

**GOVERNMENT OF INDIA
MINISTRY OF HOME AFFAIRS**

**LOK SABHA
UNSTARRED QUESTION NO. 5396**

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

UNDERTRIALS PRISONERS

5396. SHRI KESINENI SRINIVAS:

Will the Minister of HOME AFFAIRS be pleased to state:

- (a) the number of undertrials in prisons during the last five years, State-wise;**
- (b) whether the Government can provide reasons for the increasing number of undertrials in prisons each subsequent year and if so, the details thereof;**
- (c) the number of undertrials spending more than a year in prisons during the said period, State-wise; and**
- (d) the reasons for such a large proportion of undertrials spending over a year in prisons without being convicted and the details of action that has been taken by the Government to remedy the situation?**

ANSWER

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

(a) to (d): 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 number of undertrial prisoners lodged in the jails of the country as on 31st December of 2016, 2017, 2018, 2019 and 2020 are given in Annexure-I.

State/UT-wise number of undertrial prisoners who have been confined for more than 1 year in the jails of the country as on 31st December of 2016, 2017, 2018, 2019 and 2020 are given in Annexure-II(i) to Annexure II(v) respectively.

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. The Ministry of Home Affairs (MHA) has taken various initiatives to address the issue of undertrial prisoners lodged in the jails of the country. 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 details of number of Undertrial prisoners lodged in Prisons as
on 31st December of 2016, 2017, 2018, 2019 & 2020**

Sl. No.	State/UT	2016	2017	2018	2019	2020
1	ANDHRA PRADESH	4644	5670	4201	4769	5001
2	ARUNACHAL PRADESH	138	118	118	106	127
3	ASSAM	5208	5060	5079	6130	6495
4	BIHAR	27753	33933	31488	31275	44187
5	CHHATTISGARH	10363	10850	10137	9829	11963
6	GOA	274	253	286	369	419
7	GUJARAT	7917	8367	9962	9799	10195
8	HARYANA	10430	11636	12176	13160	14951
9	HIMACHAL PRADESH	1312	1183	1388	1425	1574
10	JHARKHAND	12756	13508	15629	12759	17103
11	KARNATAKA	10504	10199	10109	10500	10577
12	KERALA	4252	4842	4905	4330	3569
13	MADHYA PRADESH	20618	21268	23123	24157	31712
14	MAHARASHTRA	22693	24474	26898	27557	26171
15	MANIPUR	523	667	816	758	506
16	MEGHALAYA	743	773	814	861	821
17	MIZORAM	577	661	963	1097	609
18	NAGALAND	296	281	304	314	261
19	ODISHA	11770	11553	12649	13803	15619
20	PUNJAB	12621	14209	13904	15949	15643
21	RAJASTHAN	14817	14126	14501	15378	16930
22	SIKKIM	196	185	223	255	328
23	TAMIL NADU	8131	7946	9235	9244	8709
24	TELANGANA	3923	3363	3194	4384	3946
25	TRIPURA	364	459	527	568	472
26	UTTAR PRADESH	68432	68762	75206	73418	80557
27	UTTARAKHAND	2224	2601	3224	3373	3906
28	WEST BENGAL	15868	16478	17082	18907	20144
29	A & N ISLANDS	77	86	103	132	194
30	CHANDIGARH	389	508	595	580	619
31	DNH & DAMAN DIU +	161	70	82	92	138
32	DELHI	10942	12264	12470	14382	14506
33	JAMMU & KASHMIR *	1959	2181	2568	3075	3717
34	LADAKH	-	-	-	-	21
35	LAKSHADWEEP	7	2	1	4	2
36	PUDUCHERRY	176	182	181	177	156
	TOTAL	293058	308718	324141	332916	371848

⁺ combined data of erstwhile D & N Haveli UT and Daman & Diu UT for the years 2016 to 2019.

^{*} data of erstwhile Jammu & Kashmir State including Ladakh for the years 2016 to 2019.

State/UT-wise number of undertrial prisoners who have been confined for more than 1 year in the jails of the country as on 31st December, 2016

