

**GOVERNMENT OF INDIA  
HOME AFFAIRS  
LOK SABHA**

STARRED QUESTION NO:552

ANSWERED ON:04.05.2010

OVERCROWDING IN PRISONS

Sampath Shri Anirudhan;Swamygowda Shri N Cheluvarama Swamy

**Will the Minister of HOME AFFAIRS be pleased to state:**

- (a) whether the number of prisoners lodged in various jails far exceeds the capacity of prisons in the country;
- (b) if so, the details thereof;
- (c) the details of the number of undertrials and convicted prisoners lodged in various prisons in the country alongwith the capacity of the prisons, State-wise;
- (d) whether the Government has any plan for enhancing the capacity of overcrowded prisons and to decongest the same; and
- (e) if so, the details thereof alongwith the financial allocation and legal measures taken in this regard and the success achieved during each of the last three years?

**Answer**

MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS(SHRI AJAY MAKEN)

(a) to (e): A statement is laid on the table of the house.

STATEMENT REFERRED TO IN REPLY TO PARTS (a) TO (e) OF LOK SABHA STARRED QUESTION NO. 552 FOR 4.5.2010 REGARDING "OVERCROWDING IN PRISONS"

(a) to (c): As per the data compiled by the National Crime Record Bureau (NCRB), the total number of prisoners in the country at the end of 2007 were 376396 against the authorized capacity of 277304. A statement indicating the total capacity of prisons, total inmate population, occupancy rate and number of undertrial and convicted prisoners, state-wise, is at Annexure I.

(d) to (e) In order to reduce overcrowding and improving the condition of prisons, the Central Government had initiated a scheme for modernization of prisons in the year 2002-03 with a total outlay of Rs 1800 crore on a 75:25 sharing basis between the Central and State Governments respectively. The main components of the scheme alongwith the financial allocation made against each are as under:

- |   |                    |
|---|--------------------|
| 1. Construction of new jail                                   | - Rs 1034.10 crore |
| 2. Repair, renovation and construction of additional barracks | - Rs 248.30 crore  |
| 3. Construction of staff quarters for prison personnel        | - Rs 465.05 crore  |
| 4. Improvement in sanitation & water supply                   | - Rs 48.25 crore   |
| Total   | Rs 1795.70 crore   |

A statement indicating state-wise release of funds under the scheme of modernization of prisons is given at Annexure-II

The Central Government has taken various legislative and administrative measures to reduce the overcrowding in prisons which include:

(i) Amendment in the Code of Criminal Procedure, 1973 by inserting a new article viz. 436A which provides that where an undertrial prisoner, other than the one accused of an offence for which death has been prescribed as one of the punishments, has been under detention for a period extending to one-half of the maximum period of imprisonment provided for the alleged offence, he should be released on personal bond, with or without sureties. It also provides that in no case will an undertrial prisoner be detained beyond the maximum period of imprisonment for which he can be convicted for the alleged offence;

(ii) Amendment to Section 436 (1) of the Code of Criminal Procedure, 1973 to make a mandatory provision that if the arrested person is accused for a bailable offence and he is an indigent and cannot furnish surety, the Court shall release him on his execution of a personal bond without sureties;

(iii) Setting up of Fast Track Courts for disposal of long pending cases;

(iv) Introduction of scheme of Plea Bargaining;

(v) Holding of Jail Courts (Lok Adalat);

Under the scheme of modernization of prisons, the Government of India has provided an amount of Rs 1346.95 crore as central assistance during the period of 2002-03 to 2008-09 to the States. A statement indicating the funds released to the State Government from 2006-07 to 2008-09 is at Annexure-III. Since the scheme has ended on 31.3.2009, no further financial assistance was provided to the State Governments during 2009-10.

Under the scheme of modernization of prisons, 100 new prisons and 1365 additional barracks in the existing jails have been constructed so far. In addition to this, 65 more prisons and 284 additional barracks are also being constructed which are in the various stages of completion. After the implementation and operationalisation of all the new prisons/ additional barracks construction under the scheme as also the implementation of the legislative and administrative measures, the problem of overcrowding in the jail will be reduced to a considerable extent.