GOVERNMENT OF INDIA
MINISTRY OF HOME AFFAIRS

LOK SABHA
UNSTARRED QUESTION NO. 2775

TO BE ANSWERED ON THE 13TH MARCH, 2018 /PHALGUNA 22, 1939 (SAKA)

OCCUPANCY RATE IN JAILS

2775. SHRI A. ANWHAR RAAJHAA:

SHRI S.R. VIJAYAKUMAR:

SHRI T. RADHAKRISHNAN:

SHRI SUDHEER GUPTA:

SHRI GAJANAN KIRTIKAR:

SHRI NARANBHAI KACHHADIYA:

SHRI BIDYUT BARAN MAHATO:

SHRI ASHOK SHANKARRAO CHAVAN:

Will the Minister of HOME AFFAIRS be pleased to state:

(a) whether the Government has fixed any criteria/guidelines for minimum accommodation space per prisoner in jails and if so, the details thereof;

(b) whether the occupancy rate in jails in the country is more than the prescribed limit, if so, the details thereof and the reasons therefor;

(c) whether the attention of the Government has been drawn towards the huge number of undertrial prisoners lodged for a long time in different jails thereby leading to overcrowding;

(d) if so, the details thereof and the reasons therefor; and

(e) the steps taken/being taken by the Government to reduce overcrowding in jails?

ANSWER

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

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(a) : The Ministry of Home Affairs has prepared a Model Prison Manual 2016 and has circulated it to all States and Union Territories for their guidance and adoption. The Manual emphasizes on adoption best practices in prisons across the country along with established international instruments of prison administration. The Model Prison Manual provides for minimum accommodation space per prisoner in Sleeping Barracks as 3.71 Sq. meters and 8.92 Sq. meters of ground area in Cells.

(b): State/UT wise details of total number of jails across the country, its capacity, inmate population, and occupancy rate, as on 31.12.2016, as compiled by the National Crime Records Bureau, are given in Annexure I.

The large number of undertrials who are on trial in courts of law, is a major cause of overcrowding in prisons.

(c) to (e) : State/UT wise details of number of undertrial prisoners as on 31.12.2016, as compiled by the National Crime Records Bureau, are given in Annexure II.

'Prisons' is a State subject as per entry 4 of List II of the Seventh Schedule to the Constitution of India. Administration and management of prisons is primarily the responsibility of respective State Governments. However, the Government of India has been providing regular guidance to State Governments in prison management through various advisories issued from time to time.

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The Government of India has taken various administrative and legislatives measures for reducing overcrowding in prisons. Some of the initiatives taken are: (i) Establishment of Fast Track Courts (FTCs), (ii) Creation of additional capacity in prisons through the scheme of Modernization of Prisons, (iii) Launch of National Mission for Justice Delivery and Legal Reforms, and (iv) Insertion of a new section viz. 436A in the Criminal Procedure Code etc. The Ministry of Home Affairs has issued several advisories to States and UTs providing guidance on various measures which can be used to address the issue of overcrowding in jails. These advisories are available on the website of Ministry of Home Affairs.

Introduction of the concept of plea bargaining through Section 265 of Cr PC and insertion of a new Section viz. 436-A in Cr PC on the maximum period for which an under trial prisoner can be detained are some of the special initiatives taken by the Government of India to reduce overcrowding in jails.

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.

The National Legal Services Authority (NALSA) has also been providing free legal services to all under trial prisoners through its legal service clinics running in jails all over India. Empanelled Legal Services Advocates and trained Para-Legal Volunteers man these clinics. NALSA has advised the District Legal Services Authorities to take urgent action to ensure that bail orders in respect of under trial prisoners are passed under Section 436 A of Code of Criminal Procedure without delay. NALSA is also promoting plea bargaining for quick disposal of cases falling within the parameters spelt out in the provisions of plea bargaining given in Code of Criminal Procedure. All these measures are intended to help the States and UTs to address the issue of overcrowding in prisons.

