

**GOVERNMENT OF INDIA  
MINISTRY OF HOME AFFAIRS**

**LOK SABHA  
UNSTARRED QUESTION NO. 465**

**TO BE ANSWERED ON THE 6<sup>TH</sup> FEBRUARY, 2024/ MAGHA 17, 1945 (SAKA)**

**PRISON CAPACITY**

**465. SHRI ABHISHEK BANERJEE:**

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

- (a) the maximum prison capacity of the country;**
- (b) the current population of prisons in the country; and**
- (c) the steps being taken to remedy the same?**

**ANSWER**

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

**(a) & (b): The 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 2022. As on 31.12.2022, the total available capacity of all prisons in the country was 4,36,266 as against which 5,73,220 prisoners were lodged therein.**

**(c): ‘Prisons’/‘persons detained therein’ is a “State List” subject under Entry 4 of List II of the Seventh Schedule to the Constitution of India. Administration and management of prisons is, therefore, the responsibility of respective State Governments who are competent to ensure that prisons in their jurisdictions are not overcrowded.**

**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 “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 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.**

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