

**GOVERNMENT OF INDIA
MINISTRY OF HOME AFFAIRS**

**RAJYA SABHA
UNSTARRED QUESTION NO. 697**

TO BE ANSWERED ON THE 08TH FEBRUARY, 2023/ MAGHA 19, 1944 (SAKA)

UNDERTRIALS IN CUSTODY

697 DR. FAUZIA KHAN:

Will the Minister of HOME AFFAIRS be pleased to state:

- (a) the total number of undertrials in custody in the country;**
- (b) the State-wise/Union Territory-wise, gender-wise and age-wise details thereof;**
- (c) whether Government intends to take measures for the welfare of undertrials in the country; and**
- (d) if so, the details thereof and if not, the reasons therefor?**

ANSWER

MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS

(SHRI AJAY KUMAR MISHRA)

(a) and (b): The 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 2021. State/UT-wise, Gender-wise and Age-Group wise number of under trial prisoners lodged in the jails of the country as on 31.12.2021 are given in Annexure.

(c) and (d): ‘Prisons’/‘persons detained therein’ is a “State List” subject under Entry 4 of List II of the Seventh Schedule to the Constitution of India. Administration and management of prisoners is the responsibility of State

Governments, who are competent to take appropriate steps for the welfare of under trial prison inmates. However, the Ministry of Home Affairs (MHA) has also been supplementing the efforts of the State Governments in this regard by way of issuing several advisories from time to time. A Model Prison Manual 2016 has also been circulated to all States/UTs which, inter-alia, has specific chapters on ‘Welfare of Prisoners’, ‘Under trial Prisoners’, ‘Legal Aid’, etc. The States/UTs have been requested to make best use of the guidance provided in the Model Prison Manual for the welfare of the prisoners.

The Government of India has 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 has also been 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 in a quick and efficient manner and helps them in identifying the inmates whose cases are due for consideration by the Under Trial Review Committee.

The State Legal Services Authorities have established Legal Service Clinics in jails, who provide free legal assistance to persons in need. These Legal Service Clinics are managed by Empanelled Legal Services Advocates and trained Para-Legal Volunteers. Such clinics have been established in the jails to ensure that no prisoner remains unrepresented and legal aid and advice is provided to them. National Legal Services Authority (NALSA) also holds awareness camps in jails to generate awareness about the availability of free legal aid, plea bargaining, Lok Adalats and legal rights of inmates including their right to bail. On directions of the Hon'ble Supreme Court of India, NALSA had prepared a Standard Operating Procedure (SOP) for Under-Trial Review Committees, which has been circulated by MHA to all States/UTs for making best use of the same.

State/UT-wise, Gender-wise and Age Group-wise number of Undertrials lodged in Jails as on 31.12.2021

