

**GOVERNMENT OF INDIA  
HOME AFFAIRS  
LOK SABHA**

UNSTARRED QUESTION NO:21  
ANSWERED ON:24.02.2015  
MODERNISATION OF JAILS  
Kachhadia Shri Naranbhai

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

- (a) whether most of the jails are overcrowded, mismanaged and in pitiable condition in the country;
- (b) if so, the details thereof along with the steps taken by the Government in this regard;
- (c) whether the Government has invited proposals from various States, Organisations, experts to review the existing policy of modernization of jails;
- (d) if so, the details thereof;
- (e) the details of funds granted, released and utilized for modernization, decongestion and construction of more jails in the country during each of the last three years and the current year, State-wise including Gujarat; and
- (f) the other measures taken by the Union Government for modernization of jails and to facilitate a healthy living condition for the prisoners?

**Answer**

MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS (SHRI HARIBHAI PARATHIBHAI CHAUDHARY)

(a)to(d) As per the data compiled by the National Crime Records Bureau, at the end of 2013, there were 4,11,992 inmates in the jails of the country against of the total capacity of 3,47,859 inmates, which implies an overcrowding of 18.4%.

"Prisons" is a State subject as per entry 4 of List II of the Seventh Schedule to the Constitution of India. Therefore, the administration and management of prisons is primarily the responsibility of the State Governments. However, the following measures have been taken by the Government in respect of undertrial prisoners:

(i) An advisory has been issued by the Government of India on 17.1.2013 to the States/UTs regarding use of section 436A of the Cr P.C. to reduce the overcrowding of prisons. The same can also be accessed on the website of the Ministry of Home Affairs at the link:

[http://mha.nic.in/sites/upload\\_files/mha/files/AdvSec436APrisons-060213\\_0.pdf](http://mha.nic.in/sites/upload_files/mha/files/AdvSec436APrisons-060213_0.pdf)

(ii) The Union Home Minister has written to the Chief Ministers/LG of States/UT on 3.9.2014 regarding use of section 436A of Cr P.C. to reduce overcrowding in jails of the country.

(iii) The Hon'ble Supreme Court in its order dated 5.9.2014 in the Writ Petition No. 310/2005 - Bhim Singh Vs Union of India & Others relating to the undertrial prisoners, has directed for effective implementation of Section 436A of the Code of Criminal Procedure. The DG (Prisons)/IG (Prisons) of all States/UTs have been requested by the Government of India on 22.9.2014 to take necessary action to comply with the order of the Hon'ble Supreme Court in the matter.

(iv) An advisory dated 27.9.2014 has been issued by the Government of India to the States/UTs on reckoning half-life of time spent in judicial custody of the undertrial prisoners under Section 436A of Cr P. C. The same can also be accessed on the website of Ministry of Home Affairs at the link:

[http://mha.nic.in/sites/upload\\_files/mha/files/GuidelinesForRreckoningHalfLife\\_161014.pdf](http://mha.nic.in/sites/upload_files/mha/files/GuidelinesForRreckoningHalfLife_161014.pdf)

(e) to (f) No funds have been granted to the States/UTs under the Scheme of Modernisation of Prisons after expiry of scheme on 31.3.2009. However, the Thirteenth Finance Commission had allocated Rs. 609 crore from 2011-15 for upgradation of prisons of Andhra Pradesh (Rs. 90 crore), Arunachal Pradesh (Rs. 10 crore), Chhattisgarh (Rs. 150 crore), Kerala (Rs. 154 crore), Maharashtra (Rs. 60 crore), Mizoram (Rs. 30 crore), Odisha (Rs. 100 crore) and Tripura (Rs. 15 crore).