

**GOVERNMENT OF INDIA
MINISTRY OF HOME AFFAIRS**

**LOK SABHA
UNSTARRED QUESTION NO. 3827**

TO BE ANSWERED ON THE 17TH MARCH, 2020/PHALGUNA 27, 1941 (SAKA)

UNDERTRIAL PRISONERS

3827. SHRI DUSHYANT SINGH:

Will the Minister of HOME AFFAIRS be pleased to state:

(a) the number of undertrial prisoners and the average number of days spent as undertrials in prison during the last three years and the current year, State-wise along with the capacity of prisons in each State;

(b) the percentage of undertrial prisoners who were acquitted by the courts later;

(c) whether the Government is aware about the massive violations of human rights of prisoners due to overcrowding, poor hygiene and sanitation facilities and physical and psychological torture in prisons;

(d) if so, the steps taken by the Government to ensure that human rights of prisoners are protected;

(e) whether the Government is aware of the Sanganer Open Prison in Rajasthan; and

(f) whether the Government would like to encourage more open prisons and if so, the details thereof?

ANSWER

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

(a): National Crime Records Bureau (NCRB) compiles prison statistics reported to it by States and Union Territories (UTs) and publishes it in its annual report "Prison Statistics India". The latest published report is of the year 2018. Details of State/UT-wise capacity of prisons, number of undertrial prisoners and their duration of confinement in prisons during the years 2016, 2017 and 2018 are given in Annexure-I to III respectively.

(b): State/UT-wise number of prisoners acquitted by Courts during the years 2016, 2017 and 2018 are given in Annexure-IV.

(c) & (d): 'Prisons' and 'persons detained therein' are 'State' subjects as per Entry 4 of List II of the Seventh Schedule to the Constitution of India. Administration and management of prisons is the responsibility of respective State Governments who are competent to take appropriate steps to safeguard the human rights of inmates, arising out of various situations. However, the Ministry of Home Affairs (MHA) has issued various advisories to States and UTs for adoption of measures to improve the condition of prisons and, inter-alia, address the issue of overcrowding, sanitation, medical assistance and physical as well as psychological well being of inmates. A Model Prison Manual, 2016 has also been circulated to all States and UTs, which provides detailed guidance to them on wide ranging issues of prison reforms like Custodial Management, Welfare of Prisoners, Medical Care and Maintenance of Prisoners etc.

(e) & (f): Yes, Sir. Presently, there are 77 open prisons in the country as on 31.12.2018. In the Model Prison Manual, 2016 circulated to all States and UTs by MHA, there is a chapter on 'Open Institutions', which provides detailed guidance on establishing Open Prisons. 'Prisons' being a 'State' subject, States and UTs are competent to set up open prisons in their jurisdictions.

LS.US.Q.NO.3827 FOR 17.03.2020**Annexure-I****State/UT-wise Capacity of Prisons, Number of Undertrial Prisoners and various durations for which they have remained in Prisons as on 31st December, 2016**

