

**GOVERNMENT OF INDIA  
HOME AFFAIRS  
LOK SABHA**

UNSTARRED QUESTION NO:3679

ANSWERED ON:11.08.2015

Overcrowded Jails

Brahmpura Shri Ranjit Singh ;Kher Smt. Kirron;Malviya Prof. Chintamani;Rao Shri Konakalla Narayana;Reddy Shri Ponguleti Srinivasa;Sreeramulu Shri B.

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

- (a) the total number and capacity of jails in the country along with the level of occupancy in the jails, State-wise;
- (b) the total number of prisoners and undertrials languishing in various jails in the country separately, along with the number of undertrials who have spent their tenure of sentence or spent half of the period of the maximum tenure of sentence in the jails, community, gender and Statewise;
- (c) whether it is fact that 70 per cent of prisoners are undertrials and have not yet been convicted and if so, the details thereof and the reasons therefor, State/UT-wise;
- (d) whether the undertrial programme of the Department of Justice has been successful in reducing the number of undertrials since its launch and if so, the details thereof;
- (e) whether incidents of murder, beating, fighting and suicide/attempt to suicide etc. have been reported in the various jails of the country and if so, the details thereof and the corrective action taken by the Government to prevent such cases in future; and

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- (f) the other steps taken by the Government for speedy trial and release of undertrials along with the steps taken to provide legal assistance to them and to improve the basic amenities including medical facilities for the prisoners?

**Answer**

Minister of State in the Ministry of Home Affairs  
(SHRI HARIBHAI PARATHIBHAI CHAUDHARY)

(a)to(c): As per the data compiled by the National Crime Records Bureau, the total numbers of jail inmates as on 31.12.2013 in 1391 jails of the country is 4,11,992 against the of total authorized capacity of 3,47,859 inmates which implies overcrowding by 118.4%. Out of total number of inmates of 4,11,992, the numbers of undertrial prisoners are 2,78,503 which implies the 67.6% of total inmates.

A State/UT wise statement of number and capacity of jails along with total number of prisoners including number of undertrials lodged in the jails of India is at Annexure. Data regarding number of undertrials who have spent their tenure of sentence or half life of maximum sentence are not maintained centrally.

(d)to(f): "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 States/UTs regarding use of section 436A of the Cr.P.C to reduce overcrowding of prisons. The same can also be accessed on the website of Ministry of Home Affairs at the link:

[mha.nic.in/sites/upload\\_files/mha/files/AdvSec436APrison-060213\\_0.pdf](http://mha.nic.in/sites/upload_files/mha/files/AdvSec436APrison-060213_0.pdf)

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(ii) The Union Home Minister has written to 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 & Other 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 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 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:

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

From the data available from States/UTs, so far a total of 1057 undertrial prisoners under section 436A of Cr P.C. have been released till 31st March 2015.

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