

**GOVERNMENT OF INDIA
MINISTRY OF HOME AFFAIRS**

**LOK SABHA
STARRED QUESTION NO. *22**

TO BE ANSWERED ON THE 05TH FEBRUARY, 2019/ MAGHA 16, 1940 (SAKA)

OVERCROWDED PRISONS

***22. SHRI RAJIV PRATAP RUDY:**

Will the Minister of HOME AFFAIRS be pleased to state:

(a) whether the Government has conducted any assessment to check if the prisons in the country are overcrowded;

(b) if so, the details thereof and the reasons therefor;

(c) the total capacity of the prisons in the country along with the total number of prisoners in these prisons, State-wise;

(d) the details regarding the total number of International prisoners in the country, country-wise; and

(e) the steps taken by the Government to ensure that the prisons in the country are not overcrowded?

ANSWER

**MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS
(SHRI HANSRAJ GANGARAM AHIR)**

(a) to (e): A Statement is laid on the Table of the House.

STATEMENT REFERRED TO IN REPLY TO LOK SABHA STARRED QUESTION NO. *22 FOR 5TH FEBRUARY 2019

(a) to (d): As per information published by the National Crime Records Bureau (NCRB), State/Union Territory (UT) wise details of capacity of jails and inmates' population, as on 31.12.2015, are given in Annexure-I. Total number of foreign convicts and undertrial inmates in Indian Jails, by nationality, as on 31.12.2015 are given in Annexure-II and III respectively. The latest published data pertains to the year 2015.

(e): 'Prisons' and 'persons detained therein' are 'State' subjects under List II of the Seventh Schedule to the Constitution of India. Prison Administration is, therefore, the responsibility of State Governments. The State Governments are competent to formulate and implement appropriate strategies to address the issue of overcrowding in prisons. However, the Ministry of Home Affairs has issued various advisories to States and UTs from time to time on reducing overcrowding in prisons. Model Prison Manual, 2016 has also been forwarded to all States and UTs, which inter alia, provides for measures to be taken to reduce overcrowding in prisons.

The Ministry of Home Affairs has also taken various initiatives like insertion of Section 436A in Code of Criminal Procedure (Cr. PC) which provides for release of an undertrial prisoner on bail on undergoing detention for a period extending up to one-half of the maximum period of imprisonment specified for an offence under any law (not being an offence

for which the punishment of death has been specified as one of the punishments under that law) and introduction of a new chapter on 'Plea Bargaining'. The National Legal Services Authority (NALSA) provides free legal aid to undertrial prisoners through its 1126 legal service clinics and 9563 Remand Advocates. In order to facilitate the Undertrial Review Committees, the IT solution - Eprisons, developed by the Government, generates the list of undertrials who are eligible for release under Section 436A of Cr. PC, on real time basis. Further, a Standard Operating Procedure has also been prepared by the National Legal Services Authority (NALSA) for the Undertrial Review Committees.

State/UT-wise Capacity of Jails and Inmate Population as on 31.12.2015

Sl. No	State/UT	Available Capacity			Inmate Population		
		Male	Female	Total	Male	Female	Total
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)
1	ANDHRA PRADESH	7984	899	8883	7481	416	7897
2	ARUNACHAL PRADESH	188	24	212	180	4	184
3	ASSAM	7706	586	8292	8780	317	9097
4	BIHAR	36449	1360	37809	27527	891	28418
5	CHHATTISGARH	7046	506	7552	16754	908	17662
6	GOA	1070	25	1095	393	30	423
7	GUJARAT	11359	973	12332	11262	516	11778
8	HARYANA	15242	1476	16718	17546	723	18269
9	HIMACHAL PRADESH	1649	138	1787	1912	67	1979
10	JAMMU & KASHMIR	2800	201	3001	2247	91	2338
11	JHARKHAND	14666	742	15408	16751	862	17613
12	KARNATAKA	12850	1196	14046	12934	539	13473
13	KERALA	5773	417	6190	7106	219	7325
14	MADHYA PRADESH	25857	1650	27507	37136	1322	38458
15	MAHARASHTRA	24584	1719	26303	28321	1336	29657
16	MANIPUR	860	110	970	611	40	651
17	MEGHALAYA	485	45	530	935	8	943
18	MIZORAM	1126	185	1311	1151	93	1244
19	NAGALAND	1290	160	1450	481	9	490
20	ODISHA	16371	1641	18012	15323	642	15965
21	PUNJAB	18479	1588	20067	22510	1135	23645
22	RAJASTHAN	18409	1210	19619	19409	677	20086
23	SIKKIM	206	47	253	238	13	251
24	TAMIL NADU	19774	2427	22201	13495	627	14122
25	TELANGANA	6388	677	7065	5750	451	6201
26	TRIPURA	2051	122	2173	997	42	1039
27	UTTAR PRADESH	49434	3138	52572	85214	3533	88747
28	UTTARAKHAND	3065	123	3188	4162	186	4348
29	WEST BENGAL	19493	1423	20916	20017	1506	21523
	TOTAL (STATES)	332654	24808	357462	386623	17203	403826
30	A & N ISLANDS	1209	40	1249	493	6	499
31	CHANDIGARH	1000	120	1120	664	24	688
32	D & N HAVELI	50	10	60	153	13	166
33	DAMAN & DIU	120	40	160	43	3	46
34	DELHI	5850	400	6250	13604	579	14183
35	LAKSHADWEEP	64	0	64	24	0	24
36	PUDUCHERRY	371	45	416	185	6	191
	TOTAL (UTs)	8664	655	9319	15166	631	15797
	TOTAL (ALL-INDIA)	341318	25463	366781	401789	17834	419623

Source: Prison Statistics India

Number of Foreign Convicts by Nationality as on 31.12.2015

S. No.	Name of Country	Foreign Convicts
1	Canadians	2
2	North American Countries (other than Canada)	1
3	South American Countries	1
4	Africans (other than Nigerians)	18
5	Nigerians	59
6	CIS (Russian) Federation	2
7	Middle East Countries	1
8	Chinese	1
9	Japanese	1
10	Nepalese	228
11	Pakistanis	97
12	Myanmar	376
13	Bangladeshis	1493
14	Sri Lankan	30
15	South East Asian Countries	12
16	Other Foreign Nationals	31
Total Foreign Convicts		2353

Source: Prison Statistics India

Foreign Undertrials by Nationality as on 31.12.2015

S. No.	Name of Country	Foreign Undertrials
1	Canadians	2
2	North American Countries (other than Canada)	2
3	South American Countries	14
4	Africans (other than Nigerians)	177
5	Nigerians	340
6	CIS (Russian) Federation	10
7	Middle East Countries	9
8	Chinese	9
9	Japanese	3
10	Nepalese	361
11	Pakistanis	113
12	Myanmar	41
13	Bangladeshis	2579
14	Sri Lankan	35
15	Maldivians	3
16	South East Asian Countries	5
17	Australians	2
18	Other Foreign Nationals	90
Total Foreign Undertrials		3795

Source: Prison Statistics India