Sl.	State/UT	Capacity of Prisons	Number of Undertrial Prisoners	upto 3 months	3 to 6 months	6 to 12 months	1 to 2 Years	2 to 3 Years	3 to 5 Years	Above 5 Years
1	ANDHRA PRADESH	8883	4644	3677	731	174	43	11	5	3
2	ARUNACHAL PRADESH	212	138	48	15	30	37	6	2	0
3	ASSAM	8587	5208	3223	903	544	321	111	87	19
4	BIHAR	37809	27753	9025	7154	5580	3248	1794	809	143
5	CHHATTISGARH	9813	10363	3494	2037	2341	1732	510	211	38
6	GOA	1195	274	97	34	62	52	19	10	0
7	GUJARAT	12392	7917	2413	1537	1185	1152	813	565	252
8	HARYANA	18096	10430	4356	2568	1729	1217	381	171	8
9	HIMACHAL PRADESH	1880	1312	339	310	219	277	132	32	3
10	JAMMU & KASHMIR++	3001	1959	441	192	210	319	371	252	174
11	JHARKHAND	15473	12756	3771	2899	1912	1790	1184	917	283
12	KARNATAKA	13759	10504	4248	2698	1794	1128	420	154	62
13	KERALA	6190	4252	2662	572	509	294	215	0	0
14	MADHYA PRADESH	27677	20618	8034	4841	3851	2517	878	427	70
15	MAHARASHTRA	26303	22693	7201	4995	5229	2000	1750	1234	284
16	MANIPUR	1147	523	122	119	89	101	42	33	17
17	MEGHALAYA	630	743	265	172	118	88	46	41	13
18	MIZORAM	1311	577	283	180	77	37	0	0	0
19	NAGALAND	1450	296	115	65	47	49	13	5	2
20	ODISHA	18012	11770	3877	2632	1788	1895	887	608	83
21	PUNJAB	22539	12621	3397	2968	2524	2171	1165	343	53
22	RAJASTHAN	19879	14817	5009	2522	2790	2014	1413	826	243
23	SIKKIM	246	196	82	62	28	21	3	0	0
24	TAMIL NADU	22632	8131	3679	2600	1383	312	101	54	2
25	TELANGANA	7065	3923	2552	1055	289	27	0	0	0
26	TRIPURA	2173	364	267	47	30	19	0	1	0
27	UTTAR PRADESH	58111	68432	21919	13654	12004	9390	5853	3886	1726
28	UTTARAKHAND	3378	2224	725	636	360	298	157	42	6
29	WEST BENGAL	20946	15868	8328	2305	1895	1497	775	759	309
	TOTAL (STATES)	370789	281306	103649	60503	48791	34046	19050	11474	3793
30	A & N ISLANDS	449	77	39	8	6	9	3	9	3
31	CHANDIGARH	1120	389	209	94	53	16	16	0	1
32	D & N HAVELI @	60	120	103	9	3	5	0	0	0
33	DAMAN & DIU @	160	41	7	10	7	13	4	0	0
34	DELHI	7818	10942	3729	1832	1835	2251	816	350	129
35	LAKSHADWEEP	64	7	5	2	0	0	0	0	0
36	PUDUCHERRY	416	176	136	22	10	6	0	1	1
	TOTAL (UTs)	10087	11752	4228	1977	1914	2300	839	360	134
	TOTAL (ALL-INDIA)	380876	293058	107877	62480	50705	36346	19889	11834	3927

Source : Prison Statistics India

++ Now Union Territory of Jammu & Kashmir and Union Territory of Ladakh.

@ The Union Territories of D& N Haveli and Daman & Diu have been merged.

State/UT-wise Capacity of Prisons, Number of Undertrial Prisoners and various durations for which they have remained in Prisons as on 31st December, 2017

