



April 29, 2020

## **Jail Mail: PRISONS AND PARLIAMENT – WINTER SESSION 2019 AND BUDGET SESSION 2020**

Dear Friends,

Greetings from CHRI!

This Jail Mail documents the questions asked by Parliamentarians on various aspects relating to prisons and persons held in detention. In this edition, we have analysed the responses by the various ministries during the Winter Session as well as the Budget session.

The Winter Session of the Parliament commenced on 18th November, 2019 and was adjourned on the 13th of December, 2019. This session witnessed discussion on a range of questions relating to prisons and prisoners including prison reforms, deaths in prisons, overcrowding, undertrials, legal aid and foreign national prisoners. Our lawmakers addressed questions relating to the National Register of Citizens (NRC) and conditions in Detention Centres as well as those on the preventive detentions in Jammu and Kashmir in the wake of the abrogation of Article 370. It was also heartening to see a couple of questions by Members of Parliament (MPs) citing the data from the [India Justice Report](#) that some of our team members had been a part of.

The first part of the Budget Session of 2020 began on 31st January 2020 and ended on 11th February 2020. The second part of the session was from 2nd March to 23rd March 2020. Our team, through the course of these sessions, continued to take note of questions relating to the NRC and Detention Centres. Additionally, we also looked at the questions relating to the arrests made following the protests against the Citizenship Amendment Act (CAA) and the North-East Delhi Riots.

The attached notes contain summaries of the information received through responses to the questions asked in the [Winter Session](#) and the [Budget Session](#) on prisons, along with links to the questions.

### **What can you do?**

- You can suggest questions that you would like to be asked in the next session of Parliament.
- You can inform your representative about the issues and challenges that are important to you.

- You can also ask questions on these issues through your MP or other MPs who may in turn ask the relevant ministry. The admissibility of the question in the Parliament is governed by the Rules and Procedures and Conduct of Business in the Lok Sabha ([Rule 41](#)) and Rajya Sabha ([Rule 47](#)). You could also search for previous questions asked in the [Lok Sabha](#) and [Rajya Sabha](#), to help you in draft questions to the relevant ministries. Your questions can be sent to MPs through these links: [Lok Sabha Member details](#) and [Rajya Sabha Member details](#).
- To understand the areas of work of your MP or other MPs, you can go through the [MP Track page](#) of PRS Legislative Research.
- You can also send questions to Parliament using the platform [here](#) or by sending your questions to Maadhyam at [maadhyam.connect@gmail.com](mailto:maadhyam.connect@gmail.com).

Please feel free to write to us at [chriprisonprog@gmail.com](mailto:chriprisonprog@gmail.com) with your comments and suggestions.

With best regards,

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## Jail Mail: Prisons and Parliament – Winter Session 2019

The 2019 Winter Session spanned over 20 days (18<sup>th</sup> November, 2019 – 13<sup>th</sup> December, 2019).<sup>1</sup> A wide range of questions on different aspects relating to the condition of prisons and prisoners including prison reforms, deaths in prisons, overcrowding, undertrials, legal aid and foreign national prisoners were discussed.

In this edition of Prisons and Parliament, we have also looked at the questions relating to the recent preventive detentions in Jammu and Kashmir and questions on the NRC and Detention Centre.

Question Number & Date	Topic	Question Asked by	Forum	Answer by (Name & Designation)
<b>PRISON REFORMS</b>				
AU1800 - 4th Dec, 2019	Report on implementation of prison reforms	Shri. Naresh Gujral	Rajya Sabha	Shri. G. Kishan Reddy (Minister of State in the Ministry of Home Affairs)
Au2627 - 11th Dec, 2019	Prison reform policy	Shri. Prabhat Jha	Rajya Sabha	Shri. G. Kishan Reddy (Minister of State in the Ministry of Home Affairs)
<b>DEATHS IN PRISONS</b>				
AU1019 - 27th Nov, 2019	Deaths in prisons	Dr. Kirodi Lal Meena	Rajya Sabha	Shri. G. Kishan Reddy (Minister of State in the Ministry of Home Affairs)
AU1789 - 4th Dec, 2019	Deaths in police custody and jails	Shrimati Chhaya Verma; Shri. Vishambhar Prasad Nishad; Ch. Sukhram Singh Yadav	Rajya Sabha	Shri. G. Kishan Reddy (Minister of State in the Ministry of Home Affairs)
<b>OVERCROWDING, PRISON CONDITIONS AND PRISON INFRASTRUCTURE</b>				
<a href="#">AU3529</a> - 10th Dec, 2019	Expenses incurred on jail inmates	Shri Shriniwas Patil; Shri Sunil Dattatray Tatkare; Dr. Subhash Ramrao Bhamre; Shri Kuldeep Rai Sharma; Dr. Amol Ramsing Kolhe; Shrimati Supriya Sule; Dr. Dnv Senthilkumar S.	Lok Sabha	Shri. G. Kishan Reddy (Minister of State in the Ministry of Home Affairs)

<sup>1</sup> Links to answers given in the Lok Sabha are hyperlinked. The Rajya Sabha website, however, does not allow hyperlinking of questions. You can access Rajya Sabha questions by putting in the question number at the required space on this webpage. Please ensure that the current session no. 250 is selected.

AU371 - 20th Nov, 2019	Release of funds for modernisation of jails	Dr. Vikas Mahatme	Rajya Sabha	Shri. G. Kishan Reddy (Minister of State in the Ministry of Home Affairs)
AU1038 - 27th Nov, 2019	Prison occupancy rate	Shri. Nairain Das Gupta	Rajya Sabha	Shri. G. Kishan Reddy (Minister of State in the Ministry of Home Affairs)
AU1040 - 27th Nov, 2019	Steps to improve condition of prisoners	Shri. Motilal Vora	Rajya Sabha	Shri. G. Kishan Reddy (Minister of State in the Ministry of Home Affairs)
AS115 - 28th Nov, 2019	India Justice Report 2019	Shri. Nairain Das Gupta	Rajya Sabha	Shri. Ravi Shankar Prasad (Minister of Law & Justice)
<b>UNDERTRIALS</b>				
<a href="#">AU2320</a> - 3rd Dec, 2019	Release of Undertrials	Shrimati Ranjanben Dhananjay Bhatt	Lok Sabha	Shri. G. Kishan Reddy (Minister of State in the Ministry of Home Affairs)
AU354 - 20th Nov, 2019	Undertrial prisoners in various jails	Dr. T. Subbarami Reddy; Shri Vaiko	Rajya Sabha	Shri. G. Kishan Reddy (Minister of State in the Ministry of Home Affairs)
AU1830 - 4th Dec, 2019	Undertrial prisoners in the country	Shri Md. Nadimul Haque	Rajya Sabha	Shri. G. Kishan Reddy (Minister of State in the Ministry of Home Affairs)
<b>LEGAL AID</b>				
AU2005 - 5th Dec, 2019	Appointment of lawyers to provide legal assistance	Shri. Amar Shankar Sable	Rajya Sabha	Shri. Ravi Shankar Prasad (Minister of Law & Justice, Communications and Electronics & Information Technology)
AU2593 - 11th Dec, 2019	Free legal aid provided to undertrials	Prof. M. V. Rajeev Gowda	Rajya Sabha	Shri. G. Kishan Reddy (Minister of State in the Ministry of Home Affairs)
<b>INDIAN NATIONALS IN FOREIGN JAILS &amp; FOREIGN NATIONALS IN INDIA</b>				
<a href="#">AU656</a> - 20th Nov, 2019	Detention of fishermen	Shri K. Navaskani	Lok Sabha	Shri V. Muraleedharan (Minister of State in the Ministry of External Affairs)
<a href="#">AU2738</a> - 4th Dec, 2019	Deportation of Indians	Shrimati Sajda Ahmed	Lok Sabha	Shri V. Muraleedharan (Minister of State in

				the Ministry of External Affairs)
<a href="#">AU3782</a> - 11th Dec, 2019	Indian in Pak Jails	Shri Rajeshbhai Chudasama	Lok Sabha	Shri V. Muraleedharan (Minister of State in the Ministry of External Affairs)
AU532 - 21 Nov, 2019	Indian Asylum Seekers in the US	Shrimati Vandana Chavan	Rajya Sabha	Shri V. Muraleedharan (Minister of State in the Ministry of External Affairs)
AU946 - 25th Nov, 2019	DGS Inspection programme to monitor RPSL Holders	Shri Jose K. Mani	Rajya Sabha	Shri Mansukh Mandaviya (Minister of State, Independent Charge, for Shipping)
AU1164 - 28th Nov, 2019	Extradition of criminals	Shri Md. Nadimul Haque	Rajya Sabha	Shri V. Muraleedharan (Minister of State in the Ministry of External Affairs)
AS176 - 4th Dec, 2019	NIA report on illegal migrants in Karnataka	Shri. Rajeev Chandrasekhar	Rajya Sabha	Shri Nityanand Rai (Minister of State in the Ministry of Home Affairs)
AU1794 - 4th Dec, 2019	Illegal intrusions along Indo-Bangladesh border	Shri Ronald Sapa Tlau	Rajya Sabha	Shri Nityanand Rai (Minister of State in the Ministry of Home Affairs)
AU1813 - 4th Dec, 2019	Arrest of terrorists of Jamaat ul Mujahideen Bangladesh	Dr. Vinay P. Sahasrabudhe	Rajya Sabha	Shri. G. Kishan Reddy (Minister of State in the Ministry of Home Affairs)
AU1958 - 5th Dec, 2019	Arrest of Indian fishermen by Sri Lankan army	Shri A. Vijayakumar	Rajya Sabha	Shri V. Muraleedharan (Minister of State in the Ministry of External Affairs)
<b>DETENTIONS IN J&amp;K</b>				
<a href="#">AU2417</a> - 3rd Dec, 2019	Detention in J&K	Shri Dayanidhi Maran	Lok Sabha	Shri. G. Kishan Reddy (Minister of State in the Ministry of Home Affairs)
AS38 - 20th Nov, 2019	Political leaders detained during lockdown in Kashmir	Shri Tiruchi Siva	Rajya Sabha	Shri. G. Kishan Reddy (Minister of State in the Ministry of Home Affairs)

AU1021 - 27th Nov, 2019	Political leaders under house arrest in Jammu & Kashmir	Shri Elamaram Kareem	Rajya Sabha	Shri. G. Kishan Reddy (Minister of State in the Ministry of Home Affairs)
AU1818 - 4th Dec, 2019	Political detention in Kashmir	Shri M. P. Veerendra Kumar	Rajya Sabha	Shri. G. Kishan Reddy (Minister of State in the Ministry of Home Affairs)
AU1821 - 4th Dec, 2019	Arrests in Jammu and Kashmir after August, 2019	Shri Elamaram Kareem	Rajya Sabha	Shri. G. Kishan Reddy (Minister of State in the Ministry of Home Affairs)
<b>NATIONAL REGISTER OF CITIZENS AND DETENTION CENTRES</b>				
AU398 - 20th Nov, 2019	NRC to identify illegal migrants in Assam	Shri Digvijaya Singh	Rajya Sabha	Shri Nityanand Rai (Minister of State in the Ministry of Home Affairs)
AU1788 - 4th Dec, 2019	People left out of final NRC	Shri Sushil Kumar Gupta; Shrimati Jharna Das Baidya	Rajya Sabha	Shri Nityanand Rai (Minister of State in the Ministry of Home Affairs)
AU1823 - 4th Dec, 2019	Detention camps in Nagaland	Shri. K. G. Kenye	Rajya Sabha	Shri Nityanand Rai (Minister of State in the Ministry of Home Affairs)
AU1795 - 4th Dec, 2019	NRC exercise on religious lines	Shri Ahamed Hassan	Rajya Sabha	Shri Nityanand Rai (Minister of State in the Ministry of Home Affairs)
AU2630 - 11th Dec, 2019	Foreigners in detention camps	Dr. Santanu Sen	Rajya Sabha	Shri Nityanand Rai (Minister of State in the Ministry of Home Affairs)
<a href="#">AU234</a> - 19th Nov, 2019	Detention camp for foreigners	Shri Abdul Khaleque	Lok Sabha	Shri Nityanand Rai (Minister of State in the Ministry of Home Affairs)
AS103 - 27th Nov, 2019	Lack of facilities in detention centres	Dr. Santanu Sen	Rajya Sabha	Shri Nityanand Rai (Minister of State in the Ministry of Home Affairs)
AU1010 - 27th Nov, 2019	People staying in detention centres	Shri Naresh Gujral	Rajya Sabha	Shri Nityanand Rai (Minister of State in the Ministry of Home Affairs)
<a href="#">AU2340</a> - 3rd Dec, 2019	Detention camps in Assam	Shri M. Badruddin Ajmal	Lok Sabha	Shri. G. Kishan Reddy (Minister of State in the Ministry of Home Affairs)

