

**GOVERNMENT OF INDIA
MINISTRY OF HOME AFFAIRS**

**LOK SABHA
STARRED QUESTION NO. *126**

**TO BE ANSWERED ON THE 12TH DECEMBER, 2023/ AGRAHAYANA 21, 1945
(SAKA)**

OVERCROWDING IN JAILS

***126. SHRI SUNIL KUMAR MONDAL:
SHRIMATI APARUPA PODDAR:**

Will the Minister of HOME AFFAIRS be pleased to state:

(a) the present status of jails in the country with numbers, names and details of jails where the occupancy rate is more than 200 per cent;

(b) the details of capacity of prisons, current number of prisoners in absolute terms and occupancy rate of prisons, State and UT-wise;

(c) whether the Government has made any plan to reduce the overcrowding in prisons and if so, the details thereof;

(d) whether the allocation of funds to the States for modernization of prisons has been stopped, if so, the details thereof and the reasons therefor, State/UT-wise along with corrective future initiatives, if any, taken in this regard; and

(e) whether the Government proposes to enhance the capacity of prisons and make reforms for rehabilitation of criminals and if so, the details thereof?

ANSWER

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

(a) to (e): A Statement is laid on the Table of the House.

STATEMENT REFERRED TO IN REPLY TO LOK SABHA STARRED QUESTION NO. *126 FOR 12TH DECEMBER, 2023 REGARDING “OVERCROWDING IN JAILS”.

(a): The 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 2022. Details of Jail-wise capacity and inmate occupancy as on 31st December, 2022 is available on the website of NCRB as an additional table “Jail-wise capacity and inmate population” at <https://www.ncrb.gov.in>.

(b): State/UT-wise available capacity, inmate population and occupancy rate of jails as on 31st December, 2022 are given in Annexure-I.

(c): “Prisons”/ “persons detained therein” is a “State List” subject under Entry 4 of List II of the Seventh Schedule to the Constitution of India. The administration and management of prisons and persons detained therein is therefore the responsibility of respective State Governments, who are competent to address the issue of overcrowding in prisons and for enhancing the capacity of prisons as per local need and requirement of the same. MHA has undertaken the following initiatives to address the issue of overcrowding in prisons:

(i) The Government of India inserted Section 436A in the Code of Criminal Procedure (CrPC) 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.

(ii) The concept of plea bargaining has been introduced by inserting a “Chapter XXIA” on “Plea Bargaining” (Sections 265A to 265L) in the Code of Criminal Procedure, 1973, which enables pre-trial negotiation between the defendant and the prosecution.

(iii) 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 efficient manner and helps them in identifying the inmates whose cases are due for consideration by the Under Trial Review Committee, etc.

(iv) The Model Prison Manual 2016 circulated to all States/ Union Territories has specific chapters on “Legal Aid” and “Under trial Prisoners”, etc, which provide detailed guidelines on the facilities which may be provided to under trial inmates, namely legal defence, interview with lawyers, application to Courts for legal aid at Government cost etc.

The State Legal Services Authorities have established Legal Service Clinics in jails, which provide free legal assistance to persons in need. These Legal Service Clinics are managed by Empanelled Legal Services Advocates and trained Para-Legal Volunteers. These clinics have been established to ensure that no prisoner remains unrepresented and legal aid and advice is provided to them. National Legal Services Authority also holds awareness generation camps in jails to generate awareness about availability of free legal aid, plea bargaining, Lok Adalats and legal rights of inmates, including their right to bail, etc.

The National Legal Services Authority had prepared a Standard Operating Procedure (SOP) for Under-Trial Review Committees, which has been circulated by MHA to all States/Union Territories for making best use of the same and provide relief to prisoners.

States/UTs have been advised to make use of the above guidelines/guidance to address the issue of overcrowding in prisons, through various advisories issued from time to time.

(d): The Ministry of Home Affairs has approved the “Modernisation of Prisons Project” with a financial outlay of Rs 950 crore for a period of five years with effect from Financial Year 2021-22 to 2025-26. Funds have been

provided to all States and UTs who have adopted the Model Prison Manual, 2016 in their jurisdictions. So far an amount of Rs 174 crore has been released to the States and UTs. Further release of funds to the States and UTs under the project depends upon utilization of the funds by the respective States and UTs for the purpose for which the funds have been provided and on submission of the “Utilisation Certificate” to MHA.

(e): States/Union Territories are competent to take appropriate steps in their respective jurisdictions for enhancing the capacity of prisons.

MHA has circulated a Model Prison Manual, 2016 to all States and UTs which has dedicated chapters on ‘After-care and Rehabilitation’ and ‘Vocational Training and Skill Development programmes’ for prison inmates. MHA has also issued various advisories to the States/UTs for the welfare and reformation of prison inmates. These advisories are available on MHA’s website at <https://mha.gov.in/>

**State/UT-wise Available Capacity, Inmate Population and Occupancy Rate of Jails as on 31st
December, 2022**

S.No.	State/UT	Available capacity	Inmate Population	Occupancy Rate
1	ANDHRA PRADESH	8659	7254	83.8
2	ARUNACHAL PRADESH	333	335	100.6
3	ASSAM	9564	11592	121.2
4	BIHAR	47750	64914	135.9
5	CHHATTISGARH	14143	20451	144.6
6	GOA	624	681	109.1
7	GUJARAT	14065	16611	118.1
8	HARYANA	20953	25471	121.6
9	HIMACHAL PRADESH	2528	2881	114.0
10	JHARKHAND	17671	19615	111.0
11	KARNATAKA	15589	16203	103.9
12	KERALA	8369	8883	106.1
13	MADHYA PRADESH	29715	48857	164.4
14	MAHARASHTRA	25443	41070	161.4
15	MANIPUR	1272	855	67.2
16	MEGHALAYA	680	1137	167.2
17	MIZORAM	1364	1580	115.8
18	NAGALAND	1490	469	31.5
19	ODISHA	22855	18962	83.0
20	PUNJAB	26556	30801	116.0
21	RAJASTHAN	22963	24659	107.4
22	SIKKIM	260	387	148.8
23	TAMIL NADU	24342	18806	77.3
24	TELANGANA	7997	6497	81.2
25	TRIPURA	2365	1194	50.5
26	UTTAR PRADESH	67600	121609	179.9
27	UTTARAKHAND	3741	6858	183.3
28	WEST BENGAL	21476	28789	134.1
29	A & N ISLANDS	319	258	80.9
30	CHANDIGARH	1120	1195	106.7
31	DNH & DAMAN DIU	170	176	103.5
32	DELHI	10026	18497	184.5
33	JAMMU & KASHMIR	3629	5314	146.4
34	LADAKH	155	30	19.4
35	LAKSHADWEEP	64	6	9.4
36	PUDUCHERRY	416	323	77.6
	TOTAL	436266	573220	131.4

$$\text{Occupancy Rate} = \frac{\text{Inmate Population}}{\text{Total Capacity}} \times 100$$