

**GOVERNMENT OF INDIA  
HOME AFFAIRS  
LOK SABHA**

UNSTARRED QUESTION NO:6

ANSWERED ON:21.07.2015

Jail Reforms

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**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 and funds granted, released and utilised for modernization of jails/jail reforms in the country during each of the last three years and the current year, State-wise;
- (c) whether the Government has any proposal to construct more jails in the country and if so, the details thereof;
- (d) whether the Government has received proposal from various States regarding modernization and upgradation of jails;
- (e) if so, the details thereof and the reaction of the Government State-wise including Kerala;
- (f) the details of orders issued by Courts on jail reforms and modernization of jails and the action taken by the State Governments in this regard; and
- (g) 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): As per the data compiled by the National Crime Records Bureau, the total numbers of jail inmates as on 31.12.2013 is 4,11,992 out of total authorized capacity of 3,47,859 inmates which implies overcrowding by 18.4%.  
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(b) to (e): 'Prisons' is a State subject under List II of the Seventh Schedule to the Constitution and, therefore, prison administration is primarily the responsibility of the State Governments. However, to consolidate the gains of the first phase of modernization of prisons scheme which ended on 31.3.2009, a follow up scheme known as the second phase of modernization of prisons was considered by the Government of India for which proposals from States/UTs were received. As no funds have been earmarked for the scheme, the second phase of Prison Modernisation Scheme has not been launched. A consolidated Memorandum was submitted by the Ministry of Home Affairs to the Fourteenth Finance Commission for consideration which included the demands projected by the States/UTs amounting to Rs.13,962.60 crore for prison reforms in the second phase of modernization of prisons. The 14th Finance Commission has observed that in view of the improved outlay for States now, there is appropriate fiscal space to provide for additional expenditure needed for their requirements. The 14th Finance Commission has not made any specific fund allocation in favour of Central Government for this purpose. Therefore, with appropriate prioritization, the States/UTs should be able to meet the proposed expenditure on modernisation of jails.

(f) to (g): To reduce overcrowding in jails which is by the large caused by undertrials an advisory on use of Section 436A of the Cr.P.C. to reduce overcrowding of prisons has been issued by the Government of India available on the link [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). In addition the Hon'ble Supreme Court has also issued directives in Bhim Singh Case for the judiciary to actively liquidate such cases in a time bound manner. In another directive given by the Supreme Court in a PIL (Re Inhuman conditions in 1382 jails) has also asked all the district review committees to finalize such cases by 30th June 2015.