<a href="#">AU3542</a> - 10th Dec, 2019	Suicide cases in detention centres	Shri Dibyendu Adhikari	Lok Sabha	Shri. G. Kishan Reddy (Minister of State in the Ministry of Home Affairs)
<a href="#">AU3561</a> - 10th Dec, 2019	Detention of declared foreigners	Shri Abdul Khaleque	Lok Sabha	Shri Nityanand Rai (Minister of State in the Ministry of Home Affairs)
AU2632 - 11th Dec, 2019	Detention centres in the country	Shri Md. Nadimul Haque	Rajya Sabha	Shri Nityanand Rai (Minister of State in the Ministry of Home Affairs)
<b>SHELTER HOME AND CHILD CARE INSTITUTION</b>				
<a href="#">AU925</a> - 22nd Nov, 2019	Juvenile Homes	Shri D. K. Suresh; Shri L. S. Tejasvi Surya	Lok Sabha	Smt. Smriti Zubin Irani (Minister of Women and Child Development)
<a href="#">AU1014</a> - 22nd Nov, 2019	Shelter Homes	Shri Vijay Baghel; Shri Harish Dwivedi; Shrimati Shardaben Anilbhai Patel	Lok Sabha	Smt. Smriti Zubin Irani (Minister of Women and Child Development)
<a href="#">AU3117</a> - 6th Dec, 2019	Juvenile Homes	Shri Kunwar Pushpendra Singh Chandel; Shri Pinaki Misra	Lok Sabha	Smt. Smriti Zubin Irani (Minister of Women and Child Development)
<a href="#">AU4144</a> - 13th Dec, 2019	Juvenile Justice Act	Shri Ravneet Singh Bittu	Lok Sabha	Smt. Smriti Zubin Irani (Minister of Women and Child Development)
AU2867 - 12th Dec, 2019	Child Care Institutions in Haryana	Kumari Selja	Rajya Sabha	Smt. Smriti Zubin Irani (Minister of Women and Child Development)
AU2878 - 12th Dec, 2019	Sexual harassment of children in Juvenile Homes	Shri Syed Nasir Hussain	Rajya Sabha	Smt. Smriti Zubin Irani (Minister of Women and Child Development)
<b>VULNERABLE CATEGORIES OF PRISONERS</b>				
<a href="#">AU2485</a> - 3rd Dec, 2019	Women Prisoners	Dr. Nishikant Dubey	Lok Sabha	Shri. G. Kishan Reddy (Minister of State in the Ministry of Home Affairs)
<a href="#">AU3519</a> - 10th Dec, 2019	Women Undertrials	Shri Vincent H. Pala	Lok Sabha	Shri. G. Kishan Reddy (Minister of State in the Ministry of Home Affairs)

AU364 - 20th Nov, 2019	Introduction of women jails in States UTs	Kumari Selja	Rajya Sabha	Shri. G. Kishan Reddy (Minister of State in the Ministry of Home Affairs)
AU2612 - 11th Dec, 2019	Facilities for children of women prisoners	Shrimati Vandana Chavan	Rajya Sabha	Shri. G. Kishan Reddy (Minister of State in the Ministry of Home Affairs)
<b>PRISON STAFF</b>				
AU1037 - 27th Nov, 2019	Shortage of staff in Indian jails	Shri Narain Dass Gupta	Rajya Sabha	Shri. G. Kishan Reddy (Minister of State in the Ministry of Home Affairs)
AU1786 - 4th Dec, 2019	Sensitising prison staff	Dr. Amar Patnaik; Shri Mahesh Poddar	Rajya Sabha	Shri. G. Kishan Reddy (Minister of State in the Ministry of Home Affairs)
<b>TECHNOLOGY IN PRISONS</b>				
<a href="#">AU3567</a> - 10 Dec, 2019	ePrisons	Shri L. S. Tejasvi Surya	Lok Sabha	Shri. G. Kishan Reddy (Minister of State in the Ministry of Home Affairs)
AU2014 - 5th Dec, 2019	Video conferencing during trials	Shri Mahesh Poddar	Rajya Sabha	Shri. Ravi Shankar Prasad (Minister of Law & Justice, Communications and Electronics & Information Technology)
<b>OTHERS</b>				
<a href="#">AU2176</a> - 2nd Dec, 2019	Education Programmes for Prisoners	Shri Ritesh Pandey	Lok Sabha	Shri Ramesh Pokhriyal 'Nishank' (Minister of Human Resource Development)
AU353 - 20th Nov, 2019	Persons arrested under UAPA	Shri Elamaram Kareem	Rajya Sabha	Shri. G. Kishan Reddy (Minister of State in the Ministry of Home Affairs)
AU381 - 20th Nov, 2019	UN convention against torture	Shri Syed Nasir Hussain	Rajya Sabha	Shri. G. Kishan Reddy (Minister of State in the Ministry of Home Affairs)
AU1029 - 27th Nov, 2019	Gaps in NCRB data	Prof. M. V. Rajeev Gowda	Rajya Sabha	Shri. G. Kishan Reddy (Minister of State in the Ministry of Home Affairs)



AS182 - 5th Dec, 2019	Delay in criminal justice system	Shri Naranbhai J. Rathwa	Rajya Sabha	Shri. Ravi Shankar Prasad (Minister of Law & Justice, Communications and Electronics & Information Technology)
AU2600 - 11th Dec, 2019	Issues pertaining to solitary confinement	Prof. Manoj Kumar Jha	Rajya Sabha	Shri. G. Kishan Reddy (Minister of State in the Ministry of Home Affairs)
AU2820 - 12th Dec, 2019	National Judicial Data Grid	Shri Neeraj Shekhar	Rajya Sabha	Shri. Ravi Shankar Prasad (Minister of Law & Justice, Communications and Electronics & Information Technology)

### **PRISON REFORMS**

There were two questions raised in the Rajya Sabha on the topic of implementation of prison reforms. While the Ministry of Home Affairs (MHA) placed the onus of this on the state governments, in the reply to the the unstarred question by Shri. Naresh Gujral, the MHA stated that it had shared the resolutions adopted by the 5<sup>th</sup> National Conference of Head of Prisons of States/UTs on Prison Reforms with the States/UTs on 4<sup>th</sup> May, 2017. The answer also mentions that the Model Prison Manual 2016 was forwarded to all states to ensure efficiency and uniformity in prison governance.

In the response given to Shri. Prabhat Jha, the MHA has provided the link to the ministry's website which hosts the advisories that were issued to the States and UTs, which are available at - [https://mha.gov.in/Division\\_of\\_MHA/Women\\_Safety\\_Division/prison-reforms](https://mha.gov.in/Division_of_MHA/Women_Safety_Division/prison-reforms)

### **DEATHS IN PRISONS**

In response to Dr. Meena's question on the data relating to the number of deaths inside prisons over the last three years and the judicial enquiries initiated in each case, the MHA provided the state-wise data of the incidents of natural and unnatural deaths over the last three years (2015-2017) and the data on the Judicial Magistrate enquiries ordered by the National Human Rights Commission (NHRC) in 2017, and the cases where NHRC ordered compensation. Of the 1336 Judicial Magistrate enquiries, the NHRC ordered for compensation in 30 cases (21 in Bihar, 4 each in Maharashtra and Uttar Pradesh, and 1 in Delhi).

In the question by Shrimati Chhaya Verma, Shri. Vishambhar Prasad Nishad, and Ch. Sukhram Singh Yadav, the MHA responded with data on deaths in judicial and police custody over the last three years. Further, with regard to setting up Human Rights Courts in each district, the MHA cited Section 30 of the Protection of Human Rights Act, 1993 to state that these were to be set up by the State Government with the concurrence of the Chief Justice of the High Court, by a notification that would specify a Court of Sessions in each district as a Human Rights Court.

### **OVERCROWDING, PRISON CONDITIONS AND PRISON INFRASTRUCTURE**

In an unstarred question by 7 Members of Parliament (MP), the MPs enquired whether the expenses incurred in jails were being audited by the government and through the Comptroller and Auditor General of India and whether there were any discrepancies. To this, the MHA in its

response stated that the Accounts General of the respective states conduct the audits of prisons and table it in the State Legislature, following which it is uploaded on the CAG website at - <https://cag.gov.in/audit-reports>.

In Mr. Vikas Mahatme's question regarding release of funds for modernization of jails, he enquires about the steps taken by government to prevent overcrowding. In its reply, the MHA while stating that there are no plans to release funds to States for modernization of jails, addresses the question on overcrowding lists the steps taken by the Government of India. This included the provision of bail for undertrials who have served one-half of the maximum period of imprisonment specified for an offence, the e-Prisons portal which allows State jail authorities to easily identify cases being considered by the Under Trial Review Committee (UTRC), the concept of plea bargaining, the Legal Services Clinics by the State Legal Services Authority and the deployment of Para Legal Volunteers. The answer also cited the National Legal Services Authority's Standard Operating Procedure (SOP) for UTRC and the chapter on Legal Aid in the Model Prison Manual.

Two questions in the Rajya Sabha by Mr. Narain Dass cited the India Justice Report's findings on the prison occupancy rates and the percentage of undertrial prisoners. While acknowledging that the statistics of the India Justice Report were drawn from Prison Statistics India (PSI) 2016 report, the MHA cites PSI 2017 which shows a higher occupancy rate. The MHA also provides data on the number of persons who had received legal aid over about two and a half years –

<b>Years</b>	<b>Number of persons In custody benefited</b>
2017-18	1,47,662
2018-19	1,75,656
2019-20 (till August, 19)	81,856
Total	4,05,174

In response to Shri Motilal Vora's question in the Rajya Sabha regarding steps taken by the Government regarding the overcrowding and human rights of prisoners, the MHA cites the PSI 2017 data on the overcrowding in prisons before stating that it is a state subject and cites its efforts in terms of the chapters from the Model Prison Manual 2016 addressing Maintenance of Prisoners, Medical Care, Education of Prisoners, Vocational Training and Skill Development Programmes and Remission to Prisoners.

### **UNDERTRIALS**

A question on the release of undertrial women prisoners was raised by Smt. Ranjanben Dhananjay Bhatt. In its response, the MHA stated that prison was a state subject while illuminating the chapters on women prisoners and legal aid in the model prison manual. The MHA also referred to the ePrisons portal and the NALSA SOP on the Undertrial Review Committee.

In response to a question by Dr. T. Subbarami Reddy and Shri Vaiko on the imprisonment of undertrials which included data on the children who are in jails for more than three years, the MHA stated that the NCRB does not maintain this information. They, however, had information that a total of 13143 undertrial prisoners have been confined for 3-5 years.

Shri Md. Nadimul Haque's unstarred question in the Rajya Sabha was on the prison capacity and the percentage of undertrials in prison. The MHA responded by stating that the total capacity of the 3,91,574 inmates across the 1361 prisons.

<b>Year</b>	<b>Average percentage of undertrials (to the total prison population)</b>
2015	67.2%
2016	67.7%
2017	68.5%

On the question seeking data on the proportion of undertrial prisoners who had been convicted over the last three years, the ministry stated that the information was not maintained centrally.

### **LEGAL AID**

In a question raised by Shri. Amar Shankar Sable on legal aid lawyers and schemes to provide free legal advice, the Ministry of Law and Justice responded by detailing the criteria and procedure for empanelment of panel lawyers for providing legal aid. It was stated that there were 61, 295 panel lawyers empanelled by the Legal Services Authorities. The Ministry also stated that it had set up more than 23000 legal services clinic in Jails, Courts, Juvenile Justice Board (JJBs), Community Centres, Villages/Rural areas and Law Colleges/Universities to provide free legal services.

On the question of free legal aid to undertrial prisoners, Prof. Rajeev Gowda enquired about the overcrowding in prisons, the percentage of undertrials, the provision of free legal aid according to the 268th Law Commission. The MHA in its response stated that 15 States and 1 Union Territory faced the problem of overcrowding. Of the prison inmates, 68.5% were undertrials as on 31<sup>st</sup> December, 2017. According to the data, Uttar Pradesh was the state that had the highest percentage of occupancy at 165%. This was followed by Chhattisgarh, where the occupancy rate is 157%. Delhi had the highest occupancy rate amongst Union Territories at 151%. While 94242 prisoners received legal aid in 2016, 102182 prisoners received legal aid in 2017.

	<b>Available capacity</b>	<b>Inmate Population</b>	<b>Occupancy Rate</b>
<b>Total</b>	391574	450696	115.1

### **INDIAN NATIONALS IN FOREIGN JAILS & FOREIGN NATIONALS IN INDIA**

On 20<sup>th</sup> November, 2019 Shri K. Navaskani was on the detention of fishermen from Tamil Nadu by the Sri Lankan Navy and the efforts by the government to address the issue of frequent detention of fishermen. In their response, the Ministry of External Affairs (MEA) stated that it is a matter that the government regularly takes up with the government of Sri Lanka which has resulted in the release of 2079 Indian fishermen since May 2014 and diplomatic efforts were ongoing for the release of 4 fishermen who were presently in Sri Lankan custody. A Joint Working Group (JWG) on fisheries has been set up with Sri Lanka as a bilateral institutional mechanism for the Ministers of Fisheries of both countries to meet every six months, which has held three rounds of meetings so far.

On 5<sup>th</sup> December, Shri A. Vijaykumar also asked a question on the arrest of Indian fishermen by the Sri Lankan army. The MEA stated in its report that 2082 Indian fishermen and 380 fishing vessels were released from the custody of Sri Lanka since May, 2014 while 50 boats and 1 India fisherman was still in custody. Further, the government of India had assisted in the installation of 507 transponders by the Government of Tamil Nadu in mechanised boats to alert the fishermen on the International Maritime Boundary Line (IMBL).

