

**GOVERNMENT OF INDIA
MINISTRY OF HOME AFFAIRS**

**LOK SABHA
UNSTARRED QUESTION NO. 3816**

TO BE ANSWERED ON THE 16TH JULY, 2019/ ASHADHA 25, 1941 (SAKA)

UNDERTRIAL PRISONERS

**3816. SHRIMATI PRATIMA MONDAL:
SHRI PARTHIBAN S.R.:**

Will the Minister of HOME AFFAIRS be pleased to state:

(a) whether it is a fact that the number of persons lodged in the jails across the country are increasing steadily;

(b) if so, the details thereof;

(c) the details of the number of under trials and the convicted persons inside the jails of the country;

(d) whether it is a fact that a large number of under trials are languishing in the jails for more than ten years, if so, the details thereof and the reasons therefor;

(e) whether the Government has made efforts for lowering the number of under trials, if so, the details thereof and the success achieved in this regard; and

(f) if not, the reasons therefor?

ANSWER

**MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS
(SHRI G. KISHAN REDDY)**

(a) & (b): National Crime Records Bureau (NCRB) compiles prison statistics in its publication "Prison Statistics India". Published reports are available till the year 2016. A total of 4,18,536, 4,19,623 and

4,33,003 prisoners were lodged in various jails of the country as on 31st December, 2014, 2015 and 2016 respectively.

(c): As per the last published data of NCRB, 2,93,058 undertrial prisoners and 1,35,683 convicted prisoners were lodged in various jails of the country as on 31st December, 2016.

(d): NCRB publishes details of undertrial prisoners lodged in prisons for a period from 2-3 years, 3 to 5 years and above 5 years. The number of undertrial prisoners lodged in prisons for a period above 5 years was 3927 as per the last published data by NCRB in 2016.

(e) & (f): 'Prisons' and 'persons detained therein' are State subjects as per Entry 4 of List II of Seventh Schedule to the Constitution of India. Administration and management of prisons is the responsibility of State Governments. However, the Ministry of Home Affairs has issued advisories to States & UTs for steps to be taken by them for providing free legal aid to undertrials and for setting up Lok Adalats/ Special courts in prisons for expediting the review of cases of undertrials. MHA has also circulated the Model Prison Manual 2016 to all States and Union Territories, which has a chapter on 'Legal Aid' which provides for facilities which may 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) provides free legal service to all under trial prisoners through its legal service clinics running in jails all over India. NALSA had recently prepared guidelines in the form of “Standard Operating Procedure (SOP) for Under-Trial Review Committees”. The SOP has been circulated by the Ministry of Home Affairs to all States and UTs on 18.2.2019. In the year 2016, 929 undertrial prisoners were released by the States and UTs under Section 436 A of Cr.P.C.
