

**GOVERNMENT OF INDIA
MINISTRY OF HOME AFFAIRS**

**LOK SABHA
UNSTARRED QUESTION NO. 797**

TO BE ANSWERED ON THE 07TH FEBRUARY, 2023/ MAGHA 18, 1944 (SAKA)

OVERCROWDED PRISONS

**797. SHRI LAVU SRI KRISHNA DEVARAYALU:
SHRI BALASHOWRY VALLABHANENI:**

Will the Minister of HOME AFFAIRS be pleased to state:

(a) whether it is true that prison occupancy ratio has increased as per the latest National Crime Records Bureau (NCRB) report 2021 and if so, the details thereof;

(b) whether the Government proposes to expand the capacity by building more prisons to accommodate the high number of prisoners, if so, the details thereof and if not, the reasons therefor;

(c) the percentage of prisoners that are undertrials out of the total prison population;

(d) the percentage of prisoners belonging to disadvantaged communities out of the total prison population; and

(e) the steps taken by the Government to provide affordable and quality legal aid to marginalized communities?

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 2021. The occupancy rate of jails as on 31st

December of the years 2019, 2020 and 2021 was 120.1%, 118.0% and 130.2% respectively.

(b): 'Prisons'/persons detained therein' is a "State List" subject under Entry 4 of List II of the Seventh Schedule to the Constitution of India. Therefore, the administration and management of prisons and prisoners is the primary responsibility of respective State Governments, who are competent to take appropriate decision for expanding the capacity of prisons/constructing new prisons in accordance with the need and requirement for the same.

(c): The percentage of undertrial prisoners out of the total prison population is 77.1% as on 31st December 2021.

(d): As on 31st December, 2021, there were 1,16,838 Scheduled Caste prisoners, 59,133 Scheduled Tribe prisoners, 1,97,655 Other Backward Caste prisoners and 1,43,555 General category prisoners lodged in various jails of the country.

Note: Maharashtra has not provided caste-wise break-up of undertrial prisoners and detenues.

(e): State Legal Services Authorities have established Legal Service Clinics in jails, who provide free legal assistance to persons in need. The

Legal Service Clinics are managed by Empanelled Legal Services Advocates and trained Para-Legal Volunteers. These clinics have been established in the jails to ensure that no prisoner remains unrepresented and legal aid and advice is provided to them. The National Legal Services Authority (NALSA) holds awareness camps in the jails for generating awareness about the availability of free legal aid, plea bargaining, Lok Adalats and legal rights of inmates including their right to bail. The Model Prison Manual 2016 circulated by the Ministry of Home Affairs (MHA) to all States and UTs has a specific chapter on “Legal Aid” which, inter-alia, provides that the States should adopt the practice of nominating Jail Visiting Advocates to visit different prisons to help the poor and unrepresented inmates. On directions of the Hon’ble Supreme Court of India, NALSA had prepared a Standard Operating Procedure (SOP) for Under-Trial Review Committees, which was circulated by MHA to all States/UTs for making best use of its provisions.
