

**GOVERNMENT OF INDIA
MINISTRY OF HOME AFFAIRS**

**LOK SABHA
UNSTARRED QUESTION NO. 3032**

TO BE ANSWERED ON THE 22ND MARCH, 2022/ CHAITRA 1, 1944 (SAKA)

UNDERTRIALS LODGED IN PRISONS

†3032. SHRI SANJAY SETH:

Will the Minister of HOME AFFAIRS be pleased to state:

(a) the number of undertrials lodged in prisons across the country, State-wise including Jharkhand;

(b) whether the Government is considering regarding undertrials who are lodged in the prisons for five to ten years; and

(c) the steps being taken/schemes being formulated by the Government to deliver social justice to socially backward people who are lodged in prisons?

ANSWER

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

(a): 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 2020. State/UT-wise number of undertrial prisoners in the jails of the country as on 31st December, 2020 are given in Annexure.

(b) and (c): Undertrial prisoners are detained in the prisons as per the order of the Courts by following due process of law. '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 prison inmates is the responsibility of respective State Governments, who are competent to devise and implement appropriate policies for ensuring social justice to inmates in prisons, including socially backward inmates. The Ministry of Home Affairs (MHA) has taken various initiatives to address the issue of undertrial prisoners lodged in the jails of the country. The Ministry of Home Affairs (MHA) has issued several advisories to States and UTs for adopting appropriate measures to provide legal assistance to undertrial prisoners. The Model Prison Manual 2016 circulated to all States and UTs has a Chapter on 'Legal Aid' which provides the details of facilities which may be provided to undertrial inmates, viz. legal defence, interview with lawyer, application to Courts for legal aid at Government cost etc. Section 436A has been inserted in the Code of Criminal Procedure, which provides for release of an under-trial prisoner on bail after 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). The concept of plea bargaining has also been 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 undertrial inmates in a quick manner and helps them in identifying undertrial inmates whose cases are due for consideration by the Under Trial Review Committee. 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 has been circulated by MHA to all States and UTs. State Legal Services Authorities have established Legal Service Clinics in jails for providing free legal aid to persons in need. About 1091 Legal Service Clinics have been established in jails which are operated by Empanelled Legal Services Advocates and trained Para-Legal Volunteers.

State/UT-wise number of Undertrial prisoners in the jails of the country as on 31st December, 2020

Sl.	State/UT	As on 31.12.2020
1	ANDHRA PRADESH	5001
2	ARUNACHAL PRADESH	127
3	ASSAM	6495
4	BIHAR	44187
5	CHHATTISGARH	11963
6	GOA	419
7	GUJARAT	10195
8	HARYANA	14951
9	HIMACHAL PRADESH	1574
10	JHARKHAND	17103
11	KARNATAKA	10577
12	KERALA	3569
13	MADHYA PRADESH	31712
14	MAHARASHTRA	26171
15	MANIPUR	506
16	MEGHALAYA	821
17	MIZORAM	609
18	NAGALAND	261
19	ODISHA	15619
20	PUNJAB	15643
21	RAJASTHAN	16930
22	SIKKIM	328
23	TAMIL NADU	8709
24	TELANGANA	3946
25	TRIPURA	472
26	UTTAR PRADESH	80557
27	UTTARAKHAND	3906
28	WEST BENGAL	20144
29	A & N ISLANDS	194
30	CHANDIGARH	619
31	D N H & DAMAN DIU	138
32	DELHI	14506
33	JAMMU & KASHMIR	3717
34	LADAKH	21
35	LAKSHADWEEP	2
36	PUDUCHERRY	156
	TOTAL (ALL-INDIA)	371848