



March 17, 2022

## **Jail Mail: Prisons and Parliament - Monsoon & Winter Session 2021**

Dear Friends,

Greetings from CHRI! Hope you are well.

CHRI regularly releases an analysis of the questions and answers in Parliament on various issues of prisons, prisoners, criminal justice system and related topics. This issue contains the questions and summary of responses tabled in the Monsoon and Winter sessions of Parliament in 2021. Please find enclosed two notes with the Jail Mail on the queries replied to in these sessions.

The Monsoon session of Parliament began on 19th July, 2021 and concluded on 11th August, 2021 with a total of 17 sittings spread over a period of four weeks. In this session, the Central Government answered 50 questions covering issues as such children in institutions, women in prisons, custodial deaths, undertrial prisoners, pendency of cases, COVID-19 in prisons, parole, rehabilitation and other issues of prison reform.

The Winter session of Parliament began on 29th November, 2021 and concluded on 22nd December, 2021 with a total of 19 sittings. We have identified 49 questions which were answered in this session providing information on prison resources, human rights of prisoners, custodial deaths, overcrowding of prisons, legal aid, detention centers, refugees and COVID-19 in prisons amongst others.

The attached note contains a thematic summary of the information tabled in the Lok Sabha (Lower House) and the Rajya Sabha (Upper House) of Parliament on the subject of prisons and prisoners during these two sessions.

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

- You may suggest to us the questions that you would like to be asked in the 2022 Monsoon and winter sessions of Parliament.
- You may inform your elected representative about the issues and challenges that are important to you with regard to prisons and prisoners in your State and your neighbouring State(s).
- You may write to your the MPs in the parliament and the MLA/MLCs and others in the State legislature, to ask questions on these issues in their legislatures. 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 may also search for questions responded to in the [Lok Sabha](#) and [Rajya Sabha](#) in previous sessions to help you draft questions to the relevant ministries.
- Your questions may be sent to MPs through these links: [Lok Sabha Member details](#) and [Rajya Sabha Member details](#).
- To understand the areas of work that your MP or other MPs engage in, you can go through the [MP Track page](#) of PRS Legislative Research.
- You may also send questions to be raised in Parliament using the platform here or by sending your questions to Maadhyam at [maadhyam.connect@gmail.com](mailto:maadhyam.connect@gmail.com).
- You may also use the summaries to obtain additional information from the concerned agencies through the RTI Act, 2005.

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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## PRISONS AND PARLIAMENT – MONSOON SESSION 2021

### COMPILATION OF THE QUESTIONS AND ANSWERS TABLED IN THE LOK SABHA AND THE RAJYA SABHA

Please click on the hyperlinks to access the text of the questions and answers tabled in the respective Houses of Parliament. You may also access the questions and their respective responses, by entering the question numbers in the Search Facility for Questions and Answers provided on the official websites of the [Lok Sabha](#) and the [Rajya Sabha](#).

S. No	Question Number & Date	Topic	Question Asked By	forum	Answered By (Name & Designation)
<b>CHILDREN IN INSTITUTIONS</b>					
1	<a href="#">3608, 10th August 2021</a>	Children in Prisons	Shri Gaurav Gogoi	Lok Sabha	Shri Ajay Kumar Mishra, Minister of State in the Ministry of Home Affairs
2	<a href="#">3096, 6th August 2021</a>	Condition of Juvenile Home inmates	Shri Jyotirmay Singh Mahato	Lok Sabha	Shrimati Smriti Zubin Irani, Minister of Women and Child Development
3	<a href="#">1899, 30th July 2021</a>	Sexual Harassment of Children in Juvenile Homes	Shri Kamlesh Paswan	Lok Sabha	Shrimati Smriti Zubin Irani, Minister of Women and Child Development
4	<a href="#">475, 22nd July 2021</a>	Conditions of Juvenile Homes	Shri Ram Nath Thakur	Rajya Sabha	Shrimati Smriti Zubin Irani, Minister of Women and Child Development
5	<a href="#">465, 22nd July 2021</a>	Shelter Homes for Detoxification	Shri Bhaskar Rao Nekkanti	Rajya Sabha	Shrimati Smriti Zubin Irani, Minister of Women and Child Development
<b>WOMEN IN PRISONS</b>					
6	<a href="#">2600, 11th August 2021</a>	Women Prisons and Facilities	Shri Rakesh Sinha	Rajya Sabha	Shri Ajay Kumar Mishra, Minister of State in the Ministry of Home Affairs
7	<a href="#">2607, 11th August 2021</a>	Facilities for Women Prisoners	Shri Harshvardhan Singh Dungarpur	Rajya Sabha	Shri Ajay Kumar Mishra, Minister of State in the Ministry of Home Affairs
8	<a href="#">411, 20th July 2021</a>	Medical Facilities in Prisons	Shri P.P. Chaudhary Shrimati Aparajita Sarangi	Lok Sabha	Shri Ajay Kumar Mishra, Minister of State in the Ministry of Home Affairs
<b>CUSTODIAL DEATHS</b>					