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Annexure-I

Capacity, Inmate Population and Occupancy Rate in Indian Jails as on 31.12.2016 (Provisional)

Sl.	State/UT	Total No. of Jails	Available Capacity			Inmate Population			Occupancy Rate (in %)		
			Male	Female	Total	Male	Female	Total	Male	Female	Total
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)	(12)
1	ANDHRA PRADESH	112	7984	899	8883	6851	416	7267	85.8	46.3	81.8
2	ARUNACHAL PRADESH	2	188	24	212	208	6	214	110.6	25.0	100.9
3	ASSAM	31	7903	684	8587	8313	298	8611	105.2	43.6	100.3
4	BIHAR	58	36449	1360	37809	31974	1128	33102	87.7	82.9	87.6
5	CHHATTISGARH	30	9285	528	9813	17649	982	18631	190.1	186.0	189.9
6	GOA	2	1170	25	1195	418	30	448	35.7	120.0	37.5
7	GUJARAT	27	11419	973	12392	11781	657	12438	103.2	67.5	100.4
8	HARYANA	19	16596	1500	18096	16999	655	17654	102.4	43.7	97.6
9	HIMACHAL PRADESH	14	1736	144	1880	2119	73	2192	122.1	50.7	116.6
10	JAMMU & KASHMIR	14	2800	201	3001	2597	91	2688	92.8	45.3	89.6
11	JHARKHAND	29	14680	793	15473	16385	788	17173	111.6	99.4	111.0
12	KARNATAKA	102	12663	1096	13759	14268	575	14843	112.7	52.5	107.9
13	KERALA	54	5773	417	6190	6854	219	7073	118.7	52.5	114.3
14	MADHYA PRADESH	123	26027	1650	27677	36340	1309	37649	139.6	79.3	136.0
15	MAHARASHTRA	154	24484	1819	26303	30010	1428	31438	122.6	78.5	119.5
16	MANIPUR	5	1037	110	1147	602	22	624	58.1	20.0	54.4
17	MEGHALAYA	5	575	55	630	821	12	833	142.8	21.8	132.2
18	MIZORAM	7	1126	185	1311	1076	85	1161	95.6	45.9	88.6
19	NAGALAND	11	1290	160	1450	407	6	413	31.6	3.8	28.5
20	ODISHA	91	16371	1641	18012	14765	538	15303	90.2	32.8	85.0
21	PUNJAB	26	20774	1765	22539	21421	1177	22598	103.1	66.7	100.3
22	RAJASTHAN	126	18656	1223	19879	19699	664	20363	105.6	54.3	102.4
23	SIKKIM	2	206	40	246	320	4	324	155.3	10.0	131.7
24	TAMIL NADU	138	20084	2548	22632	14257	616	14873	71.0	24.2	65.7
25	TELANGANA	49	6388	677	7065	5834	385	6219	91.3	56.9	88.0
26	TRIPURA	13	2051	122	2173	894	35	929	43.6	28.7	42.8
27	UTTAR PRADESH	70	54883	3228	58111	91551	3785	95336	166.8	117.3	164.1
28	UTTARAKHAND	11	3255	123	3378	4026	174	4200	123.7	141.5	124.3
29	WEST BENGAL	59	19523	1423	20946	21247	1722	22969	108.8	121.0	109.7
	TOTAL (STATES)	**1384**	**345376**	**25413**	**370789**	**399686**	**17880**	**417566**	**115.7**	**70.4**	**112.6**
30	A & N ISLANDS	4	409	40	449	174	9	183	42.5	22.5	40.8
31	CHANDIGARH	1	1000	120	1120	722	46	768	72.2	38.3	68.6
32	D & N HAVELI	1	50	10	60	119	1	120	238.0	10.0	200.0
33	DAMAN & DIU	2	120	40	160	56	3	59	46.7	7.5	36.9
34	DELHI	12	7418	400	7818	13506	552	14058	182.1	138.0	179.8
35	LAKSHADWEEP	4	64	0	64	6	1	7	9.4	0.0	10.9
36	PUDUCHERRY	4	371	45	416	236	6	242	63.6	13.3	58.2
	TOTAL (UTs)	**28**	**9432**	**655**	**10087**	**14819**	**618**	**15437**	**157.1**	**94.4**	**153.0**
	TOTAL (ALL-INDIA)	**1412**	**354808**	**26068**	**380876**	**414505**	**18498**	**433003**	**116.8**	**71.0**	**113.7**

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Annexure-II

State/UT-wise Number of Undertrial Prisoners by Period of Detention at the end of 2016 (Provisional)

