

**GOVERNMENT OF INDIA
MINISTRY OF HOME AFFAIRS**

**LOK SABHA
UNSTARRED QUESTION NO. 2399**

TO BE ANSWERED ON THE 02ND JANUARY, 2018/ PAUSHA 12, 1939 (SAKA)

UNDERTRIALS IN PRISONS

2399. SHRI VINCENT H. PALA:

Will the Minister of HOME AFFAIRS be pleased to state:

- (a) the total number of undertrials lodged in various prisons as on date, Statewise;**
- (b) whether any step is being taken for the speedy disposal of cases;**
- (c) if so, the details thereof; and**
- (d) whether any funds has been allocated for the purpose of bringing about reforms in the prison system and its functioning and if so, the details thereof?**

ANSWER

**MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS
(SHRI HANSRAJ GANGARAM AHIR)**

(a) to (c): State/UT wise details of undertrials lodged in various prisons of the country at the end of year 2016, as compiled by the National Crime Records Bureau (NCRB), are given in the Annexure.

“Prisons” is a State subject as per entry 4 of List II of the Seventh Schedule to the Constitution of India. The administration and management of prisons is primarily the responsibility of respective State Governments. However, to address the issue of undertrials in various jails of the country, the Ministry of Home Affairs has undertaken various initiatives. Through CrPC Amendment Act 2005, Section 436A was inserted in Cr PC. Under Section 436A, an undertrial has the right to seek bail on serving more than one half of the maximum possible sentence on personal bond. MHA had issued an advisory to all States and UTs to constitute Review Committees in every District and review the cases of undertrials and educate them about their rights to bail etc.

This was followed by another advisory in which the directions of the Supreme Court were shared with the States and they were requested to prepare lists of undertrial prisoners for review under Section 436-A and put in place a permanent mechanism for providing relief to undertrial prisoners. Another letter was sent to all States and UTs in March 2017 requesting them to take necessary action to review the cases of undertrial prisoners in a time bound manner. The Government of India has also introduced the concept of plea bargaining through Section 265 of CrPC that will help address the issue of undertrials. The Government of India also issued an advisory which provides for steps to be taken by the States/UTs for providing free legal aid to undertrials, setting up of Lok Adalats/ Special courts in prisons for expediting the review of cases of undertrials.

Besides the advisories issued from time to time, Model Prison Manual 2016 was also forwarded by the Ministry of Home Affairs to all States and Union Territories in May 2016. The Prison Manual has a dedicated chapter on 'Undertrial Prisoners', which provides guidance on the facilities to be provided to undertrials viz. legal defence, interview with lawyers, signing of Vakalatnama, application to Courts for legal aid at Government cost etc.

(d): 'Prisons' is a State subject. The Central Government supplements the efforts of State/UT Governments in this regard. Presently, the Ministry of Home Affairs is supporting the States/UTs in implementing the E-Prisons project that aims to introduce efficiency in prison management through digitization. An allocation of Rs. 100 Crore has been approved for the period 2017-2020 in this regard.

State/UT-wise Population of Undertrials in Jails at the end of 2016 (Provisional)

Sl. No.	State/UT	Undertrials		
		Male	Female	Total
1	ANDHRA PRADESH	4373	271	4644
2	ARUNACHAL PRADESH	132	6	138
3	ASSAM	5023	185	5208
4	BIHAR	26782	971	27753
5	CHHATTISGARH	9805	558	10363
6	GOA	258	16	274
7	GUJARAT	7527	390	7917
8	HARYANA	10057	373	10430
9	HIMACHAL PRADESH	1268	44	1312
10	JAMMU & KASHMIR	1882	77	1959
11	JHARKHAND	12138	618	12756
12	KARNATAKA	10148	356	10504
13	KERALA	4097	155	4252
14	MADHYA PRADESH	19921	697	20618
15	MAHARASHTRA	21643	1050	22693
16	MANIPUR	503	20	523
17	MEGHALAYA	731	12	743
18	MIZORAM	540	37	577
19	NAGALAND	292	4	296
20	ODISHA	11347	423	11770
21	PUNJAB	11969	652	12621
22	RAJASTHAN	14344	473	14817
23	SIKKIM	193	3	196
24	TAMIL NADU	7744	387	8131
25	TELANGANA	3717	206	3923
26	TRIPURA	351	13	364
27	UTTAR PRADESH	65767	2665	68432
28	UTTARAKHAND	2140	84	2224
29	WEST BENGAL	14780	1088	15868
	TOTAL (STATES)	269472	11834	281306
30	A & N ISLANDS	70	7	77
31	CHANDIGARH	363	26	389
32	D & N HAVELI	119	1	120
33	DAMAN & DIU	39	2	41
34	DELHI	10530	412	10942
35	LAKSHADWEEP	6	1	7
36	PUDUCHERRY	171	5	176
	TOTAL (UTs)	11298	454	11752
	TOTAL (ALL-INDIA)	280770	12288	293058

Source: Prison Statistics India