9	<a href="#">1161, 27th July 2021</a>	Custodial Deaths	Shri P.P. Chaudhary Shri Arjun Lal Meena Shrimati Aparajita Sarangi Shri Ranjeet Singh Hindurao Naik Nimbalkar	Lok Sabha	Shri Nityanand Rai, Minister of State in the Ministry of Home Affairs
10	<a href="#">2609, 11th August 2021</a>	Custodial Deaths in the Country	Shri Ramkumar Verma	Rajya Sabha	Shri Nityanand Rai, Minister of State in the Ministry of Home Affairs
11	<a href="#">1795, 4th August 2021</a>	Data on Custodial Deaths and Status of their investigation	Shri Bikash Ranjan Bhattacharyya	Rajya Sabha	Shri Nityanand Rai, Minister of State in the Ministry of Home Affairs
UNDERTRIAL PRISONERS					
12	<a href="#">2588, 11th August 2021</a>	Undertrial Prisoners in the Country	Shri Sanjay Raut	Rajya Sabha	Shri Ajay Kumar Mishra, Minister of State in the Ministry of Home Affairs
13	<a href="#">2531, 4th August.2021</a>	Delay in Judicial Verdict	Shri Ramesh Chander Kaushik Shri Dilip Saikia	Lok Sabha	Shri Kiren Rijiju, Minister of Law and Justice
COVID AND PRISONS					
14	<a href="#">276, 6th August 2021</a>	Covid Vaccinations To Prisoners	Shrimati Aparajita Sarangi	Lok Sabha	Shri Mansukh Mandaviya, Minister of Health and Family Welfare
15	<a href="#">3079, 6th August 2021</a>	Testing and Treatment of Covid-19 for the Deprived Sections	Ms. S. Jothimani	Lok Sabha	Dr. Bharati Pravin Pawar, Minister of State in the Ministry of Health and Family Welfare
LEGAL AID					
16	<a href="#">189, 5th August 2021</a>	Fund Allocation To Nalsa	Shri Binoy Viswam	Rajya Sabha	Shri Kiren Rijiju, Minister of Law & Justice
17	<a href="#">2028, 5th August 2021</a>	Accessibility To Legal Aid	Shri Sujeet Kumar	Rajya Sabha	Shri Kiren Rijiju, Minister of Law & Justice
PRISON REFORMS					
18	<a href="#">29, 20th July 2021</a>	PRISON REFORMS	Shri Gopal Chinnaya Shetty	Lok Sabha	Shri Ajay Kumar Mishra, Minister of State in the Ministry of Home Affairs
PRISON PAROLE					

22	<a href="#">3463, 10th August 2021</a>	Release of Prisoners On Parole	Shrimati Geeta Kora Shri Jugal Kishore Sharma	Lok Sabha	Shri Ajay Kumar Mishra, Minister of State in the Ministry of Home Affairs
FOREIGN PRISONERS					
23	<a href="#">394, 22th July 2021</a>	Fishermen in Illegal Custody of Bangladesh	Smt. Shanta Chhetri	Rajya Sabha	Shri V. Muraleedharan, Minister of State in the Ministry of External Affairs
E-PRISONS					
24	<a href="#">1806, 4th August 2021</a>	Status of the E-prisons Project	Shri Sujeet Kumar	Rajya Sabha	Shri Ajay Kumar Mishra, Minister of State in the Ministry of Home Affairs
VIRTUAL COURTS					
25	<a href="#">2696, 4th August 2021</a>	E-court Project	Dr. Vishnu Prasad M.K.	Lok Sabha	Shri Kiren Rijiju, Minister of Law and Justice
26	<a href="#">2029, 5th August 2021</a>	E-courts Compliance in Subordinate Courts	Smt. Roopa Ganguly	Rajya Sabha	Shri Kiren Rijiju, Minister of Law & Justice
27	<a href="#">2031, 5th August 2021</a>	Phase-iii of E-courts Mission Mode Project	Shri Binoy Viswam	Rajya Sabha	Shri Kiren Rijiju, Minister of Law & Justice
28	<a href="#">411, 22nd July 2021</a>	Status of E-courts Project	Shri Sujeet Kumar	Rajya Sabha	Shri Kiren Rijiju, Minister of Law & Justice
29	<a href="#">2025, 5th August 2021</a>	Video Conferencing Facility At Magistrate Courts and Session Courts	Prof. Manoj Kumar Jha	Rajya Sabha	Shri Kiren Rijiju, Minister of Law & Justice
30	<a href="#">420, 22nd July 2021</a>	IT Based Systems in High Courts and the Supreme Court	Smt. Ambika Soni	Rajya Sabha	Shri Kiren Rijiju, Minister of Law & Justice
31	<a href="#">1446, 28th July 2021</a>	Court Cases Disposed Through Digital System	Shri Chunni Lal Sahu	Lok Sabha	Shri Kiren Rijiju, Minister of Law and Justice
EDUCATION OF PRISONERS					
32	<a href="#">1235, 27th August 2021</a>	Compulsory Education of Prisoners	Dr. Dhal Singh Bisen	Lok Sabha	Shri Ajay Kumar Mishra, Minister of State in the Ministry of Home Affairs
LATEST DATA ON PRISONERS					
33	<a href="#">1810, 4th August 2021</a>	Latest Data On Prisoners	Shri K. Somaprasad	Rajya Sabha	Shri Ajay Kumar Mishra, Minister of State in the Ministry of Home Affairs
REHABILITATION OF ROHINGYA MUSLIMS					