Shrimati Sajda Ahmed in her question to the MEA enquired about the deportation of Indians from Mexico and whether the government had information about the Indian migrants illegally scattered across the world. The MEA stated that 311 Indian nationals were deported in October, 2019 as they had entered Mexico without any valid travel documents. However, it stated that the government did not have a database of Indians who have migrated abroad illegally as it only

comes to know of these when contacted by the host country or assistance is sought by the individual or family.

Shri Rajeshbhai Chudasama's question to the MEA was on the details regarding Indian citizens jailed in Pakistan and whether the government had extended any assistance to the families of such persons. The MEA's response stated that there were 292 Indians and believed-to-be Indians in Pakistan's custody; 52 civilian prisoners and 209 fishermen, as of the list shared on 1<sup>st</sup> July 2019 by Pakistan. Additionally, there was the issue of 83 missing Indian defence personnel including Prisoners of Wars, whose custody has not been acknowledged by Pakistan. The government has managed to secure the release and repatriation of 2112 Indians, including fisherman from Pakistan's custody since 2014. The MEA also shared that the Department of Fisheries has a non-plan scheme on Soft Loan Package for the replacement of fishing vessels held captive in Pakistan. Smt Vandana Chavan asked the MEA about Indian Asylum Seekers in the US. The MEA responded stating that US government does not share information about asylum seekers due to privacy laws. Further, asylum seekers are reluctant to reach out to the Indian Consulate while their asylum request is under consideration. However, it also stated that Indian asylum seekers applying for asylum to a foreign government denigrate the systems in India to obtain personal gains despite the fact that India, being a democratic country, provides avenues for everyone to redress their grievances lawfully. It added that detainees returning to India are provided all possible consular assistance.

In his question to the Minister of Shipping, Shri Jose K. Mani enquired whether there are many Indian seafarers in jails outside India, awaiting repatriation. The ministry in its response stated that the data on Indian seafarers in jails outside India was not maintained by the ministry.

Shri Md. Nadimul Haque asked the MEA whether the ministry maintains a database of criminals convicted by India who are seeking asylum abroad. However, the ministry's reply stated that no such database was maintained. However, it stated that efforts were being made to extradite fugitive economic offenders. India has signed extradition treaties with 50 countries and entered extradition arrangements with 11 more countries.

Shri Rajeev Chandrasekhar's question to the MEA pertained to the NIA report on illegal migrants in Karnataka. The MEA stated that the Karnataka government was entrusted the powers to detain and deport under the Constitution of India. It also shared that the MHA has issued instructions to the state governments/UTs advising them to sensitise the law enforcement and intelligence agencies regarding taking prompt action in cases of illegal migrants and share their details and cancel any identification documents obtained fraudulently by illegal migrants.

The question to MHA by Shri Ronald Sapa Tlau was regarding the illegal intrusions along Indo-Bangladesh Border and whether the government planned to resume the Indo-Bangladesh dialogues 1992 and 1995 on repatriating Chakmas from Northeast States. The MHA provided the state-wise data on the deportation of intruders since 2015. It also said that there were no plans on resuming the dialogues.

State	Intruders Apprehended on Indo-Bangladesh Border, Handed over to Police and Deported/Sent back by Border Security Force (BSF)				
	2015	2016	2017	2018	2019 (upto 31 <sup>st</sup> October)
<b>West Bengal</b>	<b>3296</b>	<b>1875</b>	<b>992</b>	<b>900</b>	<b>975</b>
<b>Assam</b>	<b>08</b>	<b>07</b>	<b>11</b>	<b>11</b>	<b>6</b>
<b>Meghalaya</b>	<b>57</b>	<b>63</b>	<b>47</b>	<b>39</b>	<b>43</b>
<b>Mizoram</b>	<b>0</b>	<b>0</b>	<b>03</b>	<b>3</b>	<b>7</b>
<b>Tripura</b>	<b>65</b>	<b>130</b>	<b>122</b>	<b>165</b>	<b>123</b>
<b>Total</b>	<b>3426</b>	<b>2075</b>	<b>1175</b>	<b>1118</b>	<b>1154</b>

Dr. Vinay P. Sahasrabudde in his question asked the MHA about the number of Jamaat-ul-Mujahideen Bangladesh terrorists who have been arrested in the past five years. The MHA answered with a state-wise break-up of the 120 terrorists belonging to this outfit who were arrested over the past five years while stating that the issues relating to security cooperation are raised with Bangladesh under bilateral security cooperation between the two countries. Further, the group has been listed as a terrorist organisation in the first schedule of the Unlawful Activities (Prevention) Act, 1967.

### **DETENTIONS IN J&K**

Shri Dayanidhi Maran's question on the 3rd of December 2019 was regarding the detention in Jammu and Kashmir and the cost of the implementation of the abrogation of Article 370 and the economic impact this has had in the region and the corrective measures by the Government to address this. The MHA's response stated that 5161 persons were initially taken into preventive custody, of which 609 were still in custody, and added that these were detentions made under statutory provisions by the concerned Magistrates. The government had not made a separate assessment to gauge the cost incurred to implement the abrogation of Article 370, but stated that the people of the region were denied the chance to realise their full economic potential under Article 370 and hopes that now they can realise their full potential. The answer also enumerates the Prime Minister's package of 7<sup>th</sup> November 2015 for Rs. 80,068 Crores. Similar questions were asked in the Rajya Sabha by Shri Tiruchi Shiva and Shri Elamaram Kareem, who received the same figures for the number of people held in custody. In response to Shri Elamaram Kareem's question on 4<sup>th</sup> December, the MHA also stated that 194 cases have been registered in Jammu and Kashmir for breach of peace.

The question by Shri M. P. Veerendra Kumar elicited a reply by the MHA that gave the category-wise break up of prisoners from Jammu and Kashmir (J&K) lodged in various jails in J&K, UP and Haryana totalling 3248, 234 and 27 respectively.

### **NRC AND DETENTION CENTRES**

Shri Digvijay Singh, in his question on 20<sup>th</sup> November 2019 asked about the government had identified illegal migrants by preparing the National Register of Citizens in Assam. He went on to ask how many of them were deported and if they were not, the reason for the same. In a separate question, Shri Sushil Kumar Gupta and Shrimati Jharna Das Baidya also enquired about those left out of the NRC and the action that the government intends to take against illegal migrants. Dr Santanu Sen also asked about the people declared as foreigners being housed in detention camps and whether the government plans to deport them. The MHA responded to these questions by explaining the mandate for updating the National Register of Indian Citizens (NRIC). The replies also highlight the option of appeal available to those excluded before the Foreigners Tribunal. While the matter of deportation would only arise after the disposal of the appeal before the Tribunal, it was stated that the State governments and UT administrations had full powers to detain, detect and deport any foreign national under the entrusted powers.

In the question Shri K. G Kenye posed to the Ministry of Home Affairs, he asked whether the government had constructed any detention camps in Nagaland and whether the government was planning to re-verify in populations close to the Bangladesh border. The MHA responded stating that there were no detention camps in Nagaland. It also stated that although the Assam state government had moved an interlocutory application for re-verification that the Supreme Court did not grant.

Shri Ahamed Hassan's question in the Rajya Sabha enquired whether the government intends to conduct the NRC exercise across the country on religious lines and money allocated and expenditure incurred over the past three years. He went on to request for a state-wise list of detention centres to be conducted in the next five-years. The MHA, while denying any such



exercise stated that detention centres are established by States/UT Administrations as per requirement.

In an unstarred question dated 19<sup>th</sup> November 2019, Shri Abdul Khaleque asked whether there were detention centres for foreigners in any other states other than Assam. The MHA responded by stating that Detention Centres are set up by the State Governments/ UT Administrations according to their requirement to detain illegal migrants or foreigners who have completed their sentence pending deportation. Although, presently detention centres were only set up in Assam. The MHA also provided details regarding the number of detainees in all six detention centres in Assam, totalling 1043 people, mostly from Bangladesh, but also a few from Myanmar.

On 3<sup>rd</sup> December 2019, Shri M. Badruddin Ajmal also asked a question regarding the detention centres in Assam where the MHA provided separate figures for male and female detainees. The MHA assured that the men and women were being kept in separate rooms with sufficient essential and basic facilities. It also stated that there had been no reports about rape of women detainees and that the detainees did not have restrictions regarding meeting with family members and legal advisors.

Shri Dibyendu Adhikari enquired on the suicides inside detention centres to which the MHA replied stating that there had been no suicide in any Detention Camp in Assam in the last six months.

Shri Abdul Khaleque's question asked for data on the declared foreigners and convicted foreigners who have completed three years in detention. The MHA responded by stating that according to the data provided by the State Government of Assam, there were 181 declared foreigners and 44 convicted foreigners who have been in detention camps for longer than three years. 289 declared foreigners were detained in the year 2019 and a total of 290 women have been declared as foreigners. It was also stated that 128 detainees who had completed more than three years in detention centres have been released in compliance of the Supreme Court's orders, however it was an ongoing process. A total of 227 foreigners had been deported to the country of their origin as on 5<sup>th</sup> December 2019.

Dr. Santanu Sen's question pertained to the lack of basic facilities and medical care in detention camps. He also enquired about the deaths inside these camps. The MHA replied stating that as of 22<sup>nd</sup> November 2019, there were 988 foreigners being detained in 6 detention camps in Assam. There had been 28 deaths inside the detention camps between 2016 and 13<sup>th</sup> October, 2019. It was also stated that the detainees were provided basic facilities and the detention camp had indoor hospital facilities and detainees were referred to the civil hospitals if required. In a similar question by Shri Naresh Gujral the MHA stated that a sum of Rs. 4.74 Crores have been spent from the financial year 2009-10 to 2017-18 by the Government of Assam for the facilities inside the detention camp.

In response to Shri Md. Nadimul Haque's question on the details regarding the detention camps across states, the MHA said that the State Governments/UT Administrations do not require any specific approval from the MHA for setting up camps and that the MHA had shared consolidated instructions on the subject in the Model Detention/Holding Centre Manual which was circulated on 09.01.2019, while adding that the government has approved a Detention Centre in Matia, Goalpara, Assam at an estimated cost of Rs. 46,51,20,563.

### **Shelter Home**

In a response to Shri D. K. Suresh and Shri L. S. Tejasvi Surya on Juvenile Homes, the Minister of Women and Child Development (Smt. Smriti Zubin Irani) provided the state-wise details of the institutions that come under the centrally sponsored scheme 'Child Protection Services (CPS)' along with the children residing in these institutions. The answer also provides data on the state-wise adoption cases pending before the Family and District Courts according to age-groups of 0-2 months, 2-4 months, 4-6 months, 6-12 months, and beyond 1 year.

In another question on Shelter Homes by Shri Vijay Baghel, Shri Harish Dwivedi and Shrimati

Shardaben Anilbhai Patel, Smt. Smriti Irani provided the state-wise list of institutions supported by CPS and the grants released and utilised under CPS from 2016-17 till 15<sup>th</sup> November, 2019. The answer provides data on amounts released and utilised by each state or Union Territory under the Swadhar Greh Scheme. The answer also details the complaints received by the National Commission for Protection of Child Rights (NCPCR), where a total of 43 complaints were received since 2016-17. The state-wise list of complaints to the NCPCR was also provided in the response to the unstarred question by Shri Syed Nasir Hussain on sexual harassment of children in juvenile justice homes.

In its response to the question by Shri Kunwar Pushpendra Singh Chandel and Shri Pinaki Misra, Smt. Smriti Irani provides data on the total number of observation homes and special homes across the country. The answer also elaborates on 'TrackChild' and 'Koya-Paya' web portals that have been functional since 2012 and 2015 respectively for tracking missing and found children, and the sharing of results from Facial Recognition Software of such children. The state-wise details of the number of missing children reported and uploaded on the portals from 2014 to 2019 is also provided.

Shri Ravneet Singh Bittu in his question on 13<sup>th</sup> December, 2019 asked for details regarding the vocational training for children in child care institutions. The ministry responded stating that the Juvenile Justice (Care and Protection of Children) Model Rules, 2016 specifies standards for rehabilitation measures such as education, vocational training, counselling etc. The answer also elaborated on the basis on which funds are provided for the Aftercare Program –

- i) Rs. 15 lakhs to State with less than 15 districts
- ii) Rs. 30 lakhs to State with more than 15 and less than 30 districts
- iii) Rs. 45 lakhs to State with more than 30 districts.

In a question by Kumari Selja on the total number of Child Care Institutions in the country, the Minister of Women and Child Development provides the state-wise details of these institutions, and the district-wise details of the Child Care Institutions in Haryana.

#### **Vulnerable categories of prisoners**

In a question on women prisoners by Dr. Nishikant Dubey, the MHA quoted the Prison Statistics India report of 2017 and stated that there were 18,873 women prisoners in the country. There were 22 prisons that were exclusively for women. The answer went on to deny that there was a trend of the percentage of women prisoners increasing every year. It also clarifies that there was no proposal to grant bail to women inmates who have spent a third of their maximum sentence in detention.

On 10<sup>th</sup> December, Shri Vincent H. Pala asked the Ministry of Home Affairs about the total number of women undertrials, the number of children of women inmates who reside in prisons. The ministry provided state-wise data from Prison Statistics India 2017 on women undertrials and of children residing inside prisons, with Uttar Pradesh recording the maximum numbers for both at 2637 and 416 respectively.

