

**GOVERNMENT OF INDIA  
MINISTRY OF HOME AFFAIRS**

**RAJYA SABHA  
UNSTARRED QUESTION NO. 2006**

**TO BE ANSWERED ON THE 6<sup>TH</sup> AUGUST, 2025/ SRAVANA 15, 1947 (SAKA)**

**PRISON OVERCROWDING**

**2006        SHRI KAPIL SIBAL:**

**Will the Minister of Home Affairs be pleased to state:**

- (a) the measures Government is implementing to address prison Overcrowding and the progress made since 2024;**
- (b) the details of prison overcrowding across States as of year 2025;**
- (c) what prison reform initiatives has the Ministry launched since 2024; and**
- (d) how will the Ministry monitor progress on prison overcrowding in 2025-2026?**

**ANSWER**

**MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS  
(SHRI BANDI SANJAY KUMAR)**

**(a): "Prisons"/"persons detained therein" is a "State-list" subject as per Entry 4 of List II of the Seventh Schedule of the Constitution of India. The administration and management of prisons and prisoners, including addressing the issue of overcrowding in prisons, is, therefore, the responsibility of respective State Governments. However, the Ministry of Home Affairs has taken several steps from time to time to address the issue of overcrowding in prisons of States:**

- (i) Section 479 (1) of the Bharatiya Nagarik Suraksha Sanhita (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 State Legal Services Authorities have established Legal Service Clinics in jails to provide free legal assistance to individuals in need. These clinics aim to ensure that no prisoner remains unrepresented and that legal aid and advice are readily available to them. Additionally, the National Legal Services Authority (NALSA) conducts awareness camps in jails to**

**generate awareness about the availability of free legal aid, plea bargaining, Lok Adalats, and the legal rights of inmates, including their right to bail.**

**(iv) 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 Ministry of Home Affairs has issued advisories to States/UTs from time to time bringing the above points to their notice and have requested them to adopt these measures for addressing the issue of undertrials/overcrowding in prisons. These advisories are available on MHA’s website.**

**(b):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 2022.As on 31.12.2022, the total available capacity of all prisons in the country was 4,36,266 as against which 5,73,220 prisoners were lodged therein.**

**(c): The Ministry of Home Affairs has undertaken various prison reform initiatives from time to time. It has been providing financial assistance to the States and UTs for schemes like strengthening the Eprisons system in jails, Support to Poor Prisoners Scheme, Modernization of Prisons Project**

**which aims at upgradation of security infrastructure in jails, such as phone jamming solutions, enhancing video conference infrastructure, equipping jails with modern search equipments, etc.**

**MHA had also prepared a 'Model Prisons and Correctional Services Act' and had forwarded it to all States and UTs for adoption in their respective jurisdictions. The Model Act is a comprehensive document, which covers all relevant aspects of prison management. The States/UTs have been advised to make use of the Model Act and adopt the guidance provided therein in their respective jurisdictions.**

**(d): Since "Prisons/persons detained therein" is a 'State-list' subject, it is the responsibility of the respective State Governments to monitor and address the issue of overcrowding in their prisons and take appropriate steps in this regard.**

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