Sl.	State/UT	Capacity of Prisons	Total Number of Undertrial Prisoners	upto 3 months	3 to 6 months	6 to 12 months	1 to 2 Years	2 to 3 Years	3 to 5 Years	Above 5 Years
1	ANDHRA PRADESH	8786	5670	4350	996	254	44	17	7	2
2	ARUNACHAL PRADESH	233	118	39	16	21	18	15	9	0
3	ASSAM	8888	5060	3106	920	539	304	98	81	12
4	BIHAR	39913	33933	12476	8869	6489	3553	1664	761	121
5	CHHATTISGARH	12321	10850	3607	2635	2125	1789	445	225	24
6	GOA	624	253	58	55	78	53	1	0	8
7	GUJARAT	13305	8367	2447	1438	1143	1322	722	611	684
8	HARYANA	18096	11636	4756	3128	2187	1171	308	81	5
9	HIMACHAL PRADESH	1903	1183	320	151	173	302	167	67	3
10	JAMMU & KASHMIR++	2762	2181	693	225	252	306	243	234	228
11	JHARKHAND	15769	13508	4400	2998	2245	1743	1075	814	233
12	KARNATAKA	13711	10199	4044	2642	1792	1130	381	150	60
13	KERALA	6152	4842	3495	696	379	179	54	27	12
14	MADHYA PRADESH	28227	21268	8850	4630	3506	2656	1070	438	118
15	MAHARASHTRA	24745	24474	7599	4342	3572	3361	2865	2138	597
16	MANIPUR	1272	667	118	230	109	102	50	35	23
17	MEGHALAYA	650	773	337	139	112	113	36	21	15
18	MIZORAM	1619	661	348	162	88	48	15	0	0
19	NAGALAND	1450	281	134	59	39	27	15	5	2
20	ODISHA	18012	11553	4046	2694	1654	1510	863	673	113
21	PUNJAB	23218	14209	4186	3599	3060	1974	1076	296	18
22	RAJASTHAN	21879	14126	5090	2383	2089	1981	1404	900	279
23	SIKKIM	246	185	62	55	39	24	4	1	0
24	TAMIL NADU	22792	7946	2931	3111	1483	284	108	24	5
25	TELANGANA	7222	3363	2319	608	343	62	2	1	28
26	TRIPURA	2174	459	319	77	34	22	5	2	0
27	UTTAR PRADESH	58400	68762	20468	14675	11266	10092	6301	4166	1794
28	UTTARAKHAND	3378	2601	800	640	487	327	211	98	38
29	WEST BENGAL	21772	16478	6936	3326	2554	1598	994	767	303
	TOTAL (STATES)	379519	295606	108334	65499	48112	36095	20209	12632	4725
30	A & N ISLANDS	309	86	24	26	14	12	2	5	3
31	CHANDIGARH	1120	508	268	106	73	45	14	1	1
32	D & N HAVELI @	60	25	10	6	2	0	5	2	0
33	DAMAN & DIU @	60	45	30	10	5	0	0	0	0
34	DELHI	10026	12264	4462	2565	1913	1738	937	503	146
35	LAKSHADWEEP	64	2	1	1	0	0	0	0	0
36	PUDUCHERRY	416	182	144	11	22	3	1	0	1
	TOTAL (UTs)	12055	13112	4939	2725	2029	1798	959	511	151
	TOTAL (ALL-INDIA)	391574	308718	113273	68224	50141	37893	21168	13143	4876

Source : Prison Statistics India

++ Now Union Territory of Jammu & Kashmir and Union Territory of Ladakh.

@ The Union Territories of D& N Haveli and Daman & Diu have been merged.

Annexure-III

State/UT-wise Capacity of Prisons, Number of Undertrial Prisoners and various durations for which they have remained in Prisons as on 31st December, 2018

Sl.	State/UT	Capacity of Prisons	Total Number of Undertrial Prisoners	upto 3 months	3 to 6 months	6 to 12 months	1 to 2 Years	2 to 3 Years	3 to 5 Years	Above 5 Years
1	ANDHRA PRADESH	8786	4201	3080	423	447	158	83	6	4
2	ARUNACHAL PRADESH	233	118	43	29	16	11	9	10	0
3	ASSAM	8888	5079	3068	1052	535	308	65	51	0
4	BIHAR	41441	31488	11101	9052	5648	3146	1671	686	184
5	CHHATTISGARH	12063	10137	3208	2308	2196	1727	479	210	9
6	GOA	624	286	47	44	56	87	41	0	11
7	GUJARAT	13345	9962	4449	1584	1242	1153	674	533	327
8	HARYANA	18471	12176	4823	2985	2104	1656	468	133	7
9	HIMACHAL PRADESH	2178	1388	413	223	256	216	175	99	6
10	JAMMU & KASHMIR++	2660	2568	639	393	480	372	228	241	215
11	JHARKHAND	16094	15629	4893	3899	2559	1860	1093	915	410
12	KARNATAKA	13711	10109	3657	2039	1802	1364	692	428	127
13	KERALA	6806	4905	3432	782	356	212	81	35	7
14	MADHYA PRADESH	28601	23123	8691	5261	4320	3029	1203	547	72
15	MAHARASHTRA	24095	26898	7903	4736	4384	3835	3167	1994	879
16	MANIPUR	1272	816	247	208	133	122	46	39	21
17	MEGHALAYA	650	814	301	142	123	134	63	38	13
18	MIZORAM	1601	963	631	159	108	51	8	6	0
19	NAGALAND	1450	304	135	66	52	35	11	3	2
20	ODISHA	19176	12649	4273	2685	2103	1793	848	792	155
21	PUNJAB	23488	13904	3341	2802	4586	2066	788	294	27
22	RAJASTHAN	21892	14501	5390	2536	2098	2040	1294	890	253
23	SIKKIM	246	223	76	62	55	27	2	1	0
24	TAMIL NADU	22792	9235	4357	2658	1387	580	171	70	12
25	TELANGANA	7195	3194	2093	750	301	48	2	0	0
26	TRIPURA	2174	527	315	138	40	28	6	0	0
27	UTTAR PRADESH	58914	75206	22930	15482	12945	10305	6956	4707	1881
28	UTTARAKHAND	3540	3224	1041	756	594	356	321	135	21
29	WEST BENGAL#	21772	16478	6936	3326	2554	1598	994	767	303
	TOTAL (STATES)	384158	310105	111513	66580	53480	38317	21639	13630	4946
30	A & N ISLANDS	309	103	35	26	16	8	10	6	2
31	CHANDIGARH	1120	595	301	160	68	48	13	3	2
32	D & N HAVELI @	70	38	5	12	6	11	2	2	0
33	DAMAN & DIU @	60	44	15	19	10	0	0	0	0
34	DELHI	10026	12470	5024	2358	1753	1812	695	674	154
35	LAKSHADWEEP	64	1	0	0	0	1	0	0	0
36	PUDUCHERRY	416	181	119	25	16	20	0	1	0
	TOTAL (UTs)	12065	13432	5499	2600	1869	1900	720	686	158
	TOTAL (ALL-INDIA)	396223	323537	117012	69180	55349	40217	22359	14316	5104