SNo.	State/UT	16 - 18 Years				18 - 30 Years				30 - 50 Years				50 Years & Above				Total Undertrials			
		M	F	Tr.	Total	M	F	Tr.	Total	M	F	Tr.	Total	M	F	Tr.	Total	M	F	Tr.	Total
1	ANDHRA PRADESH	0	0	0	0	1933	80	1	2014	2995	185	0	3180	590	47	0	637	5518	312	1	5831
2	ARUNACHAL PRADESH	0	0	0	0	77	2	0	79	38	2	0	40	1	1	0	2	116	5	0	121
3	ASSAM	0	0	0	0	3116	176	2	3294	3204	105	0	3309	933	84	0	1017	7253	365	2	7620
4	BIHAR	0	0	0	0	25838	695	0	26533	23730	1560	0	25290	7224	530	0	7754	56792	2785	0	59577
5	CHHATTISGARH	0	0	0	0	7280	203	0	7483	3899	273	0	4172	569	64	0	633	11748	540	0	12288
6	GOA	0	0	0	0	177	4	0	181	248	15	0	263	37	0	0	37	462	19	0	481
7	GUJARAT	0	0	0	0	6034	127	2	6163	4343	219	1	4563	837	36	0	873	11214	382	3	11599
8	HARYANA	0	0	0	0	10354	208	1	10563	6049	280	3	6332	1242	100	0	1342	17645	588	4	18237
9	HIMACHAL PRADESH	0	0	0	0	800	21	0	821	966	52	0	1018	172	13	0	185	1938	86	0	2024
10	JHARKHAND	0	0	0	0	8700	245	0	8945	5741	306	0	6047	1159	98	0	1257	15600	649	0	16249
11	KARNATAKA	0	0	0	0	6515	173	1	6689	4124	183	3	4310	629	61	0	690	11268	417	4	11689
12	KERALA	0	0	0	0	2051	24	0	2075	2121	50	0	2171	621	25	0	646	4793	99	0	4892
13	MADHYA PRADESH	0	0	0	0	14934	375	2	15311	10139	550	0	10689	2919	175	0	3094	27992	1100	2	29094
14	MAHARASHTRA	0	0	0	0	14491	457	15	14963	13072	646	4	13722	2953	114	0	3067	30516	1217	19	31752
15	MANIPUR	0	0	0	0	213	21	0	234	226	22	0	248	29	2	0	31	468	45	0	513
16	MEGHALAYA	0	0	0	0	460	10	0	470	327	12	0	339	57	0	0	57	844	22	0	866
17	MIZORAM	0	0	0	0	301	24	0	325	219	41	0	260	50	5	0	55	570	70	0	640
18	NAGALAND	0	0	0	0	147	6	0	153	152	5	0	157	13	3	0	16	312	14	0	326
19	ODISHA	0	0	0	0	8919	186	1	9106	6817	351	1	7169	1765	124	0	1889	17501	661	2	18164
20	PUNJAB	0	0	0	0	8292	340	0	8632	8644	579	0	9223	1494	161	0	1655	18430	1080	0	19510
21	RAJASTHAN	0	0	0	0	8896	196	0	9092	6916	217	0	7133	1670	59	0	1729	17482	472	0	17954
22	SIKKIM	0	0	0	0	166	0	0	166	114	4	0	118	18	0	0	18	298	4	0	302
23	TAMIL NADU	0	0	0	0	4356	132	1	4489	4914	270	0	5184	1931	102	0	2033	11201	504	1	11706
24	TELANGANA	0	0	0	0	2175	109	0	2284	1949	171	0	2120	342	50	0	392	4466	330	0	4796
25	TRIPURA	0	0	0	0	310	4	0	314	233	14	0	247	34	3	0	37	577	21	0	598
26	UTTAR PRADESH	0	0	0	0	36544	1134	3	37681	37072	1729	4	38805	13178	942	0	14120	86794	3805	7	90606
27	UTTARAKHAND	0	0	0	0	2761	70	0	2831	1391	96	0	1487	326	28	2	356	4478	194	2	4674
28	WEST BENGAL	0	0	0	0	10146	424	15	10585	9058	625	6	9689	2104	199	0	2303	21308	1248	21	22577
29	A & N ISLANDS	0	0	0	0	42	0	0	42	91	2	0	93	23	0	0	23	156	2	0	158
30	CHANDIGARH	0	0	0	0	417	13	0	430	221	21	0	242	40	6	0	46	678	40	0	718
31	DNH & DAMAN DIU	0	0	0	0	103	2	0	105	66	1	0	67	5	0	0	5	174	3	0	177
32	DELHI	0	0	0	0	10133	181	4	10318	5222	263	2	5487	802	58	0	860	16157	502	6	16665
33	JAMMU & KASHMIR	0	0	0	0	2075	50	0	2125	1858	74	0	1932	445	29	0	474	4378	153	0	4531
34	LADAKH	0	0	0	0	9	0	0	9	7	0	0	7	0	0	0	0	16	0	0	16
35	LAKSHADWEEP	0	0	0	0	0	0	0	0	5	0	0	5	0	0	0	0	5	0	0	5
36	PUDUCHERRY	0	0	0	0	128	4	0	132	60	4	0	64	10	3	0	13	198	11	0	209
	TOTAL	0	0	0	0	198893	5696	48	204637	166231	8927	24	175182	44222	3122	2	47346	409346	17745	74	427165