34	<a href="#">296, 20th July 2021</a>	Rehabilitation of Rohingya Muslims	Shri Ritesh Pandey	Lok Sabha	Shri Nityanand Rai, Minister of State in the Ministry of Home Affairs
PENDENCY OF CASES					
35	<a href="#">1396, 28th July 2021</a>	Constitution of Courts	Shri Ram Kripal Yadav Shri Subrat Pathak Shri Satyadev Pachauri	Lok Sabha	Shri Kiren Rijiju, Minister of Law and Justice
36	<a href="#">2738, 4th August 2021</a>	Pending Court Cases	Shri Anubhav Mohanty	Lok Sabha	Shri Kiren Rijiju, Minister of Law and Justice
37	<a href="#">2653, 4th August 2021</a>	Pending Court Cases	Shri Malook Nagar	Lok Sabha	Shri Kiren Rijiju, Minister of Law and Justice
38	<a href="#">2599, 4th August 2021</a>	Pending Court Cases	Shri Sanganna Amarappa	Lok Sabha	Shri Kiren Rijiju, Minister of Law and Justice
39	<a href="#">2569, 4th August 2021</a>	Pending Court Cases	Shri Arvind Dharmapuri	Lok Sabha	Shri Kiren Rijiju, Minister of Law and Justice
40	<a href="#">2571, 4th August 2021</a>	Fast Track Courts	Shri Sunil Dattatray Tatkar and others	Lok Sabha	Shri Kiren Rijiju, Minister of Law and Justice
41	<a href="#">1600, 28th July 2021</a>	Shortage of Judges	Shri Benny Behanan	Lok Sabha	Shri Kiren Rijiju, Minister of Law and Justice
42	<a href="#">1597, 28th July 2021</a>	Pending Court Cases	Shri Satyadev Pachauri:	Lok Sabha	Shri Kiren Rijiju, Minister of Law and Justice
43	<a href="#">1438, 28th July 2021</a>	Disposal of Court Cases	Shri Mahabali Singh	Lok Sabha	Shri Kiren Rijiju, Minister of Law and Justice
44	<a href="#">2562, 4th August 2021</a>	Post of Judges Lying Vacant	Shri Jayadev Galla	Lok Sabha	Shri Kiren Rijiju, Minister of Law and Justice
45	<a href="#">1866, 30th July 2021</a>	Special Courts Under POCSO Act	Shri M. Selvaraj Shri Feroze Varun Gandhi	Lok Sabha	Shrimati Smriti Zubin Irani, Minister of Women and Child Development
46	<a href="#">1220, 29th July 2021</a>	Criteria for Fast Track Courts	Dr. Ashok Bajpai	Rajya Sabha	Shri Kiren Rijiju, Minister of Law & Justice
47	<a href="#">416, 22nd July 2021</a>	Pendency of Cases in District Courts	Dr. Sasmit Patra	Rajya Sabha	Shri Kiren Rijiju, Minister of Law & Justice
48	<a href="#">419, 22nd July 2021</a>	Fast Track Courts in the Country	Dr. L. Hanumanthaiah	Rajya Sabha	Shri Kiren Rijiju, Minister of Law & Justice
49	<a href="#">2356, 3rd August 2021</a>	Rape Case	Shri Arjun Lal Meena Shri P.P. Chaudhary	Lok Sabha	Shri Ajay Kumar Mishra, Minister of State in the Ministry of Home Affairs

			Shri Ranjeetsingh Hindurao Naik Nimbalkar Shri Chandra Prakash Joshi Shri Sangam Lal Gupta		
50	<a href="#">2754, 4th August 2021</a>	Justice Delivery System	Shri Suresh Pujari	Lok Sabha	Shri Kiren Rijiju, Minister of Law and Justice

## SUMMARY OF THE RESPONSES

### **Children in Prisons and Child Care Institutions**

The Minister of Home Affairs was asked about data regarding the number of children (0-6 years) living in prisons with their mothers in the country; welfare mechanism for education of these children; provisions for mental health counseling of such children in prisons; and assessment of the condition of these children in prisons.

The Ministry responded that that ‘Prisons’/persons detained therein’ is a ‘State subject’. However, the Ministry of Home Affairs (MHA) had issued an advisory to all the States and UTs forwarding the guidelines which, , among other things, provide that these children should have access to food, shelter, medical assistance, education and recreational facilities, etc. Also, the ‘Model Prison Manual 2016’ has provisions to ensure holistic development of children of women inmates, such as establishment of well-equipped crèche and a nursery school attached to the prison, adequate health facilities, regular examination by a Lady Medical Officer, among other things. MHA had also forwarded a report titled ‘Women in Prisons’ prepared by the Ministry of Women and Child Development (MWCD) to all States and UTs for appropriate action. On statistical details, the Ministry stated that “Specific age-wise and gender-wise data of children living with their mothers in prisons is not maintained by NCRB.”

The Minister of Women and Child Development (MWCD), was inquired about incidents of exploitation/sexual harassment of children in Juvenile Homes and orphanages. The National Crime Records Bureau ([NCRB](#)) data was tabled along with the reply stating that between 2017 to 2019, a total of 1,340 cases were registered against care takers/in-charge of Juvenile Homes. According to the latest figures available, that is for 2019, 499 people were arrested, of whom 48 were convicted . of Rajasthan (21) and Tamil Nadu (24) reported the most convictions.

The MWCD also responded to a question which sought information on “whether Shelter Homes have been notified and designated by the Government as Home for detoxification and counselling of children affected by substance abuse.” The Ministry responded that, under the Child Protection Services (CPS) scheme, provides financial support to the Child Care Institutions (CCIs), having children with special needs i.e. children who are either affected by substance abuse or who are mentally or physically challenged. An amount of Rs. 10.48 lakh is provided for purchase of specialized equipment and materials like psychological

test materials, training materials for speech and language, teaching materials, wheelchairs, crutches, etc. for accommodating 10 children.

### **Women Prisoners**

Three questions were raised in the Parliament concerning women prisoners. Two of these were raised in the Lok Sabha and were addressed to the MHA. These questions sought details on: the number of pregnant women currently in prisons; number of childbirths inside prisons during the last three years; instances of pregnancy terminations, miscarriages and stillbirth inside prisons during the same period. The MHA stated in its response that specific data in this regard is not maintained centrally.

Further information was also sought on access to medical facilities for such prisoners including pre-natal care, ante-natal care, access to gynecologists and obstetricians. It was also asked whether the government has received complaints regarding lack of access to medical care and medical negligence.

