

**GOVERNMENT OF INDIA
MINISTRY OF HOME AFFAIRS**

LOK SABHA

UNSTARRED QUESTION NO.1450

TO BE ANSWERED ON THE 03RD MAY, 2016/ VAISAKHA 13, 1938 (SAKA)

UNDERTRIALS IN JAILS

1450. SHRIMATI MEENAKASHI LEKHI:

SHRI VISHNU DAYAL RAM:

Will the Minister of HOME AFFAIRS be pleased to state:

(a) the total number of convicted prisoners and undertrials languishing in the various jails of the country separately, gender, jail and State-wise;

(b) the total number of such prisoners who are still in jails due to various reasons despite having completed their period of punishment along with the reasons therefor gender, Jail and State-wise;

(c) the time by which such prisoners are likely to be released, gender, Jail and State-wise;

(d) whether the Government has taken cognizance of the observations made by the Supreme Court on 15 March, 2016 regarding the rising violent clashes in jails due to shortage of staff;

(e) if so, the details thereof and the action taken by the Government for implementation of Model Jail Manual, 2016; and

(f) the steps taken by the Government for speedy trial and release of undertrials along with the steps taken to provide legal assistance to them?

ANSWER

**MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS
(SHRI HARIBHAI PARATHIBHAI CHAUDHARY)**

(a) As per data compiled by the National Crime Records Bureau at the end of 2014, there were 1,31,517 convicted prisoners and 2,82,879 undertrial prisoners in the jails of the country. A State/UT-wise and

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gender-wise statement of convicted and undertrial prisoners is enclosed at Annexure-I.

(b)&(c) As per data compiled by National Crime Records Bureau (NCRB) at end of 2014, a State/UT-wise and gender wise statement of convicts in jails of the country due to non-payment of fine amount, after completion of their sentence is enclosed at Annexure-II. Data regarding release of these prisoners are not maintained centrally.

(d)&(e) “Prisons” is a State subject as per Entry 4 of List II of the Seventh Schedule to the Constitution of India. Therefore, the administration and management of prisons is primarily the responsibility of the State Governments. However, the Ministry of Home Affairs has prepared a new Model Prison Manual 2016 covering all aspects of prisons and the copy of the same has been sent to the States/UTs for guidance.

(f) The following measures have been taken by the Government in respect of undertrial prisoners and to reduce the overcrowding in jails:

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(i) A letter has been sent to all States/UTs on 14.8.2015 for taking necessary action for including the Secretary of the District Legal Services Authority as one of the members of the Under Trial Review committee.

(ii) An Advisory has been issued by the Government of India on 17.1.2013 to States/UTs regarding use of section 436A of the Cr.P.C to reduce overcrowding of prisons. The same can also be accessed on the website of Ministry of Home Affairs at the link:

http://mha1.nic.in/PrisonReforms/pdf/AdvSec436APrisons-060213_0.pdf

(iii) The Union Home Minister has written to Chief Ministers/LG of States/UT on 3.9.2014 regarding use of section 436A of Cr. P.C. to reduce overcrowding in jails of the country.

(iv) The Hon'ble Supreme Court in its order dated 5.9.2014 in the Writ Petition No. 310/2005 – Bhim Singh Vs Union of India & Other relating to the undertrial prisoners has directed for effective implementation of Section 436A of the Code of Criminal Procedure. The DG (Prisons)/IG

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(Prisons) of all States/UTs have been requested on 22.9.2014 to take necessary action to comply with the order of the Hon'ble Supreme Court in the matter.