Sl. No.	State/UT	Upto 3 Months			3+ Months to 6 Months			6+ Months to 12 Months			1+ Year to 2 Years		
		M	F	T	M	F	T	M	F	T	M	F	T
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)	(12)	(13)	(14)
1	ANDHRA PRADESH	3437	240	3677	712	19	731	167	7	174	39	4	43
2	ARUNACHAL PRADESH	45	3	48	15	0	15	30	0	30	35	2	37
3	ASSAM	3100	123	3223	865	38	903	532	12	544	314	7	321
4	BIHAR	8662	363	9025	6880	274	7154	5416	164	5580	3162	86	3248
5	CHHATTISGARH	3311	183	3494	1936	101	2037	2217	124	2341	1632	100	1732
6	GOA	93	4	97	31	3	34	57	5	62	50	2	52
7	GUJARAT	2243	170	2413	1459	78	1537	1136	49	1185	1107	45	1152
8	HARYANA	4242	114	4356	2493	75	2568	1642	87	1729	1141	76	1217
9	HIMACHAL PRADESH	328	11	339	298	12	310	213	6	219	266	11	277
10	JAMMU & KASHMIR	419	22	441	189	3	192	204	6	210	305	14	319
11	JHARKHAND	3638	133	3771	2782	117	2899	1812	100	1912	1673	117	1790
12	KARNATAKA	4101	147	4248	2609	89	2698	1711	83	1794	1114	14	1128
13	KERALA	2556	106	2662	559	13	572	490	19	509	285	9	294
14	MADHYA PRADESH	7749	285	8034	4677	164	4841	3728	123	3851	2431	86	2517
15	MAHARASHTRA	6759	442	7201	4835	160	4995	5041	188	5229	1908	92	2000
16	MANIPUR	113	9	122	116	3	119	86	3	89	97	4	101
17	MEGHALAYA	257	8	265	170	2	172	116	2	118	88	0	88
18	MIZORAM	256	27	283	173	7	180	74	3	77	37	0	37
19	NAGALAND	114	1	115	64	1	65	47	0	47	48	1	49
20	ODISHA	3802	75	3877	2459	173	2632	1730	58	1788	1828	67	1895
21	PUNJAB	3230	167	3397	2771	197	2968	2404	120	2524	2070	101	2171
22	RAJASTHAN	4887	122	5009	2416	106	2522	2711	79	2790	1932	82	2014
23	SIKKIM	80	2	82	62	0	62	28	0	28	20	1	21
24	TAMIL NADU	3408	271	3679	2521	79	2600	1363	20	1383	305	7	312
25	TELANGANA	2454	98	2552	1001	54	1055	235	54	289	27	0	27
26	TRIPURA	259	8	267	44	3	47	30	0	30	17	2	19
27	UTTAR PRADESH	21094	825	21919	13126	528	13654	11465	539	12004	8997	393	9390
28	UTTARAKHAND	690	35	725	616	20	636	349	11	360	287	11	298
29	WEST BENGAL	7619	709	8328	2179	126	2305	1779	116	1895	1433	64	1497
	TOTAL (STATES)	**98946**	**4703**	**103649**	**58058**	**2445**	**60503**	**46813**	**1978**	**48791**	**32648**	**1398**	**34046**
30	A & N ISLANDS	37	2	39	7	1	8	6	0	6	6	3	9
31	CHANDIGARH	198	11	209	89	5	94	48	5	53	14	2	16
32	D & N HAVELI	102	1	103	9	0	9	3	0	3	5	0	5
33	DAMAN & DIU	7	0	7	9	1	10	6	1	7	13	0	13
34	DELHI	3584	145	3729	1783	49	1832	1773	62	1835	2192	59	2251
35	LAKSHADWEEP	5	0	5	1	1	2	0	0	0	0	0	0
36	PUDUCHERRY	132	4	136	22	0	22	10	0	10	5	1	6
	TOTAL (UTs)	**4065**	**163**	**4228**	**1920**	**57**	**1977**	**1846**	**68**	**1914**	**2235**	**65**	**2300**
	TOTAL (ALL-INDIA)	**103011**	**4866**	**107877**	**59978**	**2502**	**62480**	**48659**	**2046**	**50705**	**34883**	**1463**	**36346**