The MHA responded to these questions stating that prisons are a State subject and State Governments are competent to take appropriate steps for providing medical care to inmates, including women inmates. However, MHA informed that it had issued a detailed advisory to the States and the Union Territories (UTs) sharing the guidelines for providing facilities to women prisoners and their children. In its response, MHA also stated that it had forwarded the Model Prison Manual 2016 as well as 'Women in Prisons' report to all States and UTs. While the former has a dedicated chapter on 'Women Prisoners', the latter is a report received from the Ministry of Women and Child Development, for implementation of the suggestions relating to women inmates.

In the Rajya Sabha information was sought on: the total number and State-wise distribution of women prisons in the country; the ratio between the number of actual prisoners and the space decided for them for their accommodation in these States; the classification of women prisoners according to their crimes and age groups. Part of the question also included queries on facilities that were available in these prisons such as CCTV cameras and whether the Government has set up Fast Track Courts for women prisoners.

The MHA provided the following details in its response:

- There are 31 Women Jails across India, with an inmate population and capacity of 3,652 and 6,511 prisoners respectively. ([State/UT-wise breakup attached in annexure](#))
- On the classification of women prisoners according to age groups and the crimes committed, the Ministry provided the information in the [annexure](#).
- Regarding the facilities in women's prisons, the MHA has issued various advisories and guidelines on efficient Prison Administration, from time to time.
- 22,456 CCTV cameras had been installed in various jails as on 31.12.2019
- Regarding the Fast Track Courts, their setting up falls in the domain of respective State Governments in consultation with the respective High Courts.

## **Custodial Deaths**

On the question about custodial deaths in the country, during the last three years, the MHA stated that as per data sourced from the National Human Rights Commission (NHRC), 348 people died in police custody, while 5,221 died in judicial custody in different parts of the country. [The State-wise yearly breakup was attached in the annexure of the response](#). Uttar Pradesh reported the largest number of cases of custodial deaths (Police & Judicial) with an alarming count of 1,318 deaths.

Regarding the status of investigation and compensation in cases of custodial deaths, the Minister informed Parliament that NHRC has recommended Rs.15,90,74,998/- as monetary compensation in 593 cases of custodial deaths (Police & Judicial) during the period- 01.04.2018 to 30.06.2021. NHRC recommended disciplinary action against erring public servants in four cases of deaths in judicial custody..

When asked whether Government has established a mechanism to ensure accountability for the deaths that occurred in police and judicial custody, MHA replied that pursuant to the guidelines issued by the NHRC:

- every death in custody, police or judicial, natural or otherwise, is to be reported to the NHRC within 24 hours of its occurrence.
- if an inquiry by the Commission into deaths in police/judicial custody discloses negligence by a public servant, the Commission recommends to the relevant authorities in the Central/State Governments the initiation of proceedings to prosecute erring public servant.
- disciplinary action against the erring public servant is to be taken by the respective state government as per extant rules, procedures, etc.

Lastly, information was sought on the ratification of the United Nations Convention Against Torture. t The Government replied as follows: “In a Court case M.A. No. 2560/2018 in W.P. (C) No. 738/2016 filed by Dr. Ashwani Kumar Vs UOI, in the Hon’ble Supreme Court to implement the Prevention of Torture Bill, the Hon’ble Court stated that in order to ensure that India is in a position to efficiently discharge all obligations emanating from treaties/agreements, such ratifications should be undertaken only after relevant domestic clauses have been amended and the enabling legislations enacted when there is absence of domestic law on the subject.” Further, it said that “the Ministry of Home Affairs has already initiated a comprehensive review of the criminal laws in consultation with all stakeholders.”

## **Undertrial Prisoners**

The MHA was asked as to whether an estimated 70 percent of prison inmates are undertrials and also whether a large percentage of those dying in prisons are not convicted of any offence. The Ministry responded as follows:

- According to Prison Statistics India 2019, there were 4,78,600 prisoners in the country as on 31.12.2019. Of these, 1,44,125 were convicts and 3,30,487 were undertrial prisoners. Undertrial prisoners comprised around 70% of the total prison population.
- Data on deaths of convicted and undertrial prisoners in prisons is not maintained separately.

Details of steps taken or proposed by the Government to reduce overcrowding in prisons by timely addressing the issue of high undertrial population in the country were also sought in the Parliamentary queries. The MHA shared the following initiatives:

- The Government had inserted **Section 436A in the Code of Criminal Procedure (CrPC)**, which provides for release of an under-trial prisoner on bail who has completed at least one half of the maximum period of imprisonment specified for an offence under any law.
- The concept of plea bargaining was also introduced by inserting a new ‘Chapter XXIA’ on ‘**Plea Bargaining**’ (Sections 265A to 265L of CrPC) which enables pre-trial negotiation between the defendant and the prosecution.
- Setting up of **E-prisons portal** for quick and easy access to cases that are to be considered by the Under-trial Review Committees (UTRC).
- **Free legal assistance** through the legal service institutions.
- **The Model Prison Manual, 2016.**
- Various advisories issued by the Ministry of Home Affairs to reduce overcrowding in prisons. (Can be accessed on MHA’s website at: <https://mha.gov.in>.)

In the same query, the MPO also sought to know “whether the Government is considering the demand that police functions should be separated into investigation and law order duties by providing sufficient strength to complete investigations on time and avoid delays.” The MHA responded stating that “Police” is a State subject and it is the responsibility of States and UTs to adopt and implement appropriate measures to make the functioning of police more effective. However, it was also stated that one of the recommendations of a Review Committee set up by Union Government on Police Reform was “separation of investigation from law and order”. The recommendations of the Review Committee were forwarded to all States and UTs for taking appropriate action in this regard.

