

**GOVERNMENT OF INDIA
MINISTRY OF HOME AFFAIRS**

**LOK SABHA
UNSTARRED QUESTION NO. 2246**

TO BE ANSWERED ON THE 14TH MARCH, 2023/ PHALGUNA 23, 1944 (SAKA)

PRISONERS IN JAILS

2246. SHRI SHYAM SINGH YADAV:

Will the Minister of HOME AFFAIRS be pleased to state:

(a) whether the Government is aware that around seventy six per cent of prisoners in jails are awaiting trial which is more than the global average of thirty-four per cent, if so, the reasons thereof along with the steps taken by the Government to reduce these numbers and fast-track procedures to ensure that the pre-trial prisoners reach the trial stage;

(b) whether the Government is aware that there is an increase in the number of arrests post-lockdown period which has led to the overcrowding of jails and is responsible for spreading of communicable diseases, if so, the details and along with the steps taken by the Government in this regard; and

(c) the number of prisoners awaiting trials belonging to the SC, ST and OBC communities in the State of Uttar Pradesh, district-wise?

ANSWER

**MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS
(SHRI AJAY KUMAR MISHRA)**

(a): 'Prisons'/'persons detained therein' is a "State List" subject under Entry 4 of List II of the Seventh Schedule to the Constitution of India.

Therefore, the responsibility to take appropriate steps for addressing the issue of undertrial prisoners in their respective jurisdictions vests with respective States/Union Territories (UTs).

However, the Ministry of Home Affairs (MHA) has also been taking various initiatives from time to time to supplement the efforts of the States/UTs in this regard. MHA has issued several advisories to the States/UTs on the subject matter. 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 Government of India had inserted Section 436A in the Code of Criminal Procedure (CrPC), which provides for release of an under-trial prisoner on bail on undergoing detention for a period extending up to one half of the maximum period of imprisonment specified for an offence under any law. The concept of plea bargaining has also been introduced by inserting a new “Chapter XXIA” on “Plea Bargaining” (Sections 265A to 265L) in the Code of Criminal Procedure, 1973, which enables pre-trial negotiation between the defendant and the prosecution. E-prisons Software, which is a Prison Management Application integrated with Interoperable Criminal Justice System, 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, etc.

The State Legal Services Authorities have established Legal Service Clinics in jails, who provide free legal assistance to persons in need. These Legal Service Clinics are managed by Empanelled Legal Services Advocates and trained Para-Legal Volunteers. 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. On directions of the Hon'ble Supreme Court of India, NALSA had prepared a Standard Operating Procedure (SOP) for Under-Trial Review Committees, which has been circulated by MHA to all States/UTs for making best use of the same.

(b): 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 2021. Specific information in this regard is not available with NCRB. The State Governments are competent to deal with the issue of overcrowding of prisons by making adequate provisions for extra barracks and additional jails for accommodating the prison inmates, as per the need and requirement of the same.

(c): As on 31st December, 2021, there were 90,606 undertrial prisoners in the State of Uttar Pradesh. Out of these, 21,942 belonged to Scheduled Caste (SC) community, 4,657 belonged to Scheduled Tribe (ST) community and 41,678 belonged to Other Backward Class (OBC). District-wise data of undertrial prisoners belonging to SC, ST and OBC community is not maintained centrally.
