. SHRI JOSE K. MANI:

Will the Minister of HOME AFFAIRS be pleased to state:

(a) whether Government has the data regarding the number of prisoners lodged in various prisons across the country;

(b) if so, the State-wise details thereof;

(c) whether Government has the details regarding the share of undertrials among Indian prisoners across the country;

(d) if so, the State-wise details thereof;

(e) whether Government has any plans/proposals to reduce the proportion of undertrials among Indian prisoners across the country by taking into account Supreme Court directions in this regard; and

(f) if so, the details of the action taken in this regard?

ANSWER

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

(a) to (d): 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 number of prison inmates and Indian undertrial prison inmates lodged in the jails of the country as on 31st December, 2021 are given in Annexure.

(e) and (f): ‘Prisons’/‘persons detained therein’ is a “State List” subject under Entry 4 of List II of the Seventh Schedule to the Constitution of India. Therefore, it is primarily the responsibility of respective State Governments/UTs to take appropriate steps for addressing the issue of undertrial prisoners in their respective jurisdictions. However, the Ministry of Home Affairs (MHA) has also been taking various initiatives from time to time to supplement the efforts of the States/UTs in this regard. MHA has issued several advisories to the States/UTs on the subject matter. 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.

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 that 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. 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.

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. 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.

State/UT-wise number of prison inmates and Indian undertrial prison inmates lodged in the jails of the country as on 31st December, 2021

Sl. No	State/UT	Prison Inmates	Indian undertrial prison inmates
1	ANDHRA PRADESH	7950	5818
2	ARUNACHAL PRADESH	251	121
3	ASSAM	10079	7570
4	BIHAR	66879	59455
5	CHHATTISGARH	20061	12273
6	GOA	551	420
7	GUJARAT	16597	11462
8	HARYANA	24158	18186
9	HIMACHAL PRADESH	2876	1913
10	JHARKHAND	21257	16243
11	KARNATAKA	15473	11428
12	KERALA	7111	4835
13	MADHYA PRADESH	48513	29076
14	MAHARASHTRA	36853	31250
15	MANIPUR	611	459
16	MEGHALAYA	1089	819
17	MIZORAM	1116	629
18	NAGALAND	500	326
19	ODISHA	20804	18160
20	PUNJAB	26146	19400
21	RAJASTHAN	22938	17924
22	SIKKIM	434	302
23	TAMIL NADU	18015	11581
24	TELANGANA	7316	4753
25	TRIPURA	1033	559
26	UTTAR PRADESH	117789	90274
27	UTTARAKHAND	6921	4617
28	WEST BENGAL	25769	21398
29	A & N ISLANDS	267	89
30	CHANDIGARH	897	710
31	D N H & DAMAN DIU	185	177
32	DELHI	18295	16076
33	JAMMU & KASHMIR	4970	4492
34	LADAKH	20	13
35	LAKSHADWEEP	5	5
36	PUDUCHERRY	305	202
	TOTAL	554034	423015