In her unstarred question in the Rajya Sabha, Kumari Selja enquired about the state-wise details of the number of prisons and prisoners. In a response citing the Prison Statistics India reports, the MHA provides the number of jails and prisoners over the last three years.

Year	Number of Jails	Number of inmates
2015	1401	419623
2016	1412	433003
2017	1361	450696

In response to her question on whether the ministry was considering increasing the number of women prisons, the MHA said that it was up to the states to decide according to their need and requirement. On the number of unnatural deaths in prisons, the Prison Statistics India data demonstrated a fall in numbers from 231 in 2016 to 133 in 2017.

Smt. Vandana Chavan's question on facilities for children of women prisoners, the MHA provided the state-wise data on the number of children living with women inmates from Prison Statistics India. However, it stated that the details of crèches in jails are not maintained centrally, as prisons was a state subject.

### **Prison Staff**

In his question on the 27<sup>th</sup> of November 2019, Shri Narain Dass Gupta cited the India Justice Report to state that 33% of Indian jails were understaffed and enquired the measures taken by the ministry towards addressing this. The MHA responded stating that 'Prisons' was a state subject but it had written a letter dated 28.02.2017 to all states and UTs to initiate concrete steps towards filling up these vacancies.

On 4<sup>th</sup> December 2019, Dr. Amar Patnaik and Shri Mahesh Poddar enquired about the seminars or workshops or conferences on correctional administration that the Central Government has conducted over the past five years. In its response, the MHA provided a list of such events conducted by the Bureau of Police Research and Development, Ministry of Home Affairs (MHA) and the Institute of Correctional Administration, Chandigarh.

### **Technology in Prisons**

In response to the question of Shri. L. S. Tejasvi Surya, the MHA provided the state-wise list of status of implementation of e-Prisons project. While it was not implemented in Manipur and Lakshadweep, it was partially implemented in Chhattisgarh, Maharashtra and Sikkim. The e-Prisons project was implemented in all other states and union territories.

Shri Mahesh Poddar enquired about the number of prisons linked with video conferencing, the changes in law to accommodate this and the number of prisoners produced via video conferencing and the nodal agency in charge of monitoring the same. In his response, the Minister of Law and Justice, Communications and Electronics & Information Technology, Shri Ravi Shankar Prasad stated that video conferencing was enabled between 3240 court complexes and 1272 corresponding jails, with Maharashtra connecting a total of 466 courts and 138 prisons. The minister also stated that section 167(2)(b) of the Code of Criminal Procedure was amended to allow for video conferencing to be used for production while the accused is in judicial custody. However, no figures were given for the total number of prisoners produced via video conferencing while stating that the nodal agency in charge of monitoring varies from state to state.

### **Others**

Shri Ritesh Pandey asked the Minister of Human Resource Development whether the Central Government was associated with the State Governments in supporting any education programmes for prisoners. In his reply, Shri Ramesh Pokhriyal stated that no specific literacy scheme was implemented for prisoners, although Saakshar Bharat was a centrally sponsored scheme for Adult Education.

Shri Elamaram Kareem's question in the Rajya Sabha was on the persons who were arrested under sections of the Unlawful Activities Prevention Act (UAPA). In its response, the MHA cited Prison Statistics India reports to provide state-wise data on cases registered and persons arrested for 2015, 2016 and 2017 while stating that the government does not maintain data on the basis of religion.

Shri Syed Nasir Hussain's unstarred question was on the UN Convention Against Torture, the current law relating to torture, and the details on the data published regarding deaths due to torture in police and prison custody. The MHA explained that the UN Convention Against Torture required States to take effective legislative, administrative, judicial or other measures to prevent acts of torture. It further cited Sections 330 and 331 on hurt and grievous hurt as the existing law on torture followed by the Law Commission's 273<sup>rd</sup> Report published in 2017 which had a draft bill on the Prevention of Torture. The ministry stated that comments were received from the States



and Union Territories regarding this and the Central Government was seized of the matter. The MHA stated that the data on the deaths due to torture in custody is published in the Crimes in India Report.

In response to Prof. M. V. Rajeev Gowda's question on the gaps in the National Crime Records Bureau (NCRB) data, the MHA provided the list of Special and Local Laws (SLL) and the major crime heads in SLL. With regard to chargesheeting rate calculated by NCRB, it was explained that it was the percentage of total cases chargesheeted of the total cases disposed off by the Police, which includes cases not investigated under section 157(1)(b) of the CrPC, cases transferred to other States or Agencies, cases where Final Report has been submitted and cases chargesheeted. Shri Naranbhai J. Rathwa's starred question was on whether the delay in deciding the criminal cases were causing an increase in crimes and the government's efforts to expedite the disposal of criminal cases. In his reply, the Minister of Law and Justice Shri Ravi Shankar Prasad stressed on the initiatives that the central government has taken towards addressing the delay by taking steps like legislative amendments, filling up vacancies, and infrastructural upgradation.

In another question to the MHA, Prof. Manoj Kumar Jha raised the question of solitary confinement. However, the MHA stated that the courts determine it in the sentence order, which cannot exceed three months and cannot be more than fourteen days at a time. However, it clarified that the anda cell (high security cell) was different from solitary confinement. And no prisoner has been kept in solitary confinement for nine years.

Shri Neeraj Shekhar in his question to the Minister of Law and Justice asked whether the data on National Judicial Data Grid (NJDG) is not maintained individual court-wise. In his response, Shri. Ravi Shankar Prasad stated that individual court-wise data can be obtained using the Drill Down feature available on the NJDG's web portal.

### **Jail Mail: Prisons and Parliament – Budget Session 2020**

The first part of the Budget Session commenced on 31<sup>st</sup> January 2020 and ended on 11<sup>th</sup> February 2020. The second part of the session was from 2<sup>nd</sup> March to 23<sup>rd</sup> March 2020.<sup>2</sup> The session saw 78 questions by Members of Parliament (MPs) ranging from Legal Aid and Prison Reforms to Detention Centres and Protests across the country. Additionally, we have also looked at the answers provided on questions relating to the anti-CAA protests and the North-East Delhi Riots.

<b>Question Number &amp; Date</b>	<b>Topic</b>	<b>Question Asked by</b>	<b>Forum</b>	<b>Answer by (Name &amp; Designation)</b>
<b>CRIMINAL JUSTICE SYSTEM AND LEGAL AID</b>				
AU588 – 6 <sup>th</sup> Feb, 2020	Vision Document of NALSA	Smt Vijila Sathyananth	Rajya Sabha	Shri. Ravi Shankar Prasad (Minister of Law & Justice, Communications and Electronics & Information Technology)
AU594 – 6 <sup>th</sup> Feb, 2020	Timely disposal of court cases	Shri Neeraj Shekhar	Rajya Sabha	Shri. Ravi Shankar Prasad (Minister of Law & Justice, Communications and Electronics & Information Technology)
AU596 – 6 <sup>th</sup> Feb, 2020	Slow disposal of Judicial cases	Shri Motilal Vora	Rajya Sabha	Shri. Ravi Shankar Prasad (Minister of Law & Justice, Communications and Electronics & Information Technology)
AS156 – 5 <sup>th</sup> Mar, 2020	Pendency of cases in Supreme Court/High Courts	Dr. Kirodi Lal Meena	Rajya Sabha	Shri. Ravi Shankar Prasad (Minister of Law & Justice, Communications and Electronics & Information Technology)
AU1972 – 11 <sup>th</sup> Mar, 2020	Increase in number of undertrial prisoners	Shri Mahesh Poddar	Rajya Sabha	Shri. G. Kishan Reddy (Minister of State in the Ministry of Home Affairs)

<sup>2</sup> Links to answers given in the Lok Sabha are hyperlinked. The Rajya Sabha website, however, does not allow hyperlinking of questions. You can access Rajya Sabha questions by putting in the question number at the required space on this webpage. Please ensure that the current session no. 250 is selected.

AU1501 – 4 <sup>th</sup> Mar, 2020	Drug Trafficking cases in the country	Shri Bhaskar Rao Nekkanti	Rajya Sabha	Shri. G. Kishan Reddy (Minister of State in the Ministry of Home Affairs)
AU2767 – 18 <sup>th</sup> Mar, 2020	Amendment in IPC and CrPC in respect of Bail	Shri B. Lingaiah Yadav	Rajya Sabha	Shri. G. Kishan Reddy (Minister of State in the Ministry of Home Affairs)
<b>PRISONS AND REFORMS</b>				
<a href="#">AU320</a> – 4 <sup>th</sup> Feb, 2020	Social Security Schemes for Prisoners	Dr. (Prof.) Kirit Premjibhai Solanki	Lok Sabha	Shri. G. Kishan Reddy (Minister of State in the Ministry of Home Affairs)
<a href="#">AU385</a> – 4 <sup>th</sup> Feb, 2020	Staff Shortage in Prisons	Shri Gurjeet Singh Aujla	Lok Sabha	Shri. G. Kishan Reddy (Minister of State in the Ministry of Home Affairs)
AU352 – 5 <sup>th</sup> Feb, 2020	Data on Caste and Religion of Prisoners	Shri Mahesh Poddar; Shri Husain Dalwai	Rajya Sabha	Shri. G. Kishan Reddy (Minister of State in the Ministry of Home Affairs)
<a href="#">AU1870</a> – 3 <sup>rd</sup> Mar, 2020	Open Air Prisons	Shri Nitesh Ganga Deb	Lok Sabha	Shri. G. Kishan Reddy (Minister of State in the Ministry of Home Affairs)
<a href="#">AU1919</a> – 3 <sup>rd</sup> Mar, 2020	Inmates in Prisons	Dr. Shashi Tharoor	Lok Sabha	Shri. G. Kishan Reddy (Minister of State in the Ministry of Home Affairs)
<a href="#">AU2916</a> – 11 <sup>th</sup> Mar, 2020	Affordable Justice	Shri Khagen Murmu; Shri Ajay Kumar Misra Teni	Lok Sabha	Shri. Ravi Shankar Prasad (Minister of Law & Justice, Communications and Electronics & Information Technology)
AU2223 – 12 <sup>th</sup> Mar, 2020	Foster Care Scheme for Children of Prisoners	Shri Husain Dalwai; Kumari Selja	Rajya Sabha	Smt. Smriti Zubin Irani (Minister of Women and Child Development)
<a href="#">AU3757</a> – 17 <sup>th</sup> Mar, 2020	Violent Incidents in Prisons	Shri Shivkumar C. Udasi	Lok Sabha	Shri. G. Kishan Reddy (Minister of State in the

				Ministry of Home Affairs)
<a href="#">AU3827</a> – 17 <sup>th</sup> Mar, 2020	Undertrial Prisoners	Shri Dushyant Singh	Lok Sabha	Shri. G. Kishan Reddy (Minister of State in the Ministry of Home Affairs)
AU2962 – 19 <sup>th</sup> Mar, 2020	Literacy programs in prisons	Shri Husain Dalwai; Smt Vandana Chavan	Rajya Sabha	Shri Ramesh Pokhriyal ‘Nishank’ (Minister of Human Resource Development)
<b>INDIANS IN FOREIGN PRISONS AND FOREIGNERS IN INDIAN PRISONS</b>				
<a href="#">AU508</a> – 5 <sup>th</sup> Feb, 2020	Fishermen arrested by Sri Lankan Navy	Shri Sudhheer Gupta; Shri Shirang Appa Barne; Shri Gajanan Kirtikar; Shri Sanjay Sadashiv Rao Mandalik; and Shri Bidyut Baran Mahato	Lok Sabha	Shri V. Muraleedharan (Minister of State in the Ministry of External Affairs)
AU537 – 6 <sup>th</sup> Feb, 2020	Indian fishermen arrested by Sri Lanka	Dr. Anbumani Ramadoss	Rajya Sabha	Shri V. Muraleedharan (Minister of State in the Ministry of External Affairs)
<a href="#">AU665</a> – 5 <sup>th</sup> Feb, 2020	Indians in Pakistan Jails	Shri Mahabali Singh; Shri Gurjeet Singh Aujla	Lok Sabha	Shri V. Muraleedharan (Minister of State in the Ministry of External Affairs)
<a href="#">AU4062</a> – 18 <sup>th</sup> Mar, 2020	Indians in Pak Jails	Smt Darshana Vikram Jardosh	Lok Sabha	Shri V. Muraleedharan (Minister of State in the Ministry of External Affairs)
AU541 – 6 <sup>th</sup> Feb, 2020	Repatriation of Indians from Neighbouring Countries	Shri K. Somaprasad	Rajya Sabha	Shri V. Muraleedharan (Minister of State in the Ministry of External Affairs)
<a href="#">AU2987</a> – 11 <sup>th</sup> Mar, 2020	Indian prisoners in Neighbouring Countries	Shri C. R. Patil	Lok Sabha	Shri V. Muraleedharan (Minister of State in the Ministry of External Affairs)