Source : Prison Statistics India

Due to non-receipt of data from West Bengal for 2018, data for 2017 has been used.

++ Now Union Territory of Jammu & Kashmir and Union Territory of Ladakh.

@ Now both the Union Territories -D& N Haveli and Daman & Diu are merged.

LS.US.Q.NO.3827 FOR 17.03.2020**Annexure-IV****State/UT-wise number of prisoners acquitted by Courts during the Years 2016-2018**

SI	State/UT	2016	2017	2018
1	ANDHRA PRADESH	2817	2597	2103
2	ARUNACHAL PRADESH	3	0	0
3	ASSAM	1195	1071	1915
4	BIHAR	2788	3396	3328
5	CHHATTISGARH	4536	4694	4206
6	GOA	130	34	132
7	GUJARAT	1850	1469	1686
8	HARYANA	2065	1964	1571
9	HIMACHAL PRADESH	245	235	288
10	JAMMU & KASHMIR ++	208	196	186
11	JHARKHAND	2707	3313	4372
12	KARNATAKA	32776	32204	2017
13	KERALA	5102	3240	4633
14	MADHYA PRADESH	5085	4696	5565
15	MAHARASHTRA	3494	4761	4403
16	MANIPUR	18	25	0
17	MEGHALAYA	14	50	81
18	MIZORAM	106	145	102
19	NAGALAND	267	139	168
20	ODISHA	2976	2702	2321
21	PUNJAB	7492	3371	2003
22	RAJASTHAN	6465	4599	5606
23	SIKKIM	47	77	212
24	TAMIL NADU	1123	583	2301
25	TELANGANA	1231	1057	1179
26	TRIPURA	110	117	167
27	UTTAR PRADESH	4567	4634	5403
28	UTTARAKHAND	637	726	290
29	WEST BENGAL#	865	867	867
	TOTAL (STATES)	90919	82962	57105
30	A & N ISLANDS	3	0	0
31	CHANDIGARH	73	76	120
32	D & N HAVELI @	30	17	15
33	DAMAN & DIU @	4	0	1
34	DELHI	3101	2775	2099
35	LAKSHADWEEP	0	0	0
36	PUDUCHERRY	22	9	17
	TOTAL (UTs)	3233	2877	2252
	TOTAL (ALL-INDIA)	94152	85839	59357

Source : Prison Statistics India

Due to non-receipt of data from West Bengal for 2018, data for 2017 has been used.

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