Source: Prison Statistics India

State/UT-wise Number of Undertrial Prisoners by Period of Detention at the end of 2016 (Provisional)

Sl. No.	State/UT	2+ Years to 3 Years			3+ Years to 5 Years			Above 5 Years			Total		
		M	F	T	M	F	T	M	F	T	M	F	T
(1)	(2)	(15)	(16)	(17)	(18)	(19)	(20)	(21)	(22)	(23)	(24)	(25)	(26)
1	ANDHRA PRADESH	10	1	11	5	0	5	3	0	3	4373	271	4644
2	ARUNACHAL PRADESH	5	1	6	2	0	2	0	0	0	132	6	138
3	ASSAM	109	2	111	85	2	87	18	1	19	5023	185	5208
4	BIHAR	1749	45	1794	773	36	809	140	3	143	26782	971	27753
5	CHHATTISGARH	476	34	510	197	14	211	36	2	38	9805	558	10363
6	GOA	17	2	19	10	0	10	0	0	0	258	16	274
7	GUJARAT	783	30	813	556	9	565	243	9	252	7527	390	7917
8	HARYANA	365	16	381	166	5	171	8	0	8	10057	373	10430
9	HIMACHAL PRADESH	129	3	132	31	1	32	3	0	3	1268	44	1312
10	JAMMU & KASHMIR	355	16	371	239	13	252	171	3	174	1882	77	1959
11	JHARKHAND	1110	74	1184	857	60	917	266	17	283	12138	618	12756
12	KARNATAKA	411	9	420	141	13	154	61	1	62	10148	356	10504
13	KERALA	207	8	215	0	0	0	0	0	0	4097	155	4252
14	MADHYA PRADESH	854	24	878	414	13	427	68	2	70	19921	697	20618
15	MAHARASHTRA	1600	150	1750	1221	13	1234	279	5	284	21643	1050	22693
16	MANIPUR	41	1	42	33	0	33	17	0	17	503	20	523
17	MEGHALAYA	46	0	46	41	0	41	13	0	13	731	12	743
18	MIZORAM	0	0	0	0	0	0	0	0	0	540	37	577
19	NAGALAND	13	0	13	4	1	5	2	0	2	292	4	296
20	ODISHA	863	24	887	584	24	608	81	2	83	11347	423	11770
21	PUNJAB	1118	47	1165	324	19	343	52	1	53	11969	652	12621
22	RAJASTHAN	1366	47	1413	794	32	826	238	5	243	14344	473	14817
23	SIKKIM	3	0	3	0	0	0	0	0	0	193	3	196
24	TAMIL NADU	98	3	101	47	7	54	2	0	2	7744	387	8131
25	TELANGANA	0	0	0	0	0	0	0	0	0	3717	206	3923
26	TRIPURA	0	0	0	1	0	1	0	0	0	351	13	364
27	UTTAR PRADESH	5645	208	5853	3749	137	3886	1691	35	1726	65767	2665	68432
28	UTTARAKHAND	150	7	157	42	0	42	6	0	6	2140	84	2224
29	WEST BENGAL	739	36	775	733	26	759	298	11	309	14780	1088	15868
	TOTAL (STATES)	**18262**	**788**	**19050**	**11049**	**425**	**11474**	**3696**	**97**	**3793**	**269472**	**11834**	**281306**
30	A & N ISLANDS	3	0	3	9	0	9	2	1	3	70	7	77
31	CHANDIGARH	13	3	16	0	0	0	1	0	1	363	26	389
32	D & N HAVELI	0	0	0	0	0	0	0	0	0	119	1	120
33	DAMAN & DIU	4	0	4	0	0	0	0	0	0	39	2	41
34	DELHI	776	40	816	308	42	350	114	15	129	10530	412	10942
35	LAKSHADWEEP	0	0	0	0	0	0	0	0	0	6	1	7
36	PUDUCHERRY	0	0	0	1	0	1	1	0	1	171	5	176
	TOTAL (UTs)	**796**	**43**	**839**	**318**	**42**	**360**	**118**	**16**	**134**	**11298**	**454**	**11752**
	TOTAL (ALL-INDIA)	**19058**	**831**	**19889**	**11367**	**467**	**11834**	**3814**	**113**	**3927**	**280770**	**12288**	**293058**

Source: Prison Statistics India