

**GOVERNMENT OF INDIA  
MINISTRY OF HOME AFFAIRS**

**LOK SABHA  
UNSTARRED QUESTION NO. 3771**

**TO BE ANSWERED ON THE 21<sup>ST</sup> DECEMBER, 2021/ AGRAHAYANA 30, 1943 (SAKA)  
OVERCROWDED PRISONS**

**†3771. SHRI RAMCHARAN BOHRA:**

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

- (a) whether the Government has made any assessment to find out if the prisons in the country are overcrowded;**
- (b) if so, the details thereof alongwith the reasons therefor;**
- (c) the total capacity of prisons in the country alongwith the total number of prisoners therein, State-wise;**
- (d) the details of the total number of foreign prisoners in the country, country-wise; and**
- (e) the steps taken by the Government to ensure that the prisons of the country are not overcrowded?**

**ANSWER**

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

**(a) to (c): National Crime Records Bureau (NCRB) compiles prison statistics reported to it by States and Union Territories (UTs) and publishes the same in its annual publication "Prison Statistics India". The latest published report is of the year 2019. State/UT-wise total available capacity of prisons, total number of prisoners lodged in them and occupancy rate of prisons as on 31<sup>st</sup> December, 2019 are given in Annexure-I.**

**(d): Country-wise number of foreigner prisoners lodged in prisons across the country as on 31<sup>st</sup> December, 2019 are given in Annexure-II.**

**(e): ‘Prisons’/‘persons detained therein’ is a State subject under Entry 4 of List II of the Seventh Schedule to the Constitution of India. Administration and management of prisons is the responsibility of State Governments who are competent to ensure that prisons in their jurisdictions are not overcrowded. However, the Ministry of Home Affairs (MHA) has taken several initiatives to address the issue of overcrowding in prisons. The Government of India has 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 was also introduced by inserting a new “Chapter XXIA” on “Plea Bargaining” (Sections 265A to 265L of CrPC) 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 State Jail authorities to access the data of inmates 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 to provide free legal assistance to persons in need. The Model Prison Manual 2016, prepared and circulated to States and UTs by MHA, has a dedicated 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. MHA has also issued various advisories to the States & UTs for adopting appropriate measures to address the issue of overcrowding in prisons. These advisories are available on MHA's website at: <https://mha.gov.in> .**

\*\*\*\*\*

**Annexure-I**

**State/UT-wise total available capacity, total number of prisoners and occupancy rate as on 31st December, 2019**

<b>SI No.</b>	<b>State/UT</b>	<b>Total Capacity available</b>	<b>Total number of Prisoners</b>	<b>Occupancy Rate</b>
1	Andhra Pradesh	8789	7579	86.2
2	Arunachal Pradesh	233	247	106.0
3	Assam	8888	9226	103.8
4	Bihar	42222	39814	94.3
5	Chhattisgarh	12063	18112	150.1
6	Goa	624	518	83.0
7	Gujarat	13762	15089	109.6
8	Haryana	19306	20423	105.8
9	Himachal Pradesh	2146	2373	110.6
10	Jammu & Kashmir @	2910	3689	126.8
11	Jharkhand	16795	18654	111.1
12	Karnataka	14315	14515	101.4
13	Kerala	6841	7499	109.6
14	Madhya Pradesh	28718	44603	155.3
15	Maharashtra	24095	36798	152.7
16	Manipur	1272	876	68.9
17	Meghalaya	650	1023	157.4
18	Mizoram	1601	1698	106.1
19	Nagaland	1450	446	30.8
20	Odisha	19291	17563	91.0
21	Punjab	23488	24174	102.9
22	Rajasthan	22952	21599	94.1
23	Sikkim	260	400	153.8
24	Tamil Nadu	23392	14707	62.9
25	Telangana	7785	6717	86.3
26	Tripura	2174	1103	50.7
27	Uttar Pradesh	60340	101297	167.9
28	Uttarakhand	3540	5629	159.0
29	West Bengal #	21772	23092	106.1
30	A & N Islands	309	244	79.0
31	Chandigarh	1120	984	87.9
32	D&N Haveli *	70	46	65.7
33	Daman & Diu *	60	62	103.3
34	Delhi	10026	17534	174.9
35	Lakshadweep	64	4	6.3
36	Puducherry	416	263	63.2
	<b>Total</b>	<b>403739</b>	<b>478600</b>	<b>118.5</b>

@ Now Union Territory of Jammu and Kashmir and Union Territory of Ladakh.

\* Union Territory of D&N Haveli and Daman & Diu have been merged.

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

**Country-wise total number of foreign prisoners as on 31st December, 2019**

<b>Sl. No.</b>	<b>Nationality/Country</b>	<b>Number of Prisoners</b>
1	Africa (other than Nigeria)	150
2	Australia	4
3	Bangladesh	2513
4	Canada	1
5	China	19
6	CIS Federation	14
7	Maldives	3
8	Middle East Countries	36
9	Myanmar	301
10	Nepal	745
11	Nigeria	811
12	North American Countries (other than Canada)	8
13	Pakistan	203
14	South American Countries	30
15	South East Asian Countries	15
16	Sri Lanka	65
17	Other Foreign Nationals	232
	<b>Total Foreign Prisoners</b>	<b>5150</b>

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