AU2127 – 12 <sup>th</sup> Mar, 2020	Residents of J&K in foreign prisons	Shri K. Somaprasad	Rajya Sabha	Shri V. Muraleedharan (Minister of State in the Ministry of External Affairs)
AU2784 – 18 <sup>th</sup> Mar, 2020	Application for sentence transfer of Indian Nationals	Dr. Narendra Jadhav	Rajya Sabha	Shri. G. Kishan Reddy (Minister of State in the Ministry of Home Affairs)
AU1477 – 4 <sup>th</sup> Mar, 2020	Deportation of Illegal Migrants	Shri A. Vijayakumar	Rajya Sabha	Shri Nityanand Rai (Minister of State in the Ministry of Home Affairs)
<a href="#">AU1414</a> – 11 <sup>th</sup> Feb, 2020	Deportation of Rohingyas	Shri T. N. Prathapan; Jugal Kishore Sharma	Lok Sabha	Shri Nityanand Rai (Minister of State in the Ministry of Home Affairs)
AU2772 – 18 <sup>th</sup> Mar, 2020	Advisory on illegal immigration	Shri Prabhat Jha	Rajya Sabha	Shri Nityanand Rai (Minister of State in the Ministry of Home Affairs)
AU2122 – 12 <sup>th</sup> Mar, 2020	Guidelines for Consular Access	Shri Jose K. Mani	Rajya Sabha	Shri V. Muraleedharan (Minister of State in the Ministry of External Affairs)
AU2763 – 18 <sup>th</sup> Mar, 2020	Smugglers arrested from Pakistani boat at Gujarat coast	Shri Lal Sinh Vadodia	Rajya Sabha	Shri. G. Kishan Reddy (Minister of State in the Ministry of Home Affairs)
<b>TECHNOLOGY AND PRISONS</b>				
AU379 – 5 <sup>th</sup> Feb, 2020	Status of NATGRID project	Dr. Amar Patnaik	Rajya Sabha	Shri. G. Kishan Reddy (Minister of State in the Ministry of Home Affairs)
AU587 – 6 <sup>th</sup> Feb, 2020	Launch of Suvas App	Dr. Vikas Mahatme	Rajya Sabha	Shri. Ravi Shankar Prasad (Minister of Law & Justice, Communications and Electronics & Information Technology)

AU598 – 6 <sup>th</sup> Feb, 2020	e-Courts in the country	Shri M. P. Veerendra Kumar	Rajya Sabha	Shri. Ravi Shankar Prasad (Minister of Law & Justice, Communications and Electronics & Information Technology)
AU1955 – 11 <sup>th</sup> Mar, 2020	Data digitisation of criminal records	Shri Pratap Singh Bajwa	Rajya Sabha	Shri. G. Kishan Reddy (Minister of State in the Ministry of Home Affairs)
<b>JUVENILES IN SHELTER HOMES</b>				
AU633 – 6 <sup>th</sup> Feb, 2020	Increase in sexual harassment cases in shelter homes	Shri Binoy Viswam	Rajya Sabha	Smt. Smriti Zubin Irani (Minister of Women and Child Development)
<a href="#">AU3341</a> – 13 <sup>th</sup> Mar, 2020	Juvenile Justice Act	Shri Rajeshbhai Chudasama; Shri Magunta Sreenivasulu Reddy	Lok Sabha	Smt. Smriti Zubin Irani (Minister of Women and Child Development)
<a href="#">AU1074</a> – 7 <sup>th</sup> Feb, 2020	Juvenile Homes	Shri Mansukhbhai Dhanjibhai Vasava	Lok Sabha	Smt. Smriti Zubin Irani (Minister of Women and Child Development)
<a href="#">AU1127</a> – 7 <sup>th</sup> Feb, 2020	Sexual Exploitation	Shri Shankar Lalwani; Dr. Bharatiben Dhirubhai Shiyal	Lok Sabha	Smt. Smriti Zubin Irani (Minister of Women and Child Development)
<a href="#">AU917</a> – 6 <sup>th</sup> Feb, 2020	Rehabilitation of Juvenile Delinquents	Shri Rajmohan Ummithan	Lok Sabha	Shri Kiren Rijiju [Minister of State (Independent Charge) for Youth Affairs and Sports]
AU1590 – 4 <sup>th</sup> Mar, 2020	Shelter homes for homeless elderly mentally ill people	Shri Ramkumar Verma	Rajya Sabha	Shri Rattan Lal Kataria (Minister of State for Social Justice and Empowerment)
<a href="#">AU2689</a> – 6 <sup>th</sup> Mar, 2020	Juveniles in conflict with law	Shri Pankaj Chaudhary	Lok Sabha	Smt. Smriti Zubin Irani (Minister of Women and Child Development)
AU2235 – 12 <sup>th</sup> Mar, 2020	Juvenile Justice Act	Smt Vandana Chavan	Rajya Sabha	Smt. Smriti Zubin Irani (Minister of

				Women and Child Development)
AU3038 – 19 <sup>th</sup> Mar, 2020	Violence in Shelter Homes	Smt Vandana Chavan	Rajya Sabha	Smt. Smriti Zubin Irani (Minister of Women and Child Development)
<a href="#">AU4422</a> – 20 <sup>th</sup> Mar, 2020	Juvenile Homes	Shri Rajeshbhai Chudasama	Lok Sabha	Smt. Smriti Zubin Irani (Minister of Women and Child Development)
<b>PROTESTS AND ARRESTS</b>				
AU403 – 5 <sup>th</sup> Feb, 2020	Protests against Citizenship Amendment Act, 2019	Shri Derek O' Brien	Rajya Sabha	Shri Nityanand Rai (Minister of State in the Ministry of Home Affairs)
AU351 – 5 <sup>th</sup> Feb, 2020	Reservations against CAA	Dr. T. Subbarami Reddy; Shri Vaiko	Rajya Sabha	Shri Nityanand Rai (Minister of State in the Ministry of Home Affairs)
AU348 – 5 <sup>th</sup> Feb, 2020	Citizens arrested while protesting against CAA	Ch. Sukhram Singh Yadav; Smt Chhaya Verma; Shri Vishambhar Prasad Nishad	Rajya Sabha	Shri Nityanand Rai (Minister of State in the Ministry of Home Affairs)
AU2236 – 12 <sup>th</sup> Mar, 2020	Detention of Minors in anti-CAA protests	Smt Vandana Chavan	Rajya Sabha	Smt. Smriti Zubin Irani (Minister of Women and Child Development)
AS257 – 18 <sup>th</sup> Mar, 2020	Relief and other assistance for victims of riots in Delhi	Ch. Sukhram Singh Yadav	Rajya Sabha	Shri. G. Kishan Reddy (Minister of State in the Ministry of Home Affairs)
AU2748 – 18 <sup>th</sup> Mar, 2020	Violence in North-East Delhi	Shri Vaiko; Dr. T. Subbarami Reddy	Rajya Sabha	Shri. G. Kishan Reddy (Minister of State in the Ministry of Home Affairs)
AU2753 – 18 <sup>th</sup> Mar, 2020	Communal riots in Delhi	Smt Vandana Chavan	Rajya Sabha	Shri. G. Kishan Reddy (Minister of State in the Ministry of Home Affairs)
AU2759 – 18 <sup>th</sup> Mar, 2020	Violence and riots in North-East Delhi	Shri M. P. Veerendra Kumar	Rajya Sabha	Shri. G. Kishan Reddy (Minister of State in the

				Ministry of Home Affairs)
AU2762 – 18 <sup>th</sup> Mar, 2020	People arrested in connection with riots in Delhi	Shri Elamaram Kareem	Rajya Sabha	Shri. G. Kishan Reddy (Minister of State in the Ministry of Home Affairs)
AU2769 – 18 <sup>th</sup> Mar, 2020	Hate speeches and Delhi violence	Shri M. Shanmugam	Rajya Sabha	Shri. G. Kishan Reddy (Minister of State in the Ministry of Home Affairs)
AU2776 – 18 <sup>th</sup> Mar, 2020	Failure of Delhi Police in controlling violence in Delhi	Shri Syed Nasi Hussain	Rajya Sabha	Shri. G. Kishan Reddy (Minister of State in the Ministry of Home Affairs)
AU2780 – 18 <sup>th</sup> Mar, 2020	Persons died and injured during recent riots in Delhi	Shri Neeraj Shekhar	Rajya Sabha	Shri. G. Kishan Reddy (Minister of State in the Ministry of Home Affairs)
<b>DETENTION IN JAMMU AND KASHMIR</b>				
AU349 – 5 <sup>th</sup> Feb, 2020	Review of detention cases in J&K	Shri Rajkumar Dhoot	Rajya Sabha	Shri. G. Kishan Reddy (Minister of State in the Ministry of Home Affairs)
AU360 – 5 <sup>th</sup> Feb, 2020	Detentions in Jammu, Kashmir and Ladhak	Shri Binoy Viswam	Rajya Sabha	Shri. G. Kishan Reddy (Minister of State in the Ministry of Home Affairs)
AU1958 – 11 <sup>th</sup> Mar, 2020	Detention under PSA in Kashmir	Sardar Sukhdev Singh Dhindsa; Shri Tiruchi Siva	Rajya Sabha	Shri. G. Kishan Reddy (Minister of State in the Ministry of Home Affairs)
<a href="#">AU3745</a> – 17 <sup>th</sup> Mar, 2020	Detention of Political Leaders	Shri A. Ganeshamurthi	Lok Sabha	Shri. G. Kishan Reddy (Minister of State in the Ministry of Home Affairs)
AU2470 – 16 <sup>th</sup> Mar, 2020	Violation of right of Media	Shri K. Somaprasad	Rajya Sabha	Shri Prakash Javadekar (Minister of Environment, Forst and Climate Change; Minister of Information and



				Broadcasting; and Minister of Heavy Industries and Public Enterprises)
<b>NRC AND DETENTION CENTRES</b>				
<a href="#">AS30</a> – 4 <sup>th</sup> Feb, 2020	Detention Centres	Shri Pradyut Bordoloi	Lok Sabha	Shri Nityanand Rai (Minister of State in the Ministry of Home Affairs)
<a href="#">AU380</a> – 4 <sup>th</sup> Feb, 2020	Detention Centres	Shri Arvind Ganpat Sawant; Shri Kodikunnil Suresh; Shri Uttam Kumar Reddy Nalamada; Smt Mala Roy	Lok Sabha	Shri Nityanand Rai (Minister of State in the Ministry of Home Affairs)
AU2745 – 18 <sup>th</sup> Mar, 2020	Detention Centres in the country	Shri Kumar Ketkar	Rajya Sabha	Shri Nityanand Rai (Minister of State in the Ministry of Home Affairs)
AU1503 – 4 <sup>th</sup> Mar, 2020	Detention Camp Manual	Prof. M. V. Rajev Gowda	Rajya Sabha	Shri Nityanand Rai (Minister of State in the Ministry of Home Affairs)
AS44 – 5 <sup>th</sup> Feb, 2020	Increase in illegal immigrants	Dr. Anil Agrawal	Rajya Sabha	Shri Nityanand Rai (Minister of State in the Ministry of Home Affairs)
AU365 – 5 <sup>th</sup> Feb, 2020	Data on illegal immigrants	Shri Husain Dalwai	Rajya Sabha	Shri Nityanand Rai (Minister of State in the Ministry of Home Affairs)
AU368 – 5 <sup>th</sup> Feb, 2020	Suicides in NRC Detention Camps	Shri Ripun Bora	Rajya Sabha	Shri Nityanand Rai (Minister of State in the Ministry of Home Affairs)
AU366 – 5 <sup>th</sup> Feb, 2020	Exclusion of persons from NRC	Shri Husain Dalwai	Rajya Sabha	Shri Nityanand Rai (Minister of State in the Ministry of Home Affairs)

<a href="#">AU3880</a> – 17 <sup>th</sup> Mar, 2020	Detention Centres in Assam	Smt Nusrat Jahan Ruhi	Lok Sabha	Shri. G. Kishan Reddy (Minister of State in the Ministry of Home Affairs)
AU1487 – 4 <sup>th</sup> Mar, 2020	Detention Centres for foreigners	Shri Binoy Viswam	Rajya Sabha	Shri Nityanand Rai (Minister of State in the Ministry of Home Affairs)
AU1489 – 4 <sup>th</sup> Mar, 2020	Construction of Deetention Centres	Shri Tiruchi Siva	Rajya Sabha	Shri Nityanand Rai (Minister of State in the Ministry of Home Affairs)
AU1502 – 4 <sup>th</sup> Mar, 2020	Medical Support to people living in Detention Centres	Prof. M. V. Rajeev Gowda	Rajya Sabha	Shri Nityanand Rai (Minister of State in the Ministry of Home Affairs)
<a href="#">AU3836</a> – 17 <sup>th</sup> Mar, 2020	Detention of persons excluded from NRC	Ms. S. Jothimani	Lok Sabha	Shri Nityanand Rai (Minister of State in the Ministry of Home Affairs)
AS181 – 11 <sup>th</sup> Mar, 2020	Documents legally valid for proving citizenship	Ch. Sukhram Singh Yadav	Rajya Sabha	Shri Nityanand Rai (Minister of State in the Ministry of Home Affairs)
AU1969 – 11 <sup>th</sup> Mar, 2020	Legal Aid for people excluded from NRC	Shri Jose K. Mani	Rajya Sabha	Shri Nityanand Rai (Minister of State in the Ministry of Home Affairs)
<a href="#">AU3810</a> – 17 <sup>th</sup> Mar, 2020	Free legal aid for persons excluded from NRC	Shri Ritesh Pandey	Lok Sabha	Shri Nityanand Rai (Minister of State in the Ministry of Home Affairs)
AU2744 – 18 <sup>th</sup> Mar, 2020	Facilities at Detention Centres	Smt Vandana Chavan	Rajya Sabha	Shri Nityanand Rai (Minister of State in the Ministry of Home Affairs)

## **CRIMINAL JUSTICE SYSTEM AND LEGAL AID**

Smt Vijila Sathyananth asked the Minister of Law and Justice regarding the vision document of the National Legal Services Authority (NALSA) and whether the government planned to strengthen the legal aid in prisons. In his response, Shri Ravishankar Prasad, explains the vision document and the activities included in 'Vision 2020' including enhancing legal assistance to prisoners and promoting legal assistance at early stages of Criminal Justice. He also explained that more than 23000 legal services clinics have also been set up in Jails, courts, Juvenile Justice Boards (JJBs), community centres, illages/rural areas and law colleges/universities.