In the backdrop of the second wave of COVID-19 pandemic, it was asked whether due to corona pandemic judicial verdicts are getting inordinately delayed in the country due to which the undertrials are not getting proper justice. The Government responded point to the following steps that were taken in this regard:

- After the announcement of the nation-wide lockdown in March 2019, directions have been issued from time to time by the respective High Courts to the subordinate courts for **hearing of urgent civil and criminal matters**, including those pertaining to under-trial prisoners, in virtual or physical mode.
- the State Governments and UT Administrations have constituted **High Powered Committees (HPCs)**, for the identification of and facilitating the release of Undertrial Prisoners/Convicts either on interim bail or on parole. During this lockdown which lasted from March to May 2020, a total of 58,797 undertrial prisoners and 20,972 convicts were released on interim bail/parole on the recommendations of HPC or through efforts of Legal Services Authorities.
- National Legal Services Authority (NALSA) through State Legal Services Authorities (SLSA) has also directed all District Legal Services Committees (DLSAs) to convene **Undertrial Review Committee (UTRC)** Meetings on weekly/monthly basis as per NALSA protocol. During 2020-21, 10,961 UTRC meetings were held and 13,983 inmates were released pursuant to UTRCs recommendations. Further, more than 2,515 meetings of UTRCs were held across the country between May, 2021 and 15th July 2021. 20,593 bail applications were filed on the recommendations of UTRCs and, 9,237 prisoners were released.
- As per data compiled by NALSA, between January 2020 and March 2021, legal assistance was provided to 5,840 suspects/accused at pre-arrest stage pursuant to which 1,871 suspects/accused were not arrested by the police. Further, legal assistance was provided to 6,510 arrestees at police stations before producing them in courts. Moreover, during the same period, 1,04,015 persons were

provided legal assistance at remand stage and 46,735 bail applications were filed. Bail was granted in 25,894 such matters.

- NALSA has also been directed to identify all such convicts who have become eligible or are on the verge of becoming eligible for getting remission for early release and to provide necessary legal assistance to them. 92,593 prisoners including 70,382 Under Trial Prisoners have been released after emergence of the second wave of Covid-19.

### **COVID and Prisons**

Two questions were raised in the Lok Sabha on the issue of COVID and prisons. Both were addressed to the Minister of Health and Family Welfare (MoHFW). The Minister was asked to provide details on: the number of prisoners who have received COVID-19 vaccination; the timeline and strategy for complete inoculation of prisoners expeditiously considering the current prison population; and any advisory notifications issued to the States/UTs concerning the vaccination of prisoners. The Ministry replied that COVID-19 vaccination of prisoners is included & recorded under the vaccination of 'Persons without Prescribed Identity Cards' which includes nomads, prison inmates, inter alia. [The State-wise details on vaccination of prisoners as per the information available on Co-WIN was annexed in the response.](#)

The MoHFW also stated as follows: "the Government has formulated an SOP for vaccination of persons without any prescribed identity cards. As per the SOP, facilitated bulk cohort registration would be possible at designated facilities under special vaccination sessions." In some of the States, special camps are being organized for people in institutional settings (e.g. prisons) for providing COVID-19 vaccination services. Regarding the timeline, it was simply stated that "it is expected that eligible beneficiaries aged 18 years and above, including prisoners, will be vaccinated by December 2021."

### **Legal Aid**

The Minister of Law and Justice (MoLJ) was asked: "whether Government is aware that according to reports, while legal aid is accessible and ensured to the poor on paper, on ground it proves to have a number of hurdles like corruption, hesitant and unambitious lawyers, among others." Denying receipt of any such report, the Minister claimed that there were currently 47,027 panel lawyers empaneled with Legal Services Institutions across the country out of which 30,687 panel lawyers have a law practice of 10 years or more. [48,61,325 persons have availed free legal aid and advice during the last five years.](#)

In another question, following details regarding the budget allocation and expenditure details of NALSA were asked: the funds allocated and sanctioned by the Ministry to National Legal Services Authority (NALSA) during last three years; funds allocated and sanctioned by NALSA to different State Legal Aid Authorities during the last three years, State-wise, especially on Tele-Law, Nyaya Mitra, Central Victim Compensation Scheme and Pro-bono Legal; the expenditure details on all schemes offered by NALSA, either directly or through State/UT; scope of increasing the budget allocation for NALSA in order to expand legal aid services. [Detailed statistics were provided by the MoLJ in its reply.](#) The response further stated that “During the financial year 2020-21, despite an overall reduction of Budget Estimate (BE) allocation at Revised Estimate (RE) stage by the Department of Expenditure due to COVID pandemic, in the case of NALSA, the BE allocation of Rs. 100 crore was not reduced at the RE stage so that the legal aid services provided by NALSA could progress smoothly.”

### **Prison Reforms**

In another question an MP of the ABC Sabha asked: “whether the Government has formulated any Prison Policy or Policy for Reformatory Homes during the last few years.” The Ministry of Home Affairs in their generic response stated as follows: “Prisons and persons detained therein are State subjects, who are competent to devise and adopt appropriate policies for prison and correctional administration. However, the Ministry of Home Affairs (MHA) has been supplementing the efforts of States and Union Territories (UTs) by issuing various advisories and guidelines from time to time.” These advisories are available at: [https://www.mha.gov.in/Division\\_of\\_MHA/Women\\_Safety\\_Division/prison-reforms](https://www.mha.gov.in/Division_of_MHA/Women_Safety_Division/prison-reforms). Also referring to Model Prison Manual 2016, it was said that Model Prison Manual 2016 was also a step in the direction of bringing in prison reforms as the Manual strives to serve as a benchmark that all States should emulate and seek guidance from. The Manual was forwarded to all States and UTs in May 2016.

