

**GOVERNMENT OF INDIA
HOME AFFAIRS
LOK SABHA**

UNSTARRED QUESTION NO:377
ANSWERED ON:07.07.2009
OVERCROWDING IN JAILS
Reddy Shri Mekapati Rajamohan

Will the Minister of HOME AFFAIRS be pleased to state:

- (a) whether overcrowding is a major problem in the Indian jails;
- (b) if so, the steps taken in consultation with State Governments to solve the problem of overcrowding;
- (c) the total number of jails in the country indicating their capacity and percentage of undertrials lodged; and
- (d) the further action proposed to be taken to reduce overcrowding in jails to the minimal?

Answer

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

(a): Yes, Sir. The overcrowding in Indian prisons exist to the extent of 135.7%.

(b): "Prisons" is a State subject under List II of the Seventh Schedule to the Constitution and Prison Administration is the responsibility of the State Governments. However, in order to reduce overcrowding and to improve the condition of prisons and prisoners, the Central Government started a non-plan scheme in 2002-03 for construction of additional prisons/barracks to reduce overcrowding, repair and renovation of existing prisons, improvement in sanitation and water supply & living conditions of prisoners as also accommodation for prison staff. The scheme had a total outlay of Rs. 1800 crore on cost sharing basis in the ratio of 75:25 between the Central and State Governments respectively. The scheme has now ended on 31.3.2009.

(c): As per the data compiled by the National Crime Record Bureau (NCRB), the total number of jails in the country at the end of 2007 was 1276. The total authorized capacity of these jails is 2,77,304. The total number of undertrials lodged in these prisons were 2,50,727 which constitutes 66.6% of the total inmates.

(d): With a view to reduce the overcrowding in jails, the Government of India has taken following measures:

(i) Amendment in Code of Criminal Procedure 1973 by inserting a new article viz 436 A on 23.6.2006 which provide 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 his 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. Further, Section 436(1) of the Code of Criminal Procedure 1973 has also been amended on 23.6.2006 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 bond without sureties.

(ii) Setting up of Fast Track Courts for disposal of long pending cases.

(iii) Introduction of scheme of Plea Bargaining from 5.7.2006.

Apart from the above steps, the Government of India has also initiated the process of formulating second phase of the scheme of Modernisation of Prisons after consultations with the States/UTs in the All India conference of Jail Ministers/Principle Secretaries (Prison)/DG/ IG (Prisons) held in April 2008. Apart from other components being proposed in the second phase, the emphasis shall be laid on construction of new jails/additional barracks so as to address the problem of overcrowding.