

**GOVERNMENT OF INDIA  
MINISTRY OF HOME AFFAIRS**

**LOK SABHA  
UNSTARRED QUESTION NO. 2426**

**TO BE ANSWERED ON THE 9<sup>TH</sup> MARCH, 2021/ PHALGUNA 18, 1942 (SAKA)**

**UNDERTRIALS PRISONERS**

**2426. SHRI SUBBARAYAN K.:**

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

- (a) the proportion of undertrial prisoners from the Dalit community to the total number of undertrial prisoners, State-wise;**
- (b) the number of undertrials lodged in prisons for more than 5 years, 10 years and 15 years, State-wise;**
- (c) the proportion of convicted prisoners from the Dalit community to the total number of convicted prisoners; and**
- (d) whether the Government is likely to take speedy measures to release the undertrials who are in the jails for more than five years 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 2019. Category-wise details of the undertrial prisoners in the jails of States and UTs as on 31st December, 2019 are given in Annexure-I.**

**(b): State/UT wise details of undertrial prisoners lodged in prisons for more than 5 years are given in Annexure-II. Details of undertrial prisoners lodged in jails for more than 10 years and 15 years is not maintained by NCRB.**

**(c): Category-wise details of convicted prisoners in the jails of States and UTs as on 31st December, 2019 are given in Annexure-III.**

**(d): Undertrials are detained in prisons as per the order of the Courts and by following due process of law. 'Prisons' and 'persons detained therein' are State subjects under 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. However, the Ministry of Home Affairs has taken various steps to address the issues relating to undertrial prisoners. Section 436A has been inserted in the Code of Criminal Procedure, 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 (not being an offence for which the punishment of death has been specified as one of the punishments under that law). 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 easy manner and helps them in identifying inmates whose cases are due for consideration by the Under Trial Review Committee. State Legal Services Authorities have established Legal Service Clinics in Jails and have deployed Para Legal Volunteers with a view to provide free legal assistance to persons in need.**

**On directions of the Hon'ble Supreme Court of India, National Legal Services Authority (NALSA) had prepared a Standard Operating Procedure (SOP) for Under-Trial Review Committees. This SOP was also circulated by the Ministry of Home Affairs to all States and UTs on 18th February 2019. The Model Prison Manual 2016 circulated to all States and UTs also has a Chapter on 'Legal Aid' which provides the details of facilities that are to be provided to undertrials, viz. legal defence, interview with lawyer, signing of Vakaltatnama, application to Courts for legal aid at Government cost etc. The Ministry of Home Affairs has also issued various advisories to States & UTs to adopt various measures to reduce overcrowding in prisons and addressing the issue of undertrials. These advisories are available on MHA's website: <https://mha.gov.in/> .**

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Category-wise details of Undertrial Prisoners as on 31<sup>st</sup> December, 2019

Sl. No.	State/UT	SC	ST	OBC	Others	Total number of Undertrial prisoners
(1)	(2)	(3)	(4)	(5)	(6)	(7)
1	ANDHRA PRADESH	964	773	2004	1028	4769
2	ARUNACHAL PRADESH	0	44	0	62	106
3	ASSAM	1009	1421	1751	1949	6130
4	BIHAR	6843	1341	15832	7259	31275
5	CHHATTISGARH	1636	3471	3041	1681	9829
6	GOA	65	52	41	211	369
7	GUJARAT	1289	1468	4795	2247	9799
8	HARYANA	3566	177	3864	5553	13160
9	HIMACHAL PRADESH	390	66	179	790	1425
10	JAMMU & KASHMIR@	177	250	65	2583	3075
11	JHARKHAND	2316	3336	5011	2096	12759
12	KARNATAKA	2511	1136	5277	1576	10500
13	KERALA	862	231	2268	969	4330
14	MADHYA PRADESH	4885	5894	8716	4662	24157
15	MAHARASHTRA	NA	NA	NA	NA	27557
16	MANIPUR	12	208	491	47	758
17	MEGHALAYA	92	624	26	119	861
18	MIZORAM	21	1057	19	0	1097
19	NAGALAND	64	225	1	24	314
20	ODISHA	4176	3720	3249	2658	13803
21	PUNJAB	6831	172	3488	5458	15949
22	RAJASTHAN	3437	2774	6374	2793	15378
23	SIKKIM	45	57	137	16	255
24	TAMIL NADU	2466	218	6399	161	9244
25	TELANGANA	823	601	1676	1284	4384
26	TRIPURA	115	95	99	259	568
27	UTTAR PRADESH	17995	3945	31259	20219	73418
28	UTTARAKHAND	769	275	805	1524	3373
29	WEST BENGAL#	2007	878	1830	11763	16478
	<b>TOTAL (STATES)</b>	<b>65366</b>	<b>34509</b>	<b>108697</b>	<b>78991</b>	<b>315120</b>
30	A & N ISLANDS	0	5	26	101	132
31	CHANDIGARH	217	1	142	220	580
32	D & N HAVELI*	3	12	7	24	46
33	DAMAN & DIU*	7	8	10	21	46
34	DELHI	3654	216	4067	6445	14382
35	LAKSHADWEEP	0	4	0	0	4
36	PUDUCHERRY	55	1	113	8	177
	<b>TOTAL (UTs)</b>	<b>3936</b>	<b>247</b>	<b>4365</b>	<b>6819</b>	<b>15367</b>
	<b>TOTAL (ALL-INDIA)</b>	<b>69302</b>	<b>34756</b>	<b>113062</b>	<b>85810</b>	<b>330487</b>

@ Jammu & Kashmir and Ladakh are now Union Territories. This is consolidated data of both UTs- Jammu & Kashmir and Ladakh.

