

**GOVERNMENT OF INDIA
MINISTRY OF HOME AFFAIRS**

**RAJYA SABHA
UNSTARRED QUESTION NO. 57**

TO BE ANSWERED ON THE 02ND FEBRUARY, 2022/ MAGHA 13, 1943 (SAKA)

UNDERTRIAL PRISONERS IN THE COUNTRY

57. DR. VIKAS MAHATME:

Will the Minister of HOME AFFAIRS be pleased to state:

(a) the number of undertrial prisoners in the country, State-wise;

(b) the number of undertrial prisoners languishing in prisons for last five years, State-wise;

(c) what steps Government has taken to provide speedy disposal of cases; and

(d) whether Government has considered establishing tribunal or other courts specifically dealing with undertrial prisoners for more than five years, if so, the details thereof and if not, the reasons therefor?

ANSWER

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

(a) & (b): National Crime Records Bureau (NCRB) compiles prison statistics reported to it by 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 by duration-wise confinement as on 31st December, 2020 are given in Annexure.

(c) & (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 prisons and prisoners is the responsibility of State Governments who are competent to take appropriate measures for speedy disposal of cases

of undertrial prisoners. State Legal Services Authorities have established Legal Service Clinics in jails with a view to provide 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 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 undertrial prisoners. 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). 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 on 18th February 2019. 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 to adopt various measures to reduce overcrowding in prisons and addressing the issue of undertrials. These advisories are available on MHA's website:

<https://mha.gov.in> .

State/UT-wise number of undertrial prisoners by duration-wise confinement as on 31st December, 2020

Sl.	State/UT	Number of Undertrial Prisoners	upto 3 months	3 to 6 months	6 to 12 months	1 to 2 Years	2 to 3 Years	3 to 5 Years	Above 5 Years
1	Andhra Pradesh	5001	3397	891	382	248	55	15	13
2	Arunachal Pradesh	127	62	10	13	19	9	11	3
3	Assam	6495	4160	1086	697	330	112	83	27
4	Bihar	44187	20045	10053	6767	4320	1872	878	252
5	Chhattisgarh	11963	3796	2152	2033	2460	1056	436	30
6	Goa	419	77	63	79	129	58	0	13
7	Gujarat	10195	3381	1660	1482	1661	976	700	335
8	Haryana	14951	5095	3130	2803	2619	924	339	41
9	Himachal Pradesh	1574	441	226	207	276	245	144	35
10	Jharkhand	17103	4814	3128	3491	2636	1625	1105	304
11	Karnataka	10577	3598	1947	1788	1663	820	454	307
12	Kerala	3569	2454	394	389	215	52	45	20
13	Madhya Pradesh	31712	11042	7038	5373	5495	1721	881	162
14	Maharashtra	26171	7794	3699	4256	4014	3517	2338	553
15	Manipur	506	132	122	77	67	40	48	20
16	Meghalaya	821	252	177	111	109	84	65	23
17	Mizoram	609	298	113	104	61	22	11	0
18	Nagaland	261	127	36	33	32	18	14	1
19	Odisha	15619	4405	3814	2508	2248	1223	962	459
20	Punjab	15643	4595	2838	5233	2006	663	264	44
21	Rajasthan	16930	5591	3105	2567	2816	1460	917	474
22	Sikkim	328	85	37	55	92	58	1	0
23	Tamil Nadu	8709	5103	1867	1007	443	189	86	14
24	Telangana	3946	2327	538	284	651	118	18	10
25	Tripura	472	288	54	62	58	7	3	0
26	Uttar Pradesh	80557	22985	15838	13663	12442	7504	5248	2877
27	Uttarakhand	3906	978	1028	767	644	327	138	24
28	West Bengal	20144	6157	3766	3231	3262	2898	630	200
	Total (States)	352495	123479	68810	59462	51016	27653	15834	6241
29	A & N Islands	194	88	25	43	27	5	2	4
30	Chandigarh	619	114	119	182	140	53	11	0
31	DNH & Daman Diu	138	43	41	26	15	9	4	0
32	Delhi	14506	5633	2346	2008	2346	1063	486	624
33	Jammu & Kashmir	3717	849	641	574	729	403	263	258
34	Ladakh	21	3	1	0	10	6	0	1
35	Lakshadweep	2	1	0	0	0	0	1	0
36	Puducherry	156	125	22	1	4	2	2	0
	Total (UTs)	19353	6856	3195	2834	3271	1541	769	887
	Total (All-India)	371848	130335	72005	62296	54287	29194	16603	7128