

**GOVERNMENT OF INDIA
MINISTRY OF HOME AFFAIRS**

**LOK SABHA
UNSTARRED QUESTION NO. 3198**

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

UNDERTRIAL PRISONERS

3198. SHRI FEROZE VARUN GANDHI:

Will the Minister of HOME AFFAIRS be pleased to state:

(a) whether as per research published in the Indian Law Review, only 7.91% of the undertrials availed of the legal aid services for which they were entitled to and if so, the details of the undertrial prisoners, State-wise;

(b) whether the Government has assessed the reasons for the low utilisation of legal aid services by the prison population and if so, the details thereof;

(c) whether the Government has made any efforts to increase awareness of legal aid available to prisoners; and

(d) if so, the details thereof and if not, the details therefor?

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 and the number of prisoners to whom legal aid was provided during the year 2020 are given in Annexure.

(b) to (d): '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 prisoners is the responsibility of State Governments, who are competent to take appropriate steps for providing legal assistance to undertrial prisoners. State Legal Services Authorities have established Legal Service Clinics in jails for providing free legal assistance to persons in need. There are about 1091 Legal Service Clinics in jails which are operated by Empanelled Legal Services Advocates and trained Para-Legal Volunteers. Such clinics have been opened in jails to ensure that no prisoner remains unrepresented and legal aid and advice is provided to the prisoners. For easing and expediting the justice process, Video Conferencing facility has also been enabled between 3240 court complexes and 1272 corresponding jails. National Legal Services Authority (NALSA), along with other Legal Services Institutions, undertakes various awareness activities in order to make people aware of their rights and about the role, activities and functioning of the legal services institutions. This includes, conducting seminars, lectures; distribution of pamphlets, broadcasting jingles, etc.

The Ministry of Home Affairs (MHA) has also 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.

State/UT-wise number of undertrial prisoners in the jails of the country and the number of prisoners to whom legal aid was provided during the year 2020

S. No.	State/UT	Number of Undertrial Prisoners	Number of prisoners to whom legal aid provided
1	ANDHRA PRADESH	5001	916
2	ARUNACHAL PRADESH	127	21
3	ASSAM	6495	3222
4	BIHAR	44187	2338
5	CHHATTISGARH	11963	6350
6	GOA	419	41
7	GUJARAT	10195	5729
8	HARYANA	14951	1154
9	HIMACHAL PRADESH	1574	570
10	JHARKHAND	17103	4745
11	KARNATAKA	10577	3310
12	KERALA	3569	6087
13	MADHYA PRADESH	31712	4890
14	MAHARASHTRA	26171	3911
15	MANIPUR	506	0
16	MEGHALAYA	821	481
17	MIZORAM	609	695
18	NAGALAND	261	74
19	ODISHA	15619	626
20	PUNJAB	15643	2735
21	RAJASTHAN	16930	1191
22	SIKKIM	328	282
23	TAMIL NADU	8709	5337
24	TELANGANA	3946	706
25	TRIPURA	472	80
26	UTTAR PRADESH	80557	8311
27	UTTARAKHAND	3906	3389
28	WEST BENGAL	20144	5529
29	A & N ISLANDS	194	91
30	CHANDIGARH	619	145
31	DNH & DAMAN DIU	138	0
32	DELHI	14506	72728
33	JAMMU & KASHMIR	3717	118
34	LADAKH	21	2
35	LAKSHADWEEP	2	0
36	PUDUCHERRY	156	18
	TOTAL	371848	145822