

**GOVERNMENT OF INDIA  
HOME AFFAIRS  
LOK SABHA**

UNSTARRED QUESTION NO:2778

ANSWERED ON:15.03.2016

Prison Reforms

Selvam Shri V. Panneer

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

- (a) whether the Government has taken note of the observations made by the Supreme Court regarding overcrowding of prisons and treatment of prisoners;
- (b) if so, the details thereof and the response of the Government thereto;
- (c) the number of convicted and undertrial prisoners along with the number of undertrials who have spent more time than the maximum possible sentence; and
- (d) whether the Government proposes to bring changes in relevant laws and reform the prison system and if so, the details thereof?

**Answer**

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

(a) & (b): Hon'ble Supreme Court, in the matter of Suo Moto W.P. (Civil) No. 406 of 2013 regarding Inhuman Conditions prevailing in 1382 prisons in India, has passed certain directions in respect of undertrial prisoners and their living conditions in jails. Since "Prisons" is a State subject as per entry 4 of List II of the Seventh Schedule to the Constitution of India, the

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administration and management of prisons is primarily the responsibility of the State Governments. The States/UTs have been asked to take necessary action on the directions of the Hon'ble Supreme Court.

(c): As per data compiled by the National Crime Records Bureau (NCRB) at the end of 2014, there were 1,31,517 convicts and 2,82,879 undertrial inmates in the jails of the country. Data of undertrial prisoners who have spent the period more than the likely sentence is not maintained centrally.

(d): In order to take up the issue of undertrial prisoners, the following measures have been taken by the Government:

(i) A letter has been sent to all States/UTs on 14.8.2015 for taking necessary action for including the Secretary of the District Legal Services Authority as one of the members of the Under Trial Review committee.

(ii) 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:

[http://mha1.nic.in/PrisonReforms/pdf/AdvSec436APrison-060213\\_0.pdf](http://mha1.nic.in/PrisonReforms/pdf/AdvSec436APrison-060213_0.pdf)

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(iii) 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.

(iv) 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.

(v) 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:

[http://mha1.nic.in/PrisonReforms/pdf/GuidelinesForReckoningHalfLife\\_161014.pdf](http://mha1.nic.in/PrisonReforms/pdf/GuidelinesForReckoningHalfLife_161014.pdf)

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