Besides, information was also sought on: the percentage of ex-convicts who have committed repeated offences as compared to the first time offenders; the names of the States with the highest percentage of habitual offenders in jails; and the total number of open jails functioning in the country at present and the overall experience of such open jails.

The following details were provided by the MHA:

- According to ‘Prison Statistics India 2019’, all-India percentage share of habitual offenders to convicts is 3.6%. The data also shows that the small states and UTs (such as Mizoram, Delhi, Meghalaya, Nagaland, Andaman and Nicobar Islands) have higher proportion in this respect, as compared to large states of India. Mizoram topped the list with 779 of 1,716 (45.5%) recidivism cases in 2019.
- As on 31.12.2019, 86 Open Jails have been established in 17 States across the country.

### **Prison Parole**

In the April-June quarter of 2021, India was hit by a disastrous second wave of the COVID-19 pandemic. In the same context, a question was raised in the Lok Sabha asking the Minister of Home Affairs about the release of prisoners on parole. It was asked, that, whether due to COVID a large number of prisoners have been released from the prisons across the country on parole; and the state-wise record of the prisoners released on parole.

The MoS Home Affairs in his response stated cited from the directives of the Hon'ble Supreme Court of India's Order dated 7.5.2021, as follows:

- Due to the surge in Covid-19 cases, the Hon'ble Court again directed all States and UTs that the High-Powered Committees constituted by them should again consider release of prisoners.
- The Hon'ble Court directed that the High-Powered Committee, in addition to considering fresh release, should forthwith release all inmates who were released earlier pursuant to its Order dated 23.3.2020 by imposing appropriate conditions.
- It also directed the States and UTs that those inmates who were granted parole pursuant to its earlier Orders should be again granted parole for 90 days in order to tide over the pandemic.

However, the Ministry did not provide the State-wise record of the prisoners released on parole.

### **Foreign Prisoners**

The Ministry of External Affairs was asked about the details of the number of fishermen from West Bengal who are in the illegal custody of Bangladesh. The Ministry responded: "Nil." It was also asked if any, whether there has been a pact to this effect concerning immediate release of fishermen by either side. To this, the Ministry stated as follows: "the issue gets discussed from time to time under various bilateral institutional mechanisms, including the Home Secretary Level Talks."

### **E-Prisons**

An enquiry was made in the Rajya Sabha about the e-Prisons project including the following questions: the status and progress of implementation of the e-Prisons project and its linking with the Court Integration Systems/Inter-operable Criminal Justice Systems; whether the budgetary allocations as captured in Ministry's notification dated 26.03.2018 have been released and utilized by States/UTs as applicable; whether the Government envisions compliance of the e-Prisons project with extant laws pertaining to privacy and data protection; and whether the e-Prisons project has received approval for extension beyond 31.03.2020.

The Minister of State in the Ministry of Home Affairs answered that the e-Prisons have been operationalised in all States and Union Territories. e-Prisons data has been integrated with the Police and Court system under the Inter-operable Criminal Justice System. A financial assistance of Rs.99.49 crores has been released by the Ministry of Health and Family Welfare (MoHFW) to the States and UTs for the same. It was further shared that e-Prisons use data maintained by the States and Union Territories on the National Prisons Information Portal and the system can be accessed through the secure National Informatics Centre (NIC) network, exclusively by the authorized officials of Law Enforcement Agencies and Prisons, through Inter-operable Criminal Justice System (ICJS).

### **Virtual Courts**

A total of seven questions were raised in both houses of Parliament regarding the virtual courts or e-courts. Among these, statistical details were sought from the Minister of Law and Justice such as: the number of courts that has been digitised under the eCourt Mission Mode Project; the State-wise list of compliance for the subordinate courts, the data thereof; the number of court cases disposed of through the digital system during the lockdown of 2020-21 in the country.

The Ministry presented the following information in its reply:

- The number of courts digitized so far under e-Courts Mission Mode project are 18,735. [The State-wise list of digitized courts was annexed to the answer.](#)
- Between March 2020 and June 2021, the District Courts heard a total of 74,15,989 cases using the digital system. A total of 97,21,491 cases were disposed of in all States/UTs by digital and physical hearing. [The State/UT wise position was also placed as annexure.](#)

Along the same lines, it was asked whether the Government has plans to increase the adoption of e-Courts. To answer this, various digitization initiatives under the e-Courts Mission Mode Project Phase-II, were stated by the Ministry which included details on the Wide Area Network (WAN) Project, Case Information Software (CIS), National Judicial Data Grid (NJDG), a new “Judgment Search” portal, and a new e-filing system, amongst other things. Further, it was announced that “the Supreme Court of India emerged as a global leader by conducting 96,239 virtual hearings (as on 09.07.2021 since the beginning of lockdown period). The High Courts (40,43,300 hearings) and Subordinate Courts (74,15,989 hearings) have conducted 1.14 crore virtual hearings till 30th June 2021. Video Conferencing (VC) facilities have also been enabled between 3240 court complexes and corresponding 1272 jails.” To bridge the digital divide, funds have been released for setting up 235 e-Sewa Kendras to facilitate e-filing and virtual hearing of cases in High Courts and District Courts across the country. On a question about the expenditure details of the project, this was the answer:

- The total expenditure during e-Courts Project Phase- I was Rs. 639.41 crore.
- Under the e-Courts Project Phase-II which has commenced since 2015, the Government has so far released a sum of Rs. 1582.11 crore for implementation of the e-Courts project against the financial outlay of Rs.1670 crore.
- [Out of this sum, Rs. 1150.56 crore has been released to the High Courts till 31st May 2021 under Phase-II.](#) For the Supreme Court of India, the expenditure made from the Financial Year 2019-20, FY 2020-21 and from 1/4/2021 to 06/7/2021 were also shared.