Sl.	State/UT	1 to 2 Years	2 to 3 Years	3 to 5 Years	Above 5 Years
1	Andhra Pradesh	43	11	5	3
2	Arunachal Pradesh	37	6	2	0
3	Assam	321	111	87	19
4	Bihar	3248	1794	809	143
5	Chhattisgarh	1732	510	211	38
6	Goa	52	19	10	0
7	Gujarat	1152	813	565	252
8	Haryana	1217	381	171	8
9	Himachal Pradesh	277	132	32	3
10	Jharkhand	1790	1184	917	283
11	Karnataka	1128	420	154	62
12	Kerala	294	215	0	0
13	Madhya Pradesh	2517	878	427	70
14	Maharashtra	2000	1750	1234	284
15	Manipur	101	42	33	17
16	Meghalaya	88	46	41	13
17	Mizoram	37	0	0	0
18	Nagaland	49	13	5	2
19	Odisha	1895	887	608	83
20	Punjab	2171	1165	343	53
21	Rajasthan	2014	1413	826	243
22	Sikkim	21	3	0	0
23	Tamil Nadu	312	101	54	2
24	Telangana	27	0	0	0
25	Tripura	19	0	1	0
26	Uttar Pradesh	9390	5853	3886	1726
27	Uttarakhand	298	157	42	6
28	West Bengal	1497	775	759	309
29	A & N Islands	9	3	9	3
30	Chandigarh	16	16	0	1
31	DNH & Daman Diu +	18	4	0	0
32	Delhi	2251	816	350	129
33	Jammu & Kashmir *	319	371	252	174
34	Ladakh	-	-	-	-
35	Lakshadweep	0	0	0	0
36	Puducherry	6	0	1	1
	Total (All-India)	36346	19889	11834	3927

‘+’ – combined data of erstwhile D & N Haveli UT and Daman & Diu UT for the year 2018 and 2019

‘*’ – data of erstwhile Jammu & Kashmir State including Ladakh for the year 2018 and 2019

Annexure-II (ii)

State/UT-wise number of undertrial prisoners who have been confined for more than 1 year in the jails of the country as on 31st December, 2017

Sl.	State/UT	1 to 2 Years	2 to 3 Years	3 to 5 Years	Above 5 Years
1	Andhra Pradesh	44	17	7	2
2	Arunachal Pradesh	18	15	9	0
3	Assam	304	98	81	12
4	Bihar	3553	1664	761	121
5	Chhattisgarh	1789	445	225	24
6	Goa	53	1	0	8
7	Gujarat	1322	722	611	684
8	Haryana	1171	308	81	5
9	Himachal Pradesh	302	167	67	3
10	Jharkhand	1743	1075	814	233
11	Karnataka	1130	381	150	60
12	Kerala	179	54	27	12
13	Madhya Pradesh	2656	1070	438	118
14	Maharashtra	3361	2865	2138	597
15	Manipur	102	50	35	23
16	Meghalaya	113	36	21	15
17	Mizoram	48	15	0	0
18	Nagaland	27	15	5	2
19	Odisha	1510	863	673	113
20	Punjab	1974	1076	296	18
21	Rajasthan	1981	1404	900	279
22	Sikkim	24	4	1	0
23	Tamil Nadu	284	108	24	5
24	Telangana	62	2	1	28
25	Tripura	22	5	2	0
26	Uttar Pradesh	10092	6301	4166	1794
27	Uttarakhand	327	211	98	38
28	West Bengal	1598	994	767	303
29	A & N Islands	12	2	5	3
30	Chandigarh	45	14	1	1
31	DNH & Daman Diu +	0	5	2	0
32	Delhi	1738	937	503	146
33	Jammu & Kashmir *	306	243	234	228
34	Ladakh	-	-	-	-
35	Lakshadweep	0	0	0	0
36	Puducherry	3	1	0	1
	Total (All-India)	37893	21168	13143	4876

‘+’ – combined data of erstwhile D & N Haveli UT and Daman & Diu UT for the year 2018 and 2019

‘*’ – data of erstwhile Jammu & Kashmir State including Ladakh for the year 2018 and 2019

Annexure-II(iii)**State/UT-wise number of undertrial prisoners who have been confined for more than 1 year in the jails of the country as on 31st December, 2018**

Sl.	State/UT	1 to 2 Years	2 to 3 Years	3 to 5 Years	Above 5 Years
1	Andhra Pradesh	158	83	6	4
2	Arunachal Pradesh	11	9	10	0
3	Assam	308	65	51	0
4	Bihar	3146	1671	686	184
5	Chhattisgarh	1727	479	210	9
6	Goa	87	41	0	11
7	Gujarat	1153	674	533	327
8	Haryana	1656	468	133	7
9	Himachal Pradesh	216	175	99	6
10	Jharkhand	1860	1093	915	410
11	Karnataka	1364	692	428	127
12	Kerala	212	81	35	7
13	Madhya Pradesh	3029	1203	547	72
14	Maharashtra	3835	3167	1994	879
15	Manipur	122	46	39	21
16	Meghalaya	134	63	38	13
17	Mizoram	51	8	6	0
18	Nagaland	35	11	3	2
19	Odisha	1793	848	792	155
20	Punjab	2066	788	294	27
21	Rajasthan	2040	1294	890	253
22	Sikkim	27	2	1	0
23	Tamil Nadu	580	171	70	12
24	Telangana	48	2	0	0
25	Tripura	28	6	0	0
26	Uttar Pradesh	10305	6956	4707	1881
27	Uttarakhand	356	321	135	21
28	West Bengal	1746	1038	722	230
29	A & N Islands	8	10	6	2
30	Chandigarh	48	13	3	2
31	DNH & Daman Diu +	11	2	2	0
32	Delhi	1812	695	674	154
33	Jammu & Kashmir *	372	228	241	215
34	Ladakh	-	-	-	-
35	Lakshadweep	1	0	0	0
36	Puducherry	20	0	1	0
	Total (All-India)	40365	22403	14271	5031

