

**GOVERNMENT OF INDIA
MINISTRY OF HOME AFFAIRS**

**LOK SABHA
UNSTARRED QUESTION NO. 544**

TO BE ANSWERED ON THE 6TH FEBRUARY 2024/ MAGHA 17, 1945 (SAKA)

UNDERTRIAL PRISONERS

†544. SHRI CHANDESHWAR PRASAD:

Will the Minister of HOME AFFAIRS be pleased to state :

- (a) the details and the total number of undertrial prisoners lodged in jails for more than one year, State-wise including Bihar;**
- (b) whether the Government proposes to reduce the long detention of undertrials; and**
- (c) if so, the details thereof?**

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 for the year 2022. State/UT-wise number of undertrial prisoners who were confined for more than 1 year in the jails of the country as on 31.12.2022 are given in Annexure.

(b) & (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. Administration and management of prisons and prisoners is the responsibility of respective State Governments. However, the Ministry of

Home Affairs (MHA) has also been supplementing the efforts of the State Governments in this regard. The initiatives taken by the Ministry of Home Affairs to address the issue of undertrial prisoners are as follows:

(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 “Undertrial Prisoners”, etc, which provide detailed guidelines on the facilities which may be provided to undertrial 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 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 undertrial prisoners, through various advisories issued from time to time.

State/UT-wise number of undertrial prisoners who were confined for more than 1 year in the jails of the country as on 31.12.2022

Sl.	State/UT	1 to 2 Years	2 to 3 Years	3 to 5 Years	Above 5 Years
1	Andhra Pradesh	280	58	53	1
2	Arunachal Pradesh	14	9	10	4
3	Assam	1209	128	137	45
4	Bihar	6393	2818	1481	402
5	Chhattisgarh	2196	1137	406	66
6	Goa	194	71	0	16
7	Gujarat	1885	1032	822	447
8	Haryana	3700	1543	786	53
9	Himachal Pradesh	444	261	243	48
10	Jharkhand	2181	1044	845	315
11	Karnataka	2194	863	677	225
12	Kerala	391	92	38	7
13	Madhya Pradesh	4274	2105	1675	211
14	Maharashtra	5759	2822	2261	1850
15	Manipur	48	14	26	22
16	Meghalaya	152	66	77	19
17	Mizoram	42	22	3	1
18	Nagaland	28	25	17	15
19	Odisha	2200	1166	1167	480
20	Punjab	4398	1967	716	119
21	Rajasthan	3005	1974	1621	453
22	Sikkim	56	31	18	2
23	Tamil Nadu	613	264	81	27
24	Telangana	272	44	24	9
25	Tripura	39	13	7	0
26	Uttar Pradesh	13891	9819	8760	4540
27	Uttarakhand	748	383	185	28
28	West Bengal	3464	2305	2187	1379
29	A & N Islands	13	1	17	1
30	Chandigarh	98	54	46	0
31	DNH & Daman Diu	45	19	17	2
32	Delhi	2426	1284	982	407
33	Jammu & Kashmir	823	543	480	253
34	Ladakh	3	1	4	1
35	Lakshadweep	0	0	0	0
36	Puducherry	24	2	0	0
	Total	63502	33980	25869	11448