In the above question, the MP also sought to know about Phase-III of the project: whether timeline and budget have been approved for Phase-III of e-Courts Project. The response stated that no such timeline and budget have been approved. However, a draft Vision Document has been formulated by the e-Committee of the Supreme Court for e-Courts Project Phase III. The Vision Document has been prepared in consultation with domain experts from within the judiciary and private sector experts. This document has been put in the public domain for inviting suggestions and feedback based on which the Detailed Project Report will be drawn.

Another MP asked the Minister of Law and Justice to comment on whether the Ministry is considering the use of virtual courts in criminal trial proceedings as a special category of proceedings requiring additional safeguards. To this, the Minister replied: “The use of virtual courts in criminal trial proceedings is an administrative matter which falls strictly within the purview and domain of the judiciary and the Ministry has no role in the matter.” On the Ministry’s stand with regard to live streaming of court proceedings, whether there has been any development on the same, it was said that the e-Committee of the Supreme Court has formulated Draft Rules for such streaming. These have been circulated amongst all the High Courts and placed in the public domain for inputs and suggestions.

### **Education of Prisoners**

Information was sought on: the number of prisoners in all jails across the country who are educated below class 10 along with the State/UT-wise details thereof. The MHA responded with the [statistics as compiled by National Crime Records Bureau \(NCRB\) in their publication “Prison Statistics India, 2019”](#). The data showed that the maximum number of 1,98,872 (or 41.55 per cent) prisoners are educated below class 10 level.

In continuation, it was also asked as to whether there is any facility to provide compulsory education up to class 10 standard in jails, if so, the details thereof. The MHA replied that although ‘Prisons’ and ‘persons detained therein’ are State subjects, the Ministry has been supplementing the efforts of State Governments by issuing various advisories from time to time. They informed that the MHA has advised the States to establish special study centres in prisons and organize workshops to popularise educational programmes offered by National Open School, Distance Education Board and Indira Gandhi National Open University (IGNOU), etc. for education of inmates. The ‘Model Prison Manual 2016’ has a dedicated chapter on “Education of Prisoners”, which provides that at the time of admission in the prison, prisoners should be classified on the basis of their academic/educational qualifications and their aptitude for further learning. It has been emphasised that education is vital for the overall development of prisoners and that education of illiterate young offenders and adult prisoners shall be compulsory.

[State and UT-wise number of prisoners who have benefitted from educational facilities in prisons during the year 2019 was also annexed to the response](#). For this, the figures were categorised by different levels of education facilities, which are as follows:

- No. of prisoners benefitted by Elementary Education: 47,860
- No. of prisoners benefitted by Adult Education: 44,438
- No. of prisoners benefitted by Higher Education: 11,917
- No. of prisoners benefitted by Computer Course: 10,047

### **Latest Data on Prisoners**

Information was sought on: religion-wise number of prison inmates in the jails of States and UTs; number of Scheduled Castes (SC), Scheduled Tribes (ST) and Other Backward Classes (OBC) prisoners; and the total number and details of prisoners in the country including undertrial, convicted and women prisoners. In the answer, MoS Home Affairs provided [“caste-wise, religion-wise” statistical data of prison inmates from PSI 2019](#).

The maximum 1,62,800 prisoners (34.01 per cent) belonged to the OBC category, 99,273 (20.74 per cent) to the SC and 53,336 (11.14 per cent) to the ST. The religion-wise break up showed that 3,21,155 (67.10 per cent) prison inmates were Hindu, 85,307 (17.82 per cent) Muslim, 18,001 (3.76 per cent) Sikh, 13,782 (2.87 per cent) Christian, and 3,557 (0.74 per cent) 'others'.

It was informed that as on 31.12.2019, the total number of prisoners in the jails of the country was 4,78,600. Out of this, 1,44,125 were convicts and 3,30,487 were undertrial prisoners. This includes 19,913 women prisoners.

### **Rehabilitation of Rohingya Muslims**

In this regard, the MHA was asked to respond: whether the Government is a signatory to the UN Convention Against Torture (UNCAT) and whether India has ratified the International Covenant on Civil and Political Rights (ICCPR), if so, the details thereof. It was stated that “India signed the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment on 14 October 1997. However, India has not ratified this Convention yet. India acceded to the International Convention on Civil and Political Rights (ICCPR) on 10.04.1979.”

### **Pendency of Cases**

**Fast Track Courts:** Questions were raised to the Minister of Law and Justice on: the criteria fixed by Government to setup Fast Track Courts; the number of Fast Track Courts in the country; the number of convictions and pending cases, State-wise, in Fast Track Courts during the last three years and current year. Regarding the criteria, the reply was: Setting up of Fast Track Courts (FTCs) and its functioning fall within the domain of the respective State Governments in consultation with the High Courts. The 14th Finance Commission had recommended that the number of FTCs to be established should be 10% of the sanctioned strength of judicial officers of the State. Further, it was informed that as of May, 2021, there are 956 FTCs across the country, while the proposed number is 1800. Information on the number of cases disposed of during the last three years and the current year along with the number of pending cases in FTCs was attached in the [annexure of the answer](#). According to it, in 2018, 4.55 lakh cases were disposed of by FTCs while 1.15 lakh and 16,900 cases were decided by FTCs in 2019 and 2020 respectively. Till May 2021, 18,965 cases were decided by the FTCs. Reflecting grave state of affairs, there are as many as 923,492 cases pending before various FTCs across country (as on 31.05.2021).

