

**GOVERNMENT OF INDIA  
MINISTRY OF HOME AFFAIRS**

**LOK SABHA  
UNSTARRED QUESTION NO. 1401**

**TO BE ANSWERED ON THE 12<sup>TH</sup> DECEMBER, 2023/ AGRAHAYANA 21, 1945  
(SAKA)**

**OVERCROWDING IN JAILS**

**1401. SHRI MOHANBHAI KALYANJI KUNDARIYA:**

**SHRI CHANDESHWAR PRASAD:**

**SHRI DIPSINH SHANKARSINH RATHOD:**

**SHRI PRATHAP SIMHA:**

**SHRI PRATAPRAO PATIL CHIKHLIKAR:**

**SHRI SANJAY SETH:**

**SHRI JAGDAMBIKA PAL:**

**SHRI DUSHYANT SINGH:**

**DR. UMESH G. JADHAV:**

**SHRI KRIPANATH MALLAH:**

**SHRI RAJ KUMAR CHAHAR:**

**SHRI DHARMENDRA KASHYAP:**

**SHRI ANNASAHEB SHANKAR JOLLE:**

**DR. SATYAPAL SINGH:**

**MS. LOCKET CHATTERJEE:**

**Will the Minister of HOME AFFAIRS be pleased to state:**

**(a) whether there are specific schemes/guidelines laid out for the implementation of the scheme designed to address overcrowding in Jails and support poor prisoners;**

**(b) if so, the details of guidelines for implementation and status of implementation of the said scheme;**

**(c) the key principles or criteria outlined in the guidelines to ensure effective and fair implementation of the scheme;**

**(d) the manner in which the Government plan to collaborate with relevant stakeholders, including correctional facilities and social welfare organizations in implementing the scheme;**

**(e) the progress made in terms of achieving the objectives of the scheme; and**

**(f) whether there are any challenges encountered during its implementation process?**

**ANSWER**

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

**(a) to (f): “Prisons”/ “persons detained therein” is a “State List” subject under Entry 4 of List II of the Seventh Schedule to the Constitution of India. The administration and management of prisons and prisoners is therefore the responsibility of respective State Governments and Union Territories (UTs). The initiatives taken by the Ministry of Home Affairs to address the issue of overcrowding in prisons are as follows:**

**(i) The Government of India 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.**

**(ii) The concept of plea bargaining has been introduced by inserting a “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.**

**(iii) E-prisons Software, which is a Prison Management Application integrated with Interoperable Criminal Justice System provides facility to 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.**

**(iv) The Model Prison Manual 2016 circulated to all States/ Union Territories has specific chapters on “Legal Aid” and “Under trial Prisoners”, etc, which provide detailed guidelines on the facilities which may be provided to under trial inmates, namely legal defence, interview with lawyers, application to Courts for legal aid at Government cost etc.**

**The State Legal Services Authorities have established Legal Service Clinics in jails, which 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 holds awareness generation camps in jails to generate awareness about availability of free legal aid, plea bargaining, Lok Adalats and legal rights of inmates, including their right to bail, etc.**

**The National Legal Services Authority had prepared a Standard Operating Procedure (SOP) for Under-Trial Review Committees, which has been circulated by MHA to all States/Union Territories for making best use of the same and provide relief to prisoners.**

**States/UTs have been advised to make use of the above guidelines/guidance to address the issue of overcrowding in prisons, through various advisories issued from time to time.**

**With the objective of providing financial assistance to poor prisoners, the Ministry of Home Affairs recently prepared a scheme namely "Support to Poor Prisoners", which aims at providing relief to poor prisoners, who are unable to pay the fine amount or are unable to secure bail due to financial constraints.**

**Details of the 'Guidelines and Standard Operating Procedure' to be followed by the States/UTs for implementation of the scheme have been**

shared with them and they have been advised to constitute an “Empowered Committee” in each District of the State/UT, which will assess the requirement of financial support required in each eligible case for securing bail or for payment of fine, etc. Based on the decision taken by the Empowered Committee, the District Collector/District Magistrate will draw appropriate funds made available by the Central Government and will provide financial assistance to the prisoner. Detailed “Guidelines and Standard Operating Procedure” for implementation of the Scheme are available on MHA’s website: [www.mha.gov.in](http://www.mha.gov.in). The progress of the implementation of the scheme is reviewed on a periodic basis with State/UT administrative and Prison authorities and appropriate guidance and clarification is provided to them.

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