

**GOVERNMENT OF INDIA  
MINISTRY OF HOME AFFAIRS**

**RAJYA SABHA  
UNSTARRED QUESTION NO. 1161**

**TO BE ANSWERED ON THE 8<sup>TH</sup> DECEMBER, 2021/ 17 AGRAHAYANA, 1943 (SAKA)  
OVERCROWDING IN PRISONS**

**1161. PROF. MANOJ KUMAR JHA:**

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

- (a) whether Government is aware of the increasing trend of overcrowding in our prisons;**
- (b) the details of the occupancy rate of prisons in the country for the last five years, State-wise;**
- (c) the reasons for not constructing more prisons to accommodate the increasing number of prisoners; and**
- (d) whether Government is aware of the fact that around 75 per cent of the prisons are occupied by undertrials, if so, the details of the measures underway to remedy the situation thereof?**

**ANSWER**

**MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS  
(SHRI AJAY KUMAR MISHRA)**

**(a) & (b): National Crime Records Bureau (NCRB) compiles prison statistics reported to it by the States and Union Territories (UTs) and publishes the same in its annual publication "Prison Statistics India". The latest published report is of the year 2019. The State/UT-wise details of occupancy rate at the end of the year 2015 to 2019 are given in Annexure.**

**(c): "Prisons"/"persons detained therein" are "State-List" subjects under Entry 4 of List II of the Seventh Schedule to the Constitution of India. Administration**

**and management of prisons and inmates is the responsibility of respective State Governments, who are competent to make provision for additional accommodation for inmates as per local requirement and need.**

**(d): The Ministry of Home Affairs (MHA) has taken several initiatives to address the issue of undertrial prisoners and to reduce overcrowding in prisons. The Government of India had inserted Section 436A in the Code of Criminal Procedure (CrPC), which provides for release of an under-trial 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. The concept of plea bargaining was also introduced by inserting a new “Chapter XXIA” on “Plea Bargaining” (Sections 265A to 265L of CrPC) which enables pre-trial negotiation between the defendant and the prosecution. E-prisons Software, which is a Prison Management Application integrated with Interoperable Criminal Justice System provides facility to State Jail authorities to access the data of inmates and helps them in identifying inmates whose cases are due for consideration by the Under Trial Review Committee. State Legal Services Authorities have established Legal Service Clinics in Jails and have deployed Para Legal Volunteers to provide free legal assistance to persons in need. The Model Prison Manual 2016, prepared and circulated by the MHA, has dedicated Chapters on ‘Legal Aid’ and ‘Undertrial Prisoners’, which provide guidance to the**

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**States and UTs about the various facilities which may be provided to undertrials. MHA has also issued various advisories to the States & UTs for adopting appropriate measures to address the issue of undertrials and to reduce overcrowding in prisons. These advisories are available on MHA's website at: <https://mha.gov.in>.**

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**Annexure referred to reply to Rajya Sabha USQ No. 1161 for 8.12.2021**

**State/UT-wise Occupancy Rate (%) at the end of the year 2015, 2016, 2017, 2018 and 2019**

S. No.	State/UT	Occupancy Rate (%) at the end of the Year				
		2015	2016	2017	2018	2019
1	ANDHRA PRADESH	88.9	81.8	96.2	79.5	86.2
2	ARUNACHAL PRADESH	86.8	100.9	87.1	105.2	106
3	ASSAM	109.7	100.3	92.9	93.2	103.8
4	BIHAR	75.2	87.6	100.7	93.3	94.3
5	CHHATTISGARH	233.9	189.9	157.2	153.3	150.1
6	GOA	38.6	37.5	67.3	69.7	83
7	GUJARAT	95.5	100.4	97.8	112.3	109.6
8	HARYANA	109.3	97.6	105.4	104.3	105.8
9	HIMACHAL PRADESH	110.7	116.6	111.4	103.5	110.6
10	JAMMU & KASHMIR	77.9	89.6	95.6	116	126.8
11	JHARKHAND	114.3	111	115.1	128.2	111.1
12	KARNATAKA	95.9	107.9	106.1	101.7	101.4
13	KERALA	118.3	114.3	126	112.2	109.6
14	MADHYA PRADESH	139.8	136	137.1	147	155.3
15	MAHARASHTRA	112.8	119.5	136.2	148.9	152.7
16	MANIPUR	67.1	54.4	62.1	72.3	68.9
17	MEGHALAYA	177.9	132.2	134.5	143.5	157.4
18	MIZORAM	94.9	88.6	77.1	104.7	106.1
19	NAGALAND	33.8	28.5	28.9	30.5	30.8
20	ODISHA	88.6	85	84.5	86.1	91
21	PUNJAB	117.8	100.3	103.6	95.7	102.9
22	RAJASTHAN	102.4	102.4	90.2	92	94.1
23	SIKKIM	99.2	131.7	140.7	157.3	153.8
24	TAMIL NADU	63.6	65.7	61.3	60	62.9
25	TELANGANA	87.8	88	76.8	77.1	86.3
26	TRIPURA	47.8	42.8	47.7	47.9	50.7
27	UTTAR PRADESH	168.8	164.1	165	176.5	167.9
28	UTTARAKHAND	136.4	124.3	140.6	150	159
29	WEST BENGAL#	102.9	109.7	106.1	106.1	106.1
30	A & N ISLANDS	40	40.8	57.6	59.5	79
31	CHANDIGARH	61.4	68.6	86.3	92.4	87.9
32	D & N HAVELI	276.7	200	41.7	55.7	65.7
33	DAMAN & DIU	28.8	36.9	98.3	98.3	103.3
34	DELHI	226.9	179.8	151.2	154.3	174.9
35	LAKSHADWEEP	37.5	10.9	3.1	1.6	6.3
36	PUDUCHERRY	45.9	58.2	63	64.4	63.2
	<b>TOTAL</b>	<b>114.4</b>	<b>113.7</b>	<b>115.1</b>	<b>117.6</b>	<b>118.5</b>

Note- #-Due to non-receipt of data from West Bengal for the year 2018 and 2019, data furnished for 2017 has been used.