The question by Shri Neeraj Shekhar focussed on the efforts by the government to ensure the timely disposal of court cases. The response by the Minister for Law and Justice elaborated on the measures taken by the National Mission for Justice Delivery and Legal Reforms, including improving infrastructure, using Information and Communication Technology (ICT), filling up vacant positions, the work of the Arrears Committees, emphasis on Alternate Dispute Resolution (ADR) and initiatives to fast track special types of cases.

Shri Motilal Vora's question focussed on the plight of undertrials whose stay in prison has exceeded their prescribed punishment. The Minister in his reply enumerated the steps that the Central Government has taken including inserting Section 436A in the Code of Criminal Procedure which provides for release of an undertrial on bail after undergoing detention for up to one-half of the maximum imprisonment for the offence, the e-prisons portal that allows jail authorities to easily access information on prisoners to ensure those eligible are considered by the Undertrial Review Committees (UTRCs), the Standard Operating Procedure (SOP) prepared by the National Legal Services Authority (NALSA) for UTRCs, the chapter on Legal Aid in the Model Prison Manual of 2016, and the free legal services provided by NALSA.

In a similar question by Dr. Kirodi Lal Meena on the pendency of cases in the Supreme court and High Courts, the Ministry of Law and Justice stated that there were 60,603 cases pending in the Supreme Court out of which 11,515 are criminal matters as on 03.03.2020. The total number of criminal cases pending before the High Courts came up to 13.24 lakh cases. It also provides the High Court-wise break up of the period for which these cases have been pending.

The question by Shri Mahesh Poddar looked at the increasing number of undertrials and enquired whether the UTRCs were functioning effectively. The MHA responded stating that there was no significant increase in the percentage of the number of undertrial prisoners to the total number of prisoners in the last five years. It also stated that NALSA had informed that the UTRCs were functioning effectively and between January to September, 2019 more than 2923 meetings were held by the UTRCs and 1262 undertrial prisoners were released on the UTRC's recommendation.

The question to the Ministry of Home Affairs (MHA) by Shri Bhaskar Rao Nekkanti focussed on drug trafficking cases, including across international border, and persons apprehended in this regard. The MHA stated in its response that in 2019, a total of 35945 drug cases have been registered in India and 46768 persons were arrested, of which 46423 were Indians and 345 were foreigners. The answer also provides the state-wise break down of cases and arrests for each drug. Shri B. Lingaiah Yadav's question to the MHA pertained to the measures that the government was taking towards amending the Indian Penal Code (IPC) and the Code of Criminal Procedure (CrPC). The MHA responded by sharing the developments relating to the 268<sup>th</sup> Report of the Law Commission of India on "Amendments to the CrPC), 1973 – Provision relating to Bail" which was received by the Ministry in May, 2017. These were shared with the State Governments / Union Territory (UT) Administrations, 12 States and 4 UTs have responded with comments. The Bureau of Police Research and Development (BPR&D), and Judicial Academic Institutions have been asked to review the laws and suggest revisions. Further, a committee has been constituted to suggest reforms in criminal laws and Acts.

## **PRISONS AND REFORMS**

Dr. (Prof.) Kirit Premjibhai Solanki's question whether the government had formulated any social

security scheme for prisoners and the children of prisoners outside the prisons. The MHA stated that it had issued advisories on providing vocational and skill development trainings to prisoners and to formulate schemes for providing employment to released convicts. Further, it has also advised for individual cases to be followed up by the concerned Probation/Welfare/Rehabilitation Officers for a period ranging from one year to five years according to the requirement of each case. Further, the Model Prison Manual 2016 contains chapters on ‘Vocational training and skill development programmes’, ‘After-care and Rehabilitation’ and ‘Women Prisoners’ which addresses these issues.

The question posed by Shri Gurjeet Singh Aujla pertained to the shortage of prison staff, especially those providing medical assistance. In its response, the MHA provided the data from NCRB’s Prison Statistics India (PSI) 2018 report showing the sanctioned and actual strength of jail staff in each state. According to this data, Nagaland had the highest figures with 99.49% of the posts filled. Jharkhand fared the worst with only 32.16% of the sanctioned posts being filled. The answer also provided the table from PSI 2018 on the state-wise prison occupancy rates and the state-wise data on the number of inmates per Medical Staff. Jharkhand recorded the worst ratio with 1375 inmates per medical staff. West Bengal came next with 923 inmates per medical staff. The MHA further stated that it had issued advisories to states on initiating special recruitment drives to fill up the vacant posts of prison officials and appointing adequate number of psychiatrists, counsellors and doctors.

On 5<sup>th</sup> February 2020, Shri Mahesh Poddar and Shri Husain Dalwai raised a question on whether the government maintains data on the caste and religion of prisoners in the country and the details regarding the same. The MHA in its response provided the data on the caste-wise and religion-wise figures of prison inmates from the year 2014 to 2018.

	2011 Census Data	Prison Population between 2014-18 (approx.)
Scheduled Castes	16.2%	21%
Scheduled Tribes	8.2%	12%
Hindu	80.5%	70%
Muslim	13.4%	19%
Christian	2.3%	3.5%
Sikh	1.9%	4%

In response to Shri Nitesh Ganga Deb’s question on whether the government had any proposal to open new open air prisons or convert existing prisons to open air prisons, the MHA stated that the Central Government was not considering any such proposal and it was under the domain of the State Government to make decisions regarding the same.

A question raised by Shri Shashi Tharoor was on the total number and types of prisons and inmates, the caste and religion wise data, and whether the government was likely to direct the National Crime Records Bureau (NCRB) on the promptness of prison statistics. The MHA responded by stating that there were a total of 1339 prisons in India, which included 144 Central prisons, 404 District prisons, 628 Sub prisons, 24 Women prisons, 19 Borstal Schools, 77 Open prisons, 41 Special prisons and 2 other prisons. The total number of prisoners as of 31<sup>st</sup> December, 2018 was at 4,66,084. The MHA also stated that the NCRB makes all efforts to promptly compile and publish the data.

The question by Shri Khagen Murmu and Shri Ajay Kumar Misra Teni was on whether the government proposes to increase the existing number of courts for providing affordable and speedy justice to the people in the country. The Minister for Law and Justice, Shri Ravi Shankar Prasad responded stating that the appointment of judges and judicial officers in the District and Subordinate Courts falls within the domain of the High Courts and State Governments concerned.

Year	Sanctioned Strength	Working Strength
2014	20214	15634
As on 29.02.2020	24018	19160

The Minister also provided a state-wise list of the sanction strength, the working strength and the vacancies.

Shri Husain Dalwai and Kumari Selja, in their question on the 12<sup>th</sup> of March 2020, sought details regarding the states that have adopted the foster care scheme for children of prisoners based in the Ministry's Model Guidelines for Foster Care, 2015 and the children who were given foster care from prisons over the last five years. The question also asked about the efforts by the National Commission for Women (NCW) and the National Commission for Protection of Child Rights (NCPCR) with regard to women prisoners and their children and the budget allocations and amounts released in the last three years. Smt Smriti Irani responded stating that the Model Guidelines for Foster Care 2016 was revised in light of the Juvenile Justice (Care and Protection) Act, 2015 (JJ Act), with provision for group foster care where a group of unrelated children are placed with a foster family or under the care of foster care givers in a family like setting who may or may not be having their own biological children. However, the details regarding children who were given foster care was being maintained by the respective State Governments/UT Administrations. The Minister also informed the House that the NCPCR is conducting a Sample Study on Education of Women Prisoners in India and that the NCW had prepared a proforma for inspecting prisons and custodial homes housing women. The answer also provides the state-wise data on the amount released under the Child Protection Services (CPS).

The question by Shri Shivkumar C. Udasi was whether the Supreme Court had expressed concern regarding the unnatural deaths in prisons across the country and the steps taken by the government to address this. The MHA responding by quoting the Supreme Court order dated 15.09.2017 which expressed concern over the custodial violence and unnatural deaths and directed the MHA to circulate documents including the Model Prison Manual, the Monograph prepared by the National Human Rights Commission (NHRC) titled Suicide in Prisons – prevention strategy and implication from human rights and legal points of view, the Nelson Mandela Rules and the Guidelines on investigating deaths in custody issued by the International Committee of Red Cross to the Director General/Inspector General of Prisons of all States and Union Territories (UTs). Regarding the efforts made by the government, the MHA cited the inclusion of provisions in the Code of Criminal Procedure (CrPC) like Plea Bargaining, the implementation of the Crime and Criminal Tracking Network and the Interoperable Criminal Justice System (ICJS) and the ePrisons portal.

In response to Shri Dushyant Singh's regarding undertrials and conditions inside prisons, the MHA provided state-wise data for the duration of stay in prisons of undertrials for the years 2016, 2017 and 2018. It also provided the state-wise information on the number of prisoners acquitted during this time period. The reply also stated that there were 77 open prisons in the country as of 31.12.2019 and that the Model Prison Manual contained a chapter on 'Open Institutions' although it was the state government who was competent to set up open prisons.

Shri Husain Dalwai and Smt Vandana Chavan asked whether the Ministry of Human Resource Development has associated with any State Governments or supported any literacy or education programs in prisons over the past three years. However, the Minister, Shri Ramesh Pokhriyal 'Nishank', responded stating that no specific literacy scheme has been implemented for prisoners.

#### **INDIANS IN FOREIGN PRISONS AND FOREIGNERS IN INDIAN PRISONS**

On 5<sup>th</sup> February 2020, the Ministry of External Affairs (MEA) was asked about the arrest of 14 fishermen by the Sri Lankan Navy. The question was posed by Shri Sudhheer Gupta, Shri Shrirang Appa Barne, Shri Gajanan Kirtikar, Shri Sanjay Sadashiv Rao Mandalik, and Shri Bidyut Baran Mahato. In his reply, the Minister of State in the Ministry of External Affairs (Shri V. Muraleedharan) confirmed that 14 Indian fishermen were arrested along with three fishing

boats by the Sri Lankan Navy on 28<sup>th</sup> December 2019 for allegedly crossing the International Maritime Boundary Line (IMBL) and fishing in Sri Lankan territorial waters. On the efforts by the government, the Minister stated that it had secured the release of 2096 Indian fishermen and 381 fishing vessels from the custody of Sri Lanka since May 2014, including the 14 arrested on 28<sup>th</sup> December 2019. It was also stated that with the assistance of the Government of India, the Tamil Nadu government had installed 507 transponders in mechanised fishing boats on a pilot basis. The government was also providing safety kits containing GPS, echo-sounder, lifejackets, Distress Alert Transmitter (DAT), search and rescue beacon, etc.

The next day, in the Rajya Sabha, Dr. Anbumani Ramadoss requested for data on Indian fishermen arrested by Sri Lanka over the last decade. Shri V. Muraleedharan provided the following table of data on fishermen arrested and fishermen released –

<b>Year</b>	<b>Fishermen arrested</b>	<b>Fishermen released</b>
2010	26	26
2011	198	198
2012	197	197
2013	676	676
2014	787	787
2015	454	454
2016	290	290
2017	453	453
2018	156	156
2019	210	209
2020 (till 2 February 2020)	23	4
<b>Total</b>	<b>3470</b>	<b>3450</b>

Shri Mahabali Singh and Shri Gurjeet Singh Aujla's question to the MEA was regarding Indians in Pakistan prisons and those who continued to be in custody after their term was over. The MEA stated that 275 Indians, including fishermen are presently believed to be in the custody of Pakistan, but according to the list shared on 1<sup>st</sup> January 2020, Pakistan has only acknowledged the custody of 262 of them. Further, the government's efforts had resulted in securing the release and repatriation of 2133 Indian prisoners, including the release and repatriation of 20 Indian fishermen on 6<sup>th</sup> January, 2020. The government has asked Pakistan to release and repatriate the remaining Indian civilian prisoners and fishermen, including the 110 whose nationality has been confirmed and have completed their sentences.

Smt Darshana Vikram Jardosh's question on 18 March, 2020 in the Lok Sabha was on similar lines. The MEA's response stated that 337 Indian prisoners, including fishermen were believed to be in Pakistan's custody. However, in the list Pakistan shared on 1<sup>st</sup> January 2020, it only acknowledged 261 Indian prisoners. The answer also provided details regarding the period of custody of the civilian prisoners and fishermen.