‘+’ – combined data of erstwhile D & N Haveli UT and Daman & Diu UT for the year 2018 and 2019

‘*’ – data of erstwhile Jammu & Kashmir State including Ladakh for the year 2018 and 2019

State/UT-wise number of undertrial prisoners who have been confined for more than 1 year in the jails of the country as on 31st December, 2019

Sl.	State/UT	1 to 2 Years	2 to 3 Years	3 to 5 Years	Above 5 Years
1	Andhra Pradesh	143	24	18	1
2	Arunachal Pradesh	14	12	9	5
3	Assam	381	125	75	23
4	Bihar	3254	1518	949	270
5	Chhattisgarh	1749	569	172	46
6	Goa	110	49	0	11
7	Gujarat	1457	731	639	223
8	Haryana	1844	642	193	16
9	Himachal Pradesh	331	93	131	13
10	Jharkhand	1920	1039	627	227
11	Karnataka	1590	739	413	124
12	Kerala	195	87	29	14
13	Madhya Pradesh	3991	1136	617	118
14	Maharashtra	5153	3463	1828	394
15	Manipur	98	53	41	17
16	Meghalaya	114	60	51	18
17	Mizoram	34	7	3	0
18	Nagaland	45	11	8	0
19	Odisha	1849	859	769	275
20	Punjab	2073	647	192	22
21	Rajasthan	2033	1312	819	263
22	Sikkim	55	7	0	0
23	Tamil Nadu	434	173	63	12
24	Telangana	98	18	12	2
25	Tripura	18	4	0	1
26	Uttar Pradesh	10174	6752	4569	2142
27	Uttarakhand	354	139	81	18
28	West Bengal	2292	1855	626	130
29	A & N Islands	6	3	5	0
30	Chandigarh	182	17	5	0
31	DNH & Daman Diu +	12	3	1	0
32	Delhi	2265	880	757	252
33	Jammu & Kashmir *	556	281	205	201
34	Ladakh	-	-	-	-
35	Lakshadweep	0	0	1	0
36	Puducherry	5	4	0	0
	Total (All-India)	44829	23312	13908	4838

‘+’ – combined data of erstwhile D & N Haveli UT and Daman & Diu UT for the year 2018 and 2019

‘*’ – data of erstwhile Jammu & Kashmir State including Ladakh for the year 2018 and 2019

State/UT-wise number of undertrial prisoners who have been confined for more than 1 year in the jails of the country as on 31st December, 2020

Sl.	State/UT	1 to 2 Years	2 to 3 Years	3 to 5 Years	Above 5 Years
1	Andhra Pradesh	248	55	15	13
2	Arunachal Pradesh	19	9	11	3
3	Assam	330	112	83	27
4	Bihar	4320	1872	878	252
5	Chhattisgarh	2460	1056	436	30
6	Goa	129	58	0	13
7	Gujarat	1661	976	700	335
8	Haryana	2619	924	339	41
9	Himachal Pradesh	276	245	144	35
10	Jharkhand	2636	1625	1105	304
11	Karnataka	1663	820	454	307
12	Kerala	215	52	45	20
13	Madhya Pradesh	5495	1721	881	162
14	Maharashtra	4014	3517	2338	553
15	Manipur	67	40	48	20
16	Meghalaya	109	84	65	23
17	Mizoram	61	22	11	0
18	Nagaland	32	18	14	1
19	Odisha	2248	1223	962	459
20	Punjab	2006	663	264	44
21	Rajasthan	2816	1460	917	474
22	Sikkim	92	58	1	0
23	Tamil Nadu	443	189	86	14
24	Telangana	651	118	18	10
25	Tripura	58	7	3	0
26	Uttar Pradesh	12442	7504	5248	2877
27	Uttarakhand	644	327	138	24
28	West Bengal	3262	2898	630	200
29	A & N Islands	27	5	2	4
30	Chandigarh	140	53	11	0
31	DNH & Daman Diu	15	9	4	0
32	Delhi	2346	1063	486	624
33	Jammu & Kashmir	729	403	263	258
34	Ladakh	10	6	0	1
35	Lakshadweep	0	0	1	0
36	Puducherry	4	2	2	0
	Total (All-India)	54287	29194	16603	7128