(v) An Advisory dated 27.9.2014 has been issued by the Government of India to the States/UTs on reckoning half-life of time spent in judicial custody of Undertrial prisoners under Section 436A of Cr. P. C. The same can also be accessed on the website of Ministry of Home Affairs at the link:

http://mha1.nic.in/PrisonReforms/pdf/GuidelinesForRreckoningHalfLife_161014.pdf

Annexure-I**Annexure referred to in part (a) of Lok Sabha Unstarred Question
No. 1450 for answer on 3.5.2016**

S. No.	State/UT	Convicted prisoners			Undertrial prisoners		
		Male	Female	Total	Male	Female	Total
1	Andhra Pradesh	2462	142	2604	5097	221	5318
2	Arunachal Pradesh	32	0	32	91	4	95
3	Assam	3033	108	3141	5007	186	5193
4	Bihar	4334	112	4446	25822	978	26800
5	Chhattisgarh	6822	334	7156	8895	465	9360
6	Goa	137	8	145	363	19	382
7	Gujarat	3661	176	3837	7198	319	7517
8	Haryana	7172	345	7517	10685	439	11124
9	Himachal Pradesh	872	32	904	1171	45	1216
10	Jammu & Kashmir	337	12	349	1829	70	1899
11	Jharkhand	3723	147	3870	13072	718	13790
12	Karnataka	3978	207	4185	9441	371	9812
13	Kerala	2543	64	2607	4364	107	4471
14	Madhya Pradesh	16567	521	17088	18561	627	19188
15	Maharashtra	7523	401	7924	18867	1028	19895
16	Manipur	92	1	93	479	31	510
17	Meghalaya	84	1	85	695	2	697
18	Mizoram	483	16	499	511	44	555
19	Nagaland	67	2	69	328	8	336
20	Odisha	3179	108	3287	11123	430	11553
21	Punjab	10009	531	10540	14694	773	15467
22	Rajasthan	5400	231	5631	14145	463	14608
23	Sikkim	105	2	107	153	4	157
24	Tamil Nadu	4783	158	4941	8621	413	9034
25	Telangana	2026	169	2195	3506	277	3783
26	Tripura	491	11	502	390	17	407
27	Uttar Pradesh	24596	970	25566	59913	2602	62515
28	Uttarakhand	1908	91	1999	1985	71	2056
29	West Bengal	5069	312	5381	13143	907	14050
30	A & N Islands	681	1	682	83	4	87
31	Chandigarh	332	18	350	338	14	352
32	D & N Haveli	0	0	0	198	1	199
33	Daman & Diu	15	1	16	63	0	63
34	Delhi	3505	169	3674	9738	433	10171
35	Lakshadweep	0	0	0	28	0	28
36	Puducherry	93	2	95	186	5	191
		126114	5403	131517	270783	12096	282879

Annexure-II**Annexure referred to in part (b)&(c) of Lok Sabha Unstarred Question
No. 1450 for answer on 3.5.2016**

S. No.	State/UT	Convicted prisoners in jails after completions of		
		Male	Female	Total
1	Andhra Pradesh	3	0	3
2	Arunachal Pradesh	0	0	0
3	Assam	0	0	0
4	Bihar	17	2	19
5	Chhattisgarh	8	1	9
6	Goa	2	1	3
7	Gujarat	0	0	0
8	Haryana	24	0	24
9	Himachal Pradesh	14	0	14
10	Jammu & Kashmir	0	0	0
11	Jharkhand	12	0	12
12	Karnataka	4	0	4
13	Kerala	41	1	42
14	Madhya Pradesh	40	0	40
15	Maharashtra	43	2	45
16	Manipur	0	0	0
17	Meghalaya	0	0	0
18	Mizoram	0	0	0
19	Nagaland	0	0	0
20	Odisha	16	0	16
21	Punjab	43	0	43
22	Rajasthan	26	1	27
23	Sikkim	4	0	4
24	Tamil Nadu	12	0	12
25	Telangana	5	0	5
26	Tripura	53	0	53
27	Uttar Pradesh	359	13	372
28	Uttarakhand	1	0	1
29	West Bengal	89	3	92
30	A & N Islands	424	0	424
31	Chandigarh	1	0	1
32	D & N Haveli	0	0	0
33	Daman & Diu	0	0	0
34	Delhi	58	3	61
35	Lakshadweep	0	0	0
36	Puducherry	0	0	0
		1299	27	1326