Shri K. Somaprasad's question was regarding the repatriation of Indians from Pakistan and other neighbouring countries. The MEA stated that 275 Indians, including fishermen are presently believed to be in the custody of Pakistan, but according to the list shared on 1<sup>st</sup> January 2020, Pakistan has only acknowledged the custody of 262 of them. Additionally, there are 83 missing Indian defence personnel, including Prisoners of War, whose custody has not been acknowledged by Pakistan. The MEA also provided details regarding the number of Indian nationals, including fishermen, in the custody of neighbouring countries.

<b>Sl. No.</b>	<b>Country</b>	<b>No. of Indian Prisoners</b>
1	Bangladesh	95*
2	Bhutan	95



3	China	248
4	Sri Lanka	108
5	Maldives	16
6	Myanmar	112
7	Nepal	886

\*Of these 95, Bangladesh Court has ordered the release of 23 fishermen.

The question by Shri C. R. Patil on 11<sup>th</sup> March 2020 was on Indian prisoners in neighbouring countries. The country-wise data regarding this was as follows –

Sl. No.	Country	No. of Indians in Foreign Jails as on 31.01.2020
1	Bangladesh	157
2	Nepal	886
3	Pakistan	337*
4	Sri Lanka	107
	Total	1487

\*Indian and believed-to-be Indian prisoners, including fishermen.

The MEA stated that the concerned governments in these countries reach out to inform our Embassies about the arrest of Indian citizens. In case of Pakistan, as per the Agreement on Consular Access signed on May 21 2008, the list of civil prisoners and fishermen in Pakistan jails are shared twice a year on 1<sup>st</sup> of January and 1<sup>st</sup> of July. As soon as information about the detention/arrest of an Indian national is received by the Indian Mission/Post, it gets in touch with the local Foreign Office to get consular access to those arrested so as to ascertain the facts of the case, confirm his Indian nationality and ensure his welfare. It also provides initial legal assistance to distressed Indian nationals in deserving cases. The Missions also takes steps including requesting local authorities for speedy trials, seeking remission of sentence, providing advice and guidance in legal and other matters, ensuring fair and humane treatment in foreign jails, issue of emergency certificates and repatriation to India of those who are released. In cases of arrest of fishermen, the concerned government is also requested to consider the issue from a humanitarian and livelihood perspective.

The question by Shri K. Somaprasad to the MEA was on the number of residents of Jammu and Kashmir in foreign prisons. The MEA responded by stating that, as of 15<sup>th</sup> July 2012 the number was 22, but the number has come down to 9 as on 31.01.2020.

Dr. Narendra Jadhav's question on the applications received from Indian nationals imprisoned abroad for sentence transfer under the Repatriation of Prisoners Act, 2003 over the last five years and the cases where the repatriation had taken place successfully and where it was still being reviewed. The MEA provided a country-wise list of applications received that came up to a total of 70. Of these, there had been successful transfers in 17 cases, 10 of which were from the United Kingdom over the last four years. Another 11 were cases where the Indian prisoners were released by the countries where they had been serving sentence. Five applicants withdrew their application for transfer and another 4 were not approved by the appropriate governments.

The question by Shri A. Vijayakumar was whether there is any policy to deport illegal migrants to neighbouring countries viz. Pakistan, Bangladesh, Myanmar, Afghanistan. He also asked for the data on such deportations over the last three years. The MHA stated that while the Central Governments have been vested with the powers to detain and deport foreign nationals staying illegally, these were also vested in the State Government and UT Administration under the Constitution. The MHA had issued instructions regarding deportation/repatriation of foreign nationals to all States & UTs through letters dated 24.04.2014 and 01.07.2019. The Ministry also provided the number of foreigners deported by the Bureau of Immigration during the last three years.

Country	No. of Foreigners deported		
	2017	2018	2019
Afghanistan	72	33	142
Bangladesh	51	445	299
Myanmar	7	38	16
Pakistan	1	0	5
<b>Total</b>	<b>131</b>	<b>516</b>	<b>462</b>

Shri T. N. Prathapan and Jugal Kishore Sharma addressed their question on the deportation of Rohingyas to the MHA. In its response, the MHA stated that the powers to detect and deport illegal migrants is granted to the State Government under Article 258(1) of the Constitution of India and under Article 239(1) of the Constitution, the same has been granted to the Administrators of the UTs. It was also stated that since illegal migrants enter without valid travel documents, data on them is not maintained centrally. Shri Prabhat Jha's question on advisory on illegal immigration also received a similar response.

The MEA was asked by Shri Jose K. Mani about consular access and whether the government had passed any guidelines to streamline the process. In his response, Shri V. Muraleedharan stated that 558 foreigners had been provided consular access between November 1, 2018 to October 31, 2019. Indian Missions and Consulates abroad have been granted consular access in 10690 cases of Indian nationals in foreign prisons. The MEA also stated that the updated guidelines regulating consular access to foreign nationals in Indian prisons, custody or detention were circulated by the MHA in August 2019.

The question by Shri Lal Sinh Vadodia pertained to the arrest of smugglers from a Pakistani boat at Gujarat Coast. The MHA responded stating that Directorate of Revenue Intelligence along with the Indian Coast Guard had seized about 218 kg of heroin on 22<sup>nd</sup> May 2019 at the coast of Kutchh from a Pakistani boat and a complaint under the NDPS Act against the 6 Pakistani nationals on the boat. Similarly, the Anti-Terrorist Squad (ATS) of Gujarat Police in coordination with the Indian Coast Guard seized about 35 kg of heroine on 6<sup>th</sup> January, 2020 at the coast of Kutchh district from a Pakistani boat and a case has been registered against the five Pakistani Nationals who are presently under judicial custody.

### **TECHNOLOGY AND PRISONS**

Dr. Amar Patnaik's question in the Rajya Sabha was regarding the status of the National Intelligence Grid (NATGRID) project and its expected timeline for completion. It also enquired whether the government will be using privately held databases from online aggregators providing booking services. In its reply, the MHA stated that the NATGRID was created as an IT platform to assist the security and law enforcement agencies to counter terror for national security. The infrastructure for the project was to be completed by the 31<sup>st</sup> of March 2020 and the IT Solution is to go live by 31<sup>st</sup> December 2020. While avoiding a clear response on privately held databases, the MHA stated that NATGRID would link databases including Railways, Police, Stolen Vehicles, Immigration, Airline, Passports, Vehicles ownership, Driving licences, PAN data etc. The question by Dr. Vikas Mahatme on 6<sup>th</sup> February 2020 was on the details regarding the Supreme Court Vidhik Anuvaad Software (SUVAS) App and its launch. The Ministry of Law and Justice responded to this question by explaining that the SUVAS App was developed to enable common people understand the judgments of the Supreme Court in an easy manner in local languages. The App is currently in its testing, training and refinement phase in 18 High Courts across the nation. It covers topics including labour matters, land acquisition and requisition matters, service matters, criminal matters, family law matters, matters relating to consumer protection, etc. The translation is function from English to Hindi, Bengali, Gujarati, Kannada, Malayalam, Marathi, Punjabi, Tamil and Telugu. The official multilingual App provides updates on legal proceedings in English, Hindi, Kannada, Marathi, Tamil and Telugu. The answer also



gave a brief description on the status of the eCourts Project, and the National Judicial Data Grid (NJDG).

Shri M. P. Veerendra Kumar asked the Minister of Law and Justice on the status of e-courts in the country and whether they have helped in the timely disposal of cases. In his response, Shri Ravi Shankar Prasad stated that the eCourts Mission Mode Project Phase-II had commenced its implementation in 2015 and 16845 District and Subordinate Courts have been computerised and of the allotted Rs.1670 crores that was allotted for this phase, the government had released a sum of Rs. 1250 crore. Rs. 955.86 crore of the amount released was to all High Courts, of which Rs 764.04 crore has been utilised. The data of the High Court-wise status of the implementation was also provided in the Annexure. While there are several factors that affect the disposal of cases in courts, the eCourts services and the NJDG facilitate expeditious delivery of judicial services.

In his question on the 11<sup>th</sup> of March 2020, Shri Pratap Singh Bajwa asked about the data digitisation of criminal records and the National Data Centre for data sharing, crime and criminal searches and reports generation. He also enquired about the percentage of prisoners whose data is accessible to law enforcement agencies and the number of prisoners whose records have been digitised in 2019-20. The MHA responded stating that a total of 26.34 crore data on crimes and criminals has been digitized till February 2020. Further, 117 crore data on prisoners has also been digitised, of which 43.95 lakh prisoners records have been digitised in 2019-20. This data is available to Law Enforcement Agencies for search and reports on the National Data Centre.

### **JUVENILES IN SHELTER HOMES**

Shri Binoy Viswam's question in the Rajya Sabha pertained to the incidents of sexual harassment in shelter homes and the steps taken by the government to prevent such incidents and regarding the prosecution in such cases. In her response, Smt Smriti Irani provided the NCRB data on the cases registered, persons arrested and persons charge-sheeted during 2017 and 2018. The ministry has prescribed benchmarks for Child Care Institutions (CCIs) in the JJ Act and the Model Rules under it. It has also urged the State Governments and UT Administration from time to time to register all the CCIs under the provisions of JJ Act and to issue directions for inspection of all CCIs under the supervision of District Magistrate in each district. It has also conducted National Consultations to discuss issues related to Child Protection by nodal officers of all States and UTs. Responding to a similar question by Shri Rajeshbhai Chudasama and Shri Magunta Sreenivasulu Reddy, Smt Smriti Irani provided the state-wise data on the children's homes, Specialised Adoption Agencies (SAAs) and Open Shelter and the number of beneficiaries in each. Across the country, there are a total of 806 Homes, 250 SAAs and 258 Open Shelters.

Shri Mansukhbhai Dhanjibhai Vasava asked the Minister about the state-wise data on the juvenile homes and whether the government had conducted any survey to monitor the working of these homes. In her response, Smt Smriti Irani provided the state-wise details regarding the number of Observation Homes, Special Homes, Observation cum Special Homes and Place of Safety as on 30.01.2020.

The question by Shri Shankar Lalwani and Dr. Bharatiben Dhirubhai Shiyal was also on the sexual exploitation of children in Juvenile Homes. Smt Smriti Irani responded stating that a total of 49 complaints were received from 2016-17 till the current year 2019-20. The answer also provided state-wise and year-wise data of the complaints, with Uttar Pradesh seeing 18 of the complaints nation-wide, 9 of which occurred in 2018-19.

Shri Rajmohan Unnithan asked the Minister of Youth Affairs and Sports whether the government has formulated any programme for the rehabilitation of juvenile delinquents and their integration to society. Shri Kiren Rijiju (the Minister of State for Youth Affairs and Sports) responded stating that there was no specific programme for juvenile delinquents. He went on to add that the primary law governing children in conflict with law (CCL) was the JJ Act and that it was the states and UTs that had the responsibility to implement the provisions under that legislation, which the

centre aids through centrally sponsored scheme “Child Protection Services”.

Shri Ramkumar Verma’s question to the Ministry of Social Justice and Empowerment was regarding the government’s efforts to set up shelter homes for homeless elderly people with mental illness and the details regarding such homes across the country. The response by the Ministry stated that the department of Social Justice and Empowerment, under its Central Sector Scheme of Integrated Programme for Senior Citizens (IPsC), provides grants in aid to NGOs and Voluntary organisations for running and maintenance of, *inter alia*, “Continuous Care Homes and Homes for senior citizens afflicted with Alzheimer’s disease/Dementia”. The answer also mentions that the Department of Empowerment of Persons with Disabilities (Divyangjan) under the Deendayal Disabled Rehabilitation Scheme (DDRS) which supports projects including Halfway home for Psycho-Social Rehabilitation of treated and controlled mentally ill persons and provides the list of 17 NGOs in Annexure – II.

Shri Pankaj Chaudhary’s question pertained to the government’s efforts in prevention of juvenile delinquency. In its response, the Ministry of Women and Child Development explained the system in place under the JJ Act and mentions Section 53 of the Act which prescribes various rehabilitation and reintegration services to be provided in institutions for children. The primary responsibility under the Act remains with the state government and it is to constitute JJBs in each district for exercising the powers and discharging its functions relating to children in conflict with law.

The question by Smt Vandana Chavan to the Minister of Women and Child Development was relating to the working of the Juvenile Justice Act and the details on the states that had framed and notified the rules under the Act, the number of JJBs that were operational and the number of cases pending before the JJBs over the past three years. The Minister responded by providing the list of 11 States and UTs that have framed and notified its own rules under the JJ Act, the 5 States and UTs that have adopted the Central Government Rules and notified, the 8 States and UTs which have drafted rules that are yet to be notified, and the 13 States and UTs that are in the process of framing Rules under the JJ Act. The answer also provides a state-wise list of the total number of JJBs that are operational. With 75 JJBs functioning, Uttar Pradesh has the most JJBs operational in a state. Madhya Pradesh follows with 51.