\* Dadra and Nagar Haveli and Daman & Diu have since been merged into one UT.

# Due to non-receipt of data from West Bengal for the year 2018 & 2019, data furnished for 2017 has been used.

NA- Data not available.

**State/UT-wise Number of Undertrial Prisoners lodged in prisons above 5 years as on 31<sup>st</sup> December, 2019**

S.No.	State/UT	Numbers
1	ANDHRA PRADESH	1
2	ARUNACHAL PRADESH	5
3	ASSAM	23
4	BIHAR	270
5	CHHATTISGARH	46
6	GOA	11
7	GUJARAT	223
8	HARYANA	16
9	HIMACHAL PRADESH	13
10	JAMMU & KASHMIR@	201
11	JHARKHAND	227
12	KARNATAKA	124
13	KERALA	14
14	MADHYA PRADESH	118
15	MAHARASHTRA	394
16	MANIPUR	17
17	MEGHALAYA	18
18	MIZORAM	0
19	NAGALAND	0
20	ODISHA	275
21	PUNJAB	22
22	RAJASTHAN	263
23	SIKKIM	0
24	TAMIL NADU	12
25	TELANGANA	2
26	TRIPURA	1
27	UTTAR PRADESH	2142
28	UTTARAKHAND	18
29	WEST BENGAL#	303
	<b>TOTAL (STATES)</b>	<b>4759</b>
30	A & N ISLANDS	0
31	CHANDIGARH	0
32	D & N HAVELI*	0
33	DAMAN & DIU*	0
34	DELHI	252
35	LAKSHADWEEP	0
36	PUDUCHERRY	0
	<b>TOTAL (UTs)</b>	<b>252</b>
	<b>TOTAL (ALL-INDIA)</b>	<b>5011</b>

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# Due to non-receipt of data from West Bengal for the year 2018 & 2019, data furnished for the year 2017 has been used.

State/UT-wise Caste of Convicts as on 31<sup>st</sup> December, 2019

Sl. No.	State/UT	SC	ST	OBC	Others	Total number of convicts
(1)	(2)	(3)	(4)	(5)	(6)	(7)
1	ANDHRA PRADESH	651	329	1286	522	2788
2	ARUNACHAL PRADESH	0	76	0	65	141
3	ASSAM	558	542	659	1337	3096
4	BIHAR	1372	273	4508	2372	8525
5	CHHATTISGARH	1485	2906	2930	941	8262
6	GOA	12	9	75	53	149
7	GUJARAT	951	813	1767	1061	4592
8	HARYANA	1537	141	1726	3832	7236
9	HIMACHAL PRADESH	172	127	116	533	948
10	JAMMU & KASHMIR@	19	10	10	170	209
11	JHARKHAND	697	1985	2275	914	5871
12	KARNATAKA	740	478	1868	911	3997
13	KERALA	537	133	1650	811	3131
14	MADHYA PRADESH	5017	5303	6492	3441	20253
15	MAHARASHTRA	2056	1335	2228	3477	9096
16	MANIPUR	5	13	80	17	115
17	MEGHALAYA	12	139	2	7	160
18	MIZORAM	16	580	1	0	597
19	NAGALAND	23	95	0	0	118
20	ODISHA	1024	1145	949	607	3725
21	PUNJAB	2786	106	1444	3836	8172
22	RAJASTHAN	1309	1177	2491	1212	6189
23	SIKKIM	13	44	70	18	145
24	TAMIL NADU	967	79	2985	192	4223
25	TELANGANA	455	257	671	705	2088
26	TRIPURA	99	156	169	106	530
27	UTTAR PRADESH	6143	852	11826	8791	27612
28	UTTARAKHAND	562	229	577	888	2256
29	WEST BENGAL#	1311	305	585	4052	6253
	<b>TOTAL (STATES)</b>	<b>30529</b>	<b>19637</b>	<b>49440</b>	<b>40871</b>	<b>140477</b>
30	A & N ISLANDS	0	1	16	95	112
31	CHANDIGARH	147	0	65	192	404
32	D & N HAVELI*	0	0	0	0	0
33	DAMAN & DIU*	2	2	5	7	16
34	DELHI	654	58	806	1526	3044
35	LAKSHADWEEP	0	0	0	0	0
36	PUDUCHERRY	10	0	62	0	72
	<b>TOTAL (UTs)</b>	<b>813</b>	<b>61</b>	<b>954</b>	<b>1820</b>	<b>3648</b>
	<b>TOTAL (ALL-INDIA)</b>	<b>31342</b>	<b>19698</b>	<b>50394</b>	<b>42691</b>	<b>144125</b>

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