

**GOVERNMENT OF INDIA
MINISTRY OF HOME AFFAIRS**

**RAJYA SABHA
UNSTARRED QUESTION NO. 1039**

**TO BE ANSWERED ON THE 4TH DECEMBER, 2024/ AGRAHAYANA 13, 1946
(SAKA)**

UNDERTRIALS AMONG INDIAN PRISONERS

1039 SHRI JOSE K. MANI:

Will the Minister of HOME AFFAIRS be pleased to state:

(a) whether Government is having the data regarding the number of prisoners lodged in various jails across the country;

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

(c) whether Government has got 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 plan/proposal to reduce the proportion of undertrials among 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 BANDI SANJAY KUMAR)**

(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 2022. State/UT-wise details of the total number of prisoners and undertrial prisoners lodged in the jails of the country as on 31stDecember, 2022 are given in the Annexure.

(e) and (f): 'Prisons'/'persons detained therein' is a "State List" subject under List II of the Seventh Schedule to the Constitution of India. The administration and management of prisoners is, therefore, the responsibility of respective State Governments. However, the Ministry of Home Affairs has taken the following steps to address the issue of undertrial prisoners:

(i) The Code of Criminal Procedure (CrPC) has been replaced by the Bharatiya Nagarik Suraksha Sanhita, 2023 which has come into force with effect from 1st July 2024. Section 479 (1) of the BNSS provides that 'Where a person has, during the period of investigation, inquiry or trial under this Sanhita of an offence under any law (not being an offence for which the punishment of death or life imprisonment has been specified as one of the punishments under that law) undergone detention for a period extending up to one-half of the maximum period of imprisonment specified for that offence under that law, he shall be released by the Court on bail.'

The Proviso under Section 479 (1) of the BNSS provides further relief to first time offenders/undertrial prisoners and provides that where such

person is a first-time offender (who has never been convicted of any offence in the past) he shall be released on bond by the Court, if he has undergone detention for the period extending up to one-third of the maximum period of imprisonment specified for such offence under that law.

(ii) Chapter XXIII of the Bharatiya Nagarik Suraksha Sanhita, 2023 enables pre-trial negotiation between the defendant and the prosecution. This is a means by which the defendant can receive a lighter sentence and is cost effective, saves time of both defendant and the Court and the case gets quickly disposed of.

(iii) The National E-prisons portal 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.

(iv) The State Legal Services Authorities have established Legal Service Clinics in jails, who provide free legal assistance to persons in need. 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.

(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 also issues various advisories to States & UTs from time to time for adopting measures to address the issue of undertrial prisoners. These advisories are available on MHA’s website.

State/UT-wise total number of prisoners and undertrial prisoners lodged in the jails of the country as on 31.12.2022

S. No.	State/UT	Total number of prisoners	Number of Undertrial prisoners
1	Andhra Pradesh	7254	5123
2	Arunachal Pradesh	335	184
3	Assam	11592	8608
4	Bihar	64914	57537
5	Chhattisgarh	20451	12820
6	Goa	681	572
7	Gujarat	16611	11129
8	Haryana	25471	19279
9	Himachal Pradesh	2881	1926
10	Jharkhand	19615	14786
11	Karnataka	16203	12605
12	Kerala	8883	5610
13	Madhya Pradesh	48857	26877
14	Maharashtra	41070	32883
15	Manipur	855	592
16	Meghalaya	1137	829
17	Mizoram	1580	1049
18	Nagaland	469	302
19	Odisha	18962	16058
20	Punjab	30801	24198
21	Rajasthan	24659	19233
22	Sikkim	387	268
23	Tamil Nadu	18806	11564
24	Telangana	6497	4221
25	Tripura	1194	735
26	Uttar Pradesh	121609	94131
27	Uttarakhand	6858	4722
28	West Bengal	28789	23706
29	A & N Islands	258	173
30	Chandigarh	1195	832
31	DNH & Daman Diu	176	162
32	Delhi	18497	16759
33	Jammu & Kashmir	5314	4587
34	Ladakh	30	26
35	Lakshadweep	6	6
36	Puducherry	323	210
	Total	573220	434302