In a question to the Minister of Women and Child Development, Smt Vandana Chavan asked about the number of Swadhar Greh operational in the country, the funding they receive and the number of beneficiaries. The question also requested for the number of complaints of sexual abuse and violence against women and children over in these homes over the last two years. The minister provided with the state-wise figures for the Swadhar Greh that are operational. Odisha has the highest with 56, followed by Karnataka with 53. This was followed by a state-wise list of the amount released in 2018-19 and 2019-20. The data on amount utilised in 2018-19 was only available for Arunachal Pradesh, Chhattisgarh, Jammu & Kashmir, Sikkim and Telangana. The number of beneficiaries for this duration was also provided where Maharashtra had the maximum beneficiaries at 1500 in 2018-19 and 2019-20, next was West Bengal which had 1440 during both these periods. The answer also provided the state-wise details regarding the number of CCIs and beneficiaries. Tamil Nadu had about 12000 beneficiaries in both the years. In the same vein, the Minister’s reply to the question by Shri Rajeshbhai Chudasama on the condition of juvenile homes provided the state-wise list of Observation Homes, Special Homes, Observation cum Special Home and Place of Safety along with the total number of beneficiaries.

### **PROTESTS AND ARRESTS**

In questions relating to the protests against the Citizenship Amendment Act, 2019, Shri Derek O’Brien, Dr. T. Subbarami Reddy and Shri Vaiko, and Ch. Sukhram Singh Yadav, Smt Chhaya Verma and Shri Vishambhar Prasad Nishad asked the MHA regarding those arrested. The MHA while stating that ‘Public Order’ and ‘Police’ were state subjects provided the information from the Delhi Police report.

<b>Number of Protests</b>	<b>Cases Registered</b>	<b>Persons Arrested</b>
66	11	99

It also provided brief facts about the protests at Jamia Milia University, Chand Bagh Mazar, Sunder Nagar, Brij Puri Pulia, Netajee Subhas Chader Marg, and Shaheen Bag and the arrests made at each location. On the damage caused during the protests, the Delhi Police stated that 80 motorcycles, 6 cars, 4 buses, 1 toilet van, 2 police vehicles, 23 other vehicles, 32 barricades, 1 police booth, 1 divider railing, and 1 media camera were destroyed.

Smt Vandana Chavan's question to the Minister of Women and Child Development pertained to the Detention of Minors in Anti-CAA protests. Smt. Smriti Irani responded stating that the NCPCR had informed the Ministry about the complaints against Daryaganj Police Station, the *sou moto* cognizance about the alleged detention of children in Muzaffarnagar police station based on an article published in Caravan on 02.01.2020 and the *sou moto* cognizance regarding the detention of minor children at the Bijnor Police Station based on a newspaper article. The Minister also stated that the enquiries were conducted by NCPCR independently.

On 18th March 2020, questions were raised regarding the violence in North-East Delhi by Ch. Sukhram Singh Yadav, Shri Vaiko, Dr. T. Subbarami Reddy, Smt Vandana Chavan, Shri M. P. Veerendra Kumar, Shri Elamaram Kareem, Shri M. Shanmugam, Shri Syed Nasi Hussain and Shri Neeraj Shekhar. The Minister of State in the Ministry of Home Affairs (Shri G. Kishan Reddy) stated that as on 12<sup>th</sup> March 2020, 763 cases including 51 cases under the Arms act were registered and 3304 persons had been arrested/detained. The violence had resulted in the death of 52 people and 226 houses and 487 shops had been damaged.

#### **DETENTION IN JAMMU AND KASHMIR**

The question by Shri Rajkumar Dhoot to the MHA asked for the total number of citizens and politicians detained under the Public Safety Act (PSA) and whether the government proposes to review the cases of those detained under PSA. In its response, the MHA said that detention orders under PSA were issued against 444 persons since August 2019, out of which 389 were still in detention. It further stated that the cases were reviewed regularly and extension or revocation was made based on the reports of field agencies and ground situation.

In a similar question by Shri Binoy Viswam on the same day, the MHA responded that 6605 people were taken into preventive custody since August 2019. Further, 437 persons were still being held in detention, while qualifying that none of them were minors. In response to the questions by Sardar Sukhdev Singh Dhindsa and Shri Tiruchi Siva, the MHA on 11<sup>th</sup> March 2019 stated that 7357 persons were taken into preventive custody, out of which 451 persons were still being held in preventive detention, which included 396 persons under the PSA. Detentions were made under Section 107 of the CrPC and the PSA. In response to a question by Shri A. Ganeshamurthi on 17<sup>th</sup> March 2020, the MHA stated that 450 persons were presently being held under preventive detention.

Shri K. Somaprasad's question on the violation of the rights of media/journalists was responded to by the Minister of Information and Broadcasting. He stated that the Press Council of India had received two petitions pertaining to Jammu & Kashmir between 2019-20. However, he stated that the information regarding the profession of those under preventive detention was not maintained.

#### **NRC AND DETENTION CENTRES**

Shri Pradyut Bordoloi's question to the MHA was whether the government had constructed detention camps for those who didn't have documents proving their citizenship under NRC. He also asked whether the government was considering reverifying certain percentages of the

population under the NRC in the districts bordering Bangladesh. The MHA responded by stating that the State Government had not constructed any detention camps in Assam exclusively for the purpose of detaining those who could not prove their citizenship under the NRC. Further, although there was an interlocutory application (IA) filed in the Supreme Court for reverification in certain populations in districts bordering Bangladesh, the court did not allow it in its order dated 23<sup>rd</sup> July 2019.

Another question on detention centres came from Shri Arvind Ganpat Sawant, Shri Kodikunnil Suresh, Shri Uttam Kumar Reddy Nalamada and Smt Mala Roy. The question was on the details of the Model Detention Centre Manual issued by the MHA to the States and regarding the operational detention centres in the country. The MHA stated that this was in pursuance of the Supreme Court orders of 12<sup>th</sup> September, 2018 and 20<sup>th</sup> September, 2018 in a Writ Petition filed by Collaborative Network for Research and Capacity Building, Guwahati, the MHA had prepared the Model Detention Centre Manual in consultation with stakeholders and circulated it to State Governments / UT Administrators on 9<sup>th</sup> January, 2019. It provides the legal provisions with regard to detention and deportation of a foreign national, instructions issued by the MHA in this regard from time to time, categories of person who may be detained and the amenities to be provided in the Detention Centre. The MHA also states that these Detention Centres are set up by State Governments or UT Administrators as per their requirements and the details regarding these are not centrally maintained. A similar response was given to the question by Shri Kumar Ketkar on details regarding the detention centres in the country. In response to a similar question by Prod. M. V. Rajeev Gowda on whether the Manual would be made public, the MHA also stated that the manual had been placed before the Supreme Court by filing an affidavit.

The question by Dr. Anil Agrawal was whether there had been an increase in the number of illegal immigrants including Bangladeshi and Nepali nationals in the country. Also, on the number of illegal immigrants in the country and the number of foreigners who were deported over the last three years. While the MHA said that it did not have figures of Bangladeshis who had entered the country illegally, the number of Bangladeshi nationals who have overstayed in the country beyond the validity of their visas for 2017, 2018 and 2019 was 25942, 49645 and 35055 respectively. The data for Bangladeshis who entered illegally and were apprehended are as follows –

State	Number of incoming illegal immigrants apprehended along Indo-Bangladesh Border and handed over/deported to Bangladesh authorities			
	2017	2018	2019	2020 (upto 27.01.2020)
West Bengal	992	900	1167	74
Assam	11	11	8	0
Meghalaya	47	39	43	1
Mizoram	3	3	7	0
Tripura	122	165	126	8
<b>Total</b>	<b>1175</b>	<b>1118</b>	<b>1351</b>	<b>83</b>

On the number of deported foreigners, the MHA provided country-wise data for 2017, 2018 and 2019 which stood at a total of 2272, 1731 and 1580 respectively.

Shri Husain Dalwai's question also enquired about the data on foreigners who had been deported. The MHA's response also cites NCRB data to provide a state-wise break-up of the persons convicted under the Registration of Foreigners Act, 1939 and the Foreigners Act, 1946 which stood at a total of 852. Interestingly, in response to the question on the total number of Rohingya Muslims who were deported since August 2017, the MHA chose to state that "all non-citizens are uniformly subject to the same legal provisions regarding their deportation/repatriation."

Shri Ripun Bora asked a question on the number of suicides in NRC Detention Camps. The MHA

replied by stating that the Government of Assam had stated that there is no NRC Detention Camp in Assam, so the question does not arise.

Another question to the MHA by Shri Husain Dalwai was whether exclusion from the NRC would be a ground for detention. Further, he requested for the total number of detention centres and the total capacities of these centres. The MHA's response was to explain that any person who was not satisfied with the outcome had the option to appeal before the designated Tribunal within 120 days. In case no appeal is preferred, the District Magistrate may refer to the Tribunal for its opinion on whether the person excluded in the list is a foreigner or not under the Foreigners Act, 1946. It was also stated that 6 central jails in Assam have been declared as detention centres. However, their total capacity is not known. A detention centre was under construction at Matia, Goalpara, Assam with a capacity of about 3000 inmates. However, in response to a question by Smt Nusrat Jahan Ruhi on 17<sup>th</sup> March 2020, the MHA provided the following details regarding the capacity of all 6 Detention Centres –

Sl. No.	Name of Detention Centre	Capacity
1	Tezpur	797
2	Silchar	479
3	Dibrugarh	680
4	Jorhat	670
5	Kokrajhar	335
6	Goalpara	370
Total		3331

A question was posed by Shri Binoy Viswam on whether there were detention centres for foreigners operational in Assam. He also asked whether such detention centres were being constructed in Karnataka, Delhi, Goa, Rajasthan, West Bengal, Maharashtra and Punjab. The question also requested for the number of people currently held in detention centres and how many of those detained had been deported. The MHA responded by stating that part of jail premises located at Goalpara, Silchar, Kokrajhar, Jorhat, Dibrugarh and Tezpur in Assam have been designated as Detention Centres by the State Government of Assam. The MHA also explained that the powers of the State Government were also vested in the State Government and the UT Administrations. Therefore, they are competent to detain and deport, and do not need the approval of the MHA for setting up detention centre, so the details of such centres are not centrally maintained.

Shri Tiruchi Siva's question was regarding the number of detention centres that were under construction in 2019 and the number of detention centres that were being planned in 2020 with details as to the States in which they were situated. The MHA stated that the detention centres were constructed in order to comply with the Supreme Court's order dated 28.02.2012 which directed that foreign national who had finished their sentences were to be released immediately and kept in appropriate place with restricted movement till the time of their deportation. However, since these were set up by the State Government and UT Administrations, details regarding these were not centrally maintained.

Another question by Prof. M. V. Rajeev Gowda was on whether the government had taken steps to release people belonging to the Christian, Parsi, Jain, Sikh, Buddhist or Hindu communities and whether any people from these communities had died in custody and whether the government had the medical records of people in detention centres who are at risk due to serious medical conditions. While the government stated that it did not centrally maintain data of those detained, they had advised the Assam government in January 2016 to release those who satisfied the conditions and requirements of the notifications issued by the Central Government on 7<sup>th</sup> September, 2015. Further, following the order by Supreme Court dated 10<sup>th</sup> May 2019 in Supreme Court Legal Services Committee v. Union of India the Government of Assam has issued a



notification providing conditional release of declared foreigners who have completed more than 3 years in detention centres. The MHA also stated that the Model Detention Centre Manual which provides for a thorough medical check-up of the foreigner at the time of admission in a detention centre, maintenance of complete medical records of such a foreigner, provisions for adequate medical attendance, etc. A similar response was given to Ms. S. Jothimani's question on the detention of persons excluded from the NRC.

Ch. Sukhram Singh Yadav's question was on the details of the documents which the government considered to be legally valid for proving one's citizenship and the states other than Assam where the government was considering implementing the NRC. The number of people in Assam who have failed to prove their citizenship and the number of people having been kept in detention centres in Assam. The MHA responded stating that acquisition of Indian citizenship was governed by the provisions of the Citizenship Act, 1955 and the rules made thereunder. It stated that the government has not taken a decision on preparing the NRC at the national level. As per the list published on 31<sup>st</sup> August, 2019, 19,06,657 persons were excluded. And 802 persons were being kept in detention centres in Assam as on 6<sup>th</sup> March 2020.

The question by Shri Jose K. Mani was whether the government had taken steps to ensure that free legal aid is provided to those who are excluded from the NRC and cannot afford private legal representation. The MHA responded saying the State Government of Assam has made the necessary arrangements to provide legal aid to the needy people amongst those excluded from the Final NRC through the District Legal Services Authorities. A similar question was asked by Shri Ritesh Pandey on 17<sup>th</sup> March, 2020 to which the MHA provided the same response.

The question by Smt Vandana Chavan was on the number of people who had been detained in detention centres and those who had been detained for over three years whether any individuals have died in the detention centres in Assam over the last three years due to medical reasons. She also asked whether there were any inspections being conducted to review the standards of living in these centres. The MHA responded by stating that 799 detainees are being held in detention centres in Assam as on 27.02.2020. Of these 95 detainees have completed three years. A total of 26 detainees had died during their detention period due to illness over the past three years.

Year	Deaths due to illness inside detention camps
2017	6
2018	9
2019	10
2020	1
<b>Total</b>	<b>26</b>

The answer also stated that till date, 224 detainees who had completed 3 or more years in detention in Assam have been released.