

**GOVERNMENT OF INDIA
MINISTRY OF HOME AFFAIRS**

**LOK SABHA
UNSTARRED QUESTION NO. 2460**

**TO BE ANSWERED ON THE 10TH DECEMBER, 2024/ AGRAHAYANA 19, 1946
(SAKA)**

FUNDS FOR PRISONS

2460. Ms. SAYANI GHOSH:

Will the Minister of HOME AFFAIRS be pleased to state:

(a) whether several States have not received any prison-related funds from the Government during the last five years, if so, the total funds allocated, utilised and released to the States for prison reform;

(b) whether the prisons are overcrowded by 131% in the country, if so, the steps taken by the Government to reduce the overcrowding during the said period; and

(c) whether the Government has any proposal for the construction of new jails in the country and improve the conditions of jails, if so, the details thereof?

ANSWER

**MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS
(SHRI BANDI SANJAY KUMAR)**

(a): During the last five financial years, the Ministry of Home Affairs has allocated/released Rs. 275 crores to the States and Union Territory Administrations (UTs) for technological upgradation of prison management.

(b): The National Crime Records Bureau (NCRB) compiles prison statistics reported to it by the States and UTs and publishes the same in its annual publication "Prison Statistics India". The latest published

report is of the year 2022. As on 31st December, 2022, as against the total available capacity of 4,36,266 inmates, 5,73,220 prisoners were lodged in the jails of the country.

‘Prisons’/‘persons detained therein’ is a “State List” subject under List II of the Seventh Schedule to the Constitution of India. The administration and management of prisoners, including the issue of addressing overcrowding in prisons, is therefore, the responsibility of respective States/UTs. However, the Ministry of Home Affairs has taken the following initiatives for addressing the issue of overcrowding in prisons:

(i) The Code of Criminal Procedure (CrPC) has been replaced by the Bharatiya Nagarik Suraksha Sanhita, 2023, which has come into force with effect from 1st July 2024. Section 479 (1) of the BNSS provides that ‘where a person has, during the period of investigation, inquiry or trial under this Sanhita of an offence under any law (not being an offence for which the punishment of death or life imprisonment has been specified as one of the punishments under that law) undergone detention for a period extending up to one-half of the maximum period of imprisonment specified for that offence under that law, he shall be released by the Court on bail.’

The Proviso under Section 479 (1) of the BNSS provides further relief to first time offenders/undertrial prisoners and provides that where such

person is a first-time offender (who has never been convicted of any offence in the past) he shall be released on bond by the Court, if he has undergone detention for the period extending up to one-third of the maximum period of imprisonment specified for such offence under that law.

A new provision has been made in BNSS, 2023 under Section 479(3) which provides that the Superintendent of jail, where the accused person is detained, on completion of one-half or one-third of the period mentioned in sub-section (1) of BNSS, as the case may be, shall forthwith make an application in writing to the Court for the release of such person on bail.

(ii) Chapter XXIII of the Bharatiya Nagarik Suraksha Sanhita, 2023 enables pre-trial negotiation between the defendant and the prosecution. This is a means by which the defendant can receive a lighter sentence and is cost effective, saves time of both defendant and the Court and the case gets quickly disposed of.

(iii) The National E-prisons portal provides facility to the State Jail authorities to access the data of inmates in a quick and efficient manner, which helps them in identifying the inmates whose cases are due for consideration by the Under Trial Review Committees.

(iv) The National Legal Services Authority (NALSA) 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. The State Legal Services Authorities have established Legal Service Clinics in jails, who provide free legal assistance to persons in need. These clinics have been established to ensure that no prisoner remains unrepresented and legal aid and advice is provided to them.

(v) The Model Prison Manual 2016 circulated to all States/UTs has specific chapters on “Legal Aid” and “Undertrial Prisoners”, etc, which provide detailed guidelines on the facilities which may be provided to undertrial inmates, namely legal defence, interview with lawyers, application to Courts for legal aid at Government cost etc.

(vi) The Ministry of Home Affairs has also issued various advisories to States and UTs for adopting appropriate measures to address the issue of overcrowding in prisons. These advisories are available on MHA’s website.

(c): Prisons being a ‘State-List’ subject, the States and Union Territories are competent to establish new jails/barracks in their respective jurisdictions as per the need and requirement of the same and for taking appropriate action for improving the conditions of jails, etc.
