

**GOVERNMENT OF INDIA
MINISTRY OF HOME AFFAIRS**

**LOK SABHA
UNSTARRED QUESTION NO. 5381**

TO BE ANSWERED ON THE 05TH APRIL, 2022/ CHAITRA 15, 1944 (SAKA)

ASSESSMENT ON PRISONS

†5381. SHRI RAMCHARAN BOHRA:

Will the Minister of HOME AFFAIRS be pleased to state:

- (a) whether the Government has made any assessment to examine that the prisons in the country are overcrowded;**
- (b) if so, the details thereof along with the reasons therefor;**
- (c) the details of the capacity of the prisons in the country along with the total number of the prisoners therein, State-wise;**
- (d) the details of the international prisoners in the country, country-wise; and**
- (e) the steps taken by the Government to ensure that the prisons in the country may not be 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 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 details of the capacity of prisons in the country and inmate population as on 31st December, 2020 are given in Annexure-I.**
- (d): Country-wise details of number of foreign-origin convicts and undertrials lodged in prisons across the country as on 31st December, 2020 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 and prisoners is the responsibility of respective State Governments who are competent to take appropriate steps for ensuring that the prisons are not overcrowded. However, the Ministry of Home Affairs (MHA) has taken various initiatives to address the issue of overcrowding in prisons. 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). 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 in a quick and easy manner and helps them in identifying 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 was also

circulated by MHA to all States and UTs. 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 for adopting various measures to reduce overcrowding in prisons.

State/UT-wise details of the capacity of prisons in the country and inmate population as on 31st December, 2020

Sl. No	State/UT	Available Capacity	Inmate Population
1	ANDHRA PRADESH	8760	7375
2	ARUNACHAL PRADESH	333	253
3	ASSAM	8938	9274
4	BIHAR	45862	51934
5	CHHATTISGARH	13704	18068
6	GOA	624	524
7	GUJARAT	13762	15217
8	HARYANA	19306	18309
9	HIMACHAL PRADESH	2264	2427
10	JHARKHAND	17333	22190
11	KARNATAKA	14550	14308
12	KERALA	7321	6049
13	MADHYA PRADESH	28675	45484
14	MAHARASHTRA	24722	31825
15	MANIPUR	1272	625
16	MEGHALAYA	650	1007
17	MIZORAM	1623	1049
18	NAGALAND	1450	391
19	ODISHA	20819	18881
20	PUNJAB	23776	18470
21	RAJASTHAN	22907	22063
22	SIKKIM	260	452
23	TAMIL NADU	23592	14302
24	TELANGANA	7845	6114
25	TRIPURA	2179	870
26	UTTAR PRADESH	60685	107395
27	UTTARAKHAND	3540	5969
28	WEST BENGAL	21476	25863
29	A & N ISLANDS	309	331
30	CHANDIGARH	1120	968
31	D N H & DAMAN DIU	130	157
32	DELHI	10026	15995
33	JAMMU & KASHMIR	3660	4105
34	LADAKH	80	26
35	LAKSHADWEEP	64	3
36	PUDUCHERRY	416	238
	TOTAL (ALL-INDIA)	414033	488511

Country-wise details of number of foreign-origin convicts and undertrials lodged in prisons across the country as on 31st December, 2020

Sl. No.	Nationality/Country	Number of foreign-origin Convicts	Number of foreign-origin Undertrials
1	Africa (other than Nigeria)	19	114
2	Australia	1	4
3	Bangladesh	529	1630
4	Canada	14	14
5	China	6	14
6	Commonwealth of Independent States (Russian Federation)	1	12
7	Japan	0	1
8	Maldives	0	4
9	Mauritius	0	1
10	Middle East Countries	8	6
11	Myanmar	83	152
12	Nepal	206	463
13	Nigeria	94	615
14	North American Countries (other than Canada)	2	5
15	Pakistan	78	107
16	South American Countries	5	41
17	South East Asian Countries	7	16
18	Sri Lanka	31	48
19	Other Foreign Nationals	56	220
	Total	1140	3467