**Rape cases:** A specific question was asked regarding the details of the number of arrests made with respect to cases concerning rape in the State of Rajasthan along with the number of convictions and the pendency of such cases.

The details of the number of arrests, convictions, pendency for the year 2019, according to NCRB, were given as below:

- Number of arrests in 2019: 4,522
- Cases convicted in 2019: 842
- Cases Pending trial at the end of 2019: 12,249

**Special Courts under POCSO Act:** In regard to ‘Special Courts under Protection of Children against Sexual Offences (POCSO) Act, 2012’, the Minister of Women and Child Development was asked the following: the number of special courts formed under POCSO Act, 2012; the number of judges appointed in special courts formed under POCSO Act, 2012; the number of cases lodged & pending under POCSO Act during the last three years; and the steps taken by the Government for early disposal of cases. that the Minister replied as follows:

- As on 31st May, 2021, [there are 338 Fast Track Special Courts \(FTSC\) for exclusive POCSO cases in 26 States/UTs](#). It was proposed to be expanded to 389 as per the FTSC scheme, 2019.
- Total number of disposed pending cases till May, 2021: 50, 484
- Figures on State/UT-wise cases registered and cases pending trial under POCSO Act, 2012 during 2017-2019 were produced as [annexure](#).

**Pending Court Cases:** A total of six questions were raised on this issue in the Lok Sabha. Addressed to the Minister of Law and Justice, these questions sought the following details:

- State/UT-wise record of number of cases pending in courts across India
- Number of cases pending and their duration in lower and subordinate courts
- Number of posts of judges lying vacant in the courts of the country
- Time taken for disposal of cases in India
- Steps taken by the Government to reduce the pendency of the cases in these courts

The information on pending cases as available on National Judicial Data Grid (NJDG):

Name of Courts	Pendency
Supreme Court of India	69,212 (as on 02 July 2021)
High Courts	58,76,632 (as on 29 July 2021)
Subordinate Courts	3,93,30,952 (as on 29 July 2021)
Total cases pending across India	45,276,796

Responding to the questions, [State/UTs wise data for the same was also presented in an annexure](#). It shows that Allahabad High Court has the highest pendency with nearly eight lakh cases, followed by High Court of Punjab & Haryana with 6.98 lakh cases. With regard to pendency in subordinate courts, Uttar Pradesh, Maharashtra and Bihar are the states with the highest number of pending cases. With more than 3.9 crore cases pending in the lower courts, 40% of them are pending since more than three years. Statements showing the sanctioned strength, working strength and vacancy position of judges, State-wise, were made available through annexures. The Supreme Court, as on 28 July 2021, is functioning with 27 judges against a sanctioned strength of 35. 454 judges' position are vacant in 25 high courts across India. Lastly, data available on the National Judicial Data Grid on the time taken to disposal of cases in respect of High Courts and District and Subordinate Judiciary was also shared.

Detailed answer was given by the Minister of Law and Justice explaining the steps taken to reduce this huge case pendency. These include: implementation of the e-Courts Mission Mode Project throughout the country, development of infrastructure facilities for judiciary, filling up of vacant positions in courts, inter-alia.

Constitution of Courts: The MoLJ was asked whether the Government has proposed any plan to set up courts at the village level so as to develop an accessible justice system for the rural people. The question also sought information on total number of rural/village courts set up in the country during each of the last two years. The response stated that [455 Gram Nyayalayas have been notified so far by 13 States under the Gram Nyayalayas Act, 2008.](#)

## PRISONS AND PARLIAMENT – WINTER SESSION 2021

### DETAILS OF THE QUESTIONS

The following table contains an index of questions with relevant details for which responses were tabled in the parliament in this session. You may access the questions and their respective responses, by entering the question numbers in the Search Facility for Questions and Answers provided on the official websites of the [Lok Sabha](#) and the [Rajya Sabha](#).

S. No	Question No. & Date	Topic	Question Asked By	Forum	Answered By (Name & Designation)
<b>PRISON RESOURCES</b>					
1	2541; 14 <sup>th</sup> December 2021	Programme & Services for Women prisoners	Shri Parbatbhai Savabhai Patel & Shri Naranbhai Kachhadia	Lok Sabha	Shri Ajay Kumar Mishra (MoS, The Ministry of Home Affairs)
2	2545; 14 <sup>th</sup> December 2021	Amendment in Model Prison Manual 2016	Shri Anurag Sharma	Lok Sabha	Shri Ajay Kumar Mishra (MoS, The Ministry of Home Affairs)
<b>HUMAN RIGHTS VIOLATION</b>					
3	116; 8 <sup>th</sup> December 2021	Human Rights Violations	Shri M. Shanmugam	Rajya Sabha	Shri Nityanand Rai (MoS, The Ministry of Home Affairs)
<b>CUSTODIAL DEATHS</b>					
4	1168; 8 <sup>th</sup> December 2021	Increasing Custodial Deaths	Shri Sushil Kumar Gupta	Rajya Sabha	Shri Nityanand Rai (MoS, The Ministry of Home Affairs)
5	364; 1 <sup>st</sup> December 2021	Increase in Police Custodial Deaths	Shri Sanjay Singh	Rajya Sabha	Shri Nityanand Rai (MoS, The Ministry of Home Affairs)
6	366; 1 <sup>st</sup> December 2021	Low Conviction Rate of Police Personnel in Police Custodial Deaths	Shri Sanjay Singh	Rajya Sabha	Shri Nityanand Rai (MoS, The Ministry of Home Affairs)
7	256; 30 <sup>th</sup> November 2021	Custodial Deaths of SC & ST Children	Shri G Nanathiraviam S.	Lok Sabha	Shri Nityanand Rai (MoS, The Ministