

**GOVERNMENT OF INDIA
HOME AFFAIRS
LOK SABHA**

UNSTARRED QUESTION NO:1770
ANSWERED ON:22.07.2014
OVERCROWDING IN JAILS .
Nayak Shri B.V.

Will the Minister of HOME AFFAIRS be pleased to state:

- (a) whether the number of inmates in most of the jails are more than their capacity in the country including Tihar Jail in Delhi;
- (b) if so, the details thereof and the action taken in this regard;
- (c) whether the Government is contemplating on keeping the undertrials and the convicted prisoners in separate jails; and
- (d) if so, the details thereof?

Answer

MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS (SHRI KIREN RIJU)

(a) & (b) As per data available, at the end on 2012, the total number of inmates in the country were 3,85,135, out of total inmates capacity of 3,43,169. In Tihar jail in Delhi the occupancy in its 10 jails was 14,048 inmates out of authorised capacity of 6250 inmates as in May 2014. Jail wise information is at Annexure. In order to reduce overcrowding, the Government of India had launched a Non-Plan Scheme of Modernisation of Prisons from 2002 to 2007 and with further extension upto 2009, involving a total outlay of Rs. 1800 crore on a cost sharing basis in the ratio of 75:25 between the Central Government and the State Governments respectively. Under the Scheme of Modernisation of Prisons, 125 new jails, 1579 additional barracks in the existing prisons and 8658 staff quarters for the prison personnel have been constructed by the State Governments which has resulted in reducing the overcrowding in prisons from 122.8% in 2009 to 112.2 % in 2012.

The Government of India has also issued an advisory to reduce overcrowding in prisons through use of Section 436 A of the Cr P.C which can be accessed at the link http://mha.nic.in/sites/upload_files/mha/files/AdvSec436APrison-060213_0.pdf which provides for taking up cases of UTPs for review through the following measures to be taken by the prison administrations of the States/UTs-

1. Constituting a Review Committee in every district with the District Judge as Chairman, and the District Magistrate and District SP as members to meet every three months and review the cases.
2. Jail Superintendent should conduct a survey of all cases where the UTPs have completed more than one-fourth of the maximum sentence. He should prepare a survey list and send the same to the District Legal Service Authority (DLSA) as well as the UT Review Committee.
3. Prison authorities may educate undertrial prisoners on their rights to bail.
4. Providing legal aid – this may be provided through empanelled lawyers of DLSA to cases presented for release on bail and reduction of bail amount.
5. The list should be made available to the non-official visitors as well as District Magistrates/Judges who conduct periodic inspections of the jails.
6. Home Department of the State/UT may also develop management information system to ascertain the progress made jail- wise in this regard.

(c) to (d) It is the stated policy of the Government that undertrials and Convicted prisoners should be segregated in prisons to avoid negative influence on the undertrial prisoners through possible association with hard-core criminals. As a result most of the undertrial prisoners are kept in sub jails and district jails in the States/UTs while convicted prisoners are kept in district jails and central jails. They are also housed in separate barracks.