

**GOVERNMENT OF INDIA
MINISTRY OF HOME AFFAIRS**

**LOK SABHA
UNSTARRED QUESTION NO. 2566**

TO BE ANSWERED ON THE 2ND AUGUST, 2022/ SRAVANA 11, 1944 (SAKA)

UNDERTRIAL PRISONERS

2566. SHRI SISIR KUMAR ADHIKARI:

Will the Minister of HOME AFFAIRS be pleased to state:

(a) the number of undertrial prisoner languishing in prison during the last five years, State-wise

(b) the steps taken by the Government to provide speedy disposal of such cases thereof;

(c) whether the Government has any proposal to release all prisoners who have completed their rigorous life imprisonment sentenced tenure thereof, if so, the number of prisoners who have completed life sentenced more than 25 years and still in jail, therefor, State-wise; and

(d) the action taken by the Governemnt who are still under TADA punishment thereto?

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 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.

(b): Prisons/persons detained therein, Police and Public Order are “State List” subjects under List II of the Seventh Schedule to the Constitution of India. State Governments are competent to take appropriate measures for enabling the speedy disposal of cases of 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 1181 Legal Service Clinics in jails which are operated by Empanelled Legal Services Advocates and trained Para-Legal Volunteers. For easing and expediting the justice process, Video Conferencing facility has been enabled between 3240 court complexes and 1272 corresponding jails. The Ministry of Home Affairs (MHA) has also taken various steps to address the issues relating to under trial prisoners. MHA has issued several advisories to States and UTs for adopting appropriate measures to provide legal assistance to under trial 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. A Standard Operating Procedure (SOP) for Under-Trial Review Committees prepared by National Legal Services Authority (NALSA) has also been circulated by MHA to all States and UTs.

(c) and (d): No specific proposal in this regard is under consideration of the Government. ‘Prisons’/‘persons detained therein’ is a “State List” subject and, therefore, the State Governments are competent to undertake appropriate measures for release of prisoners under the extant provisions of law.

**State/UT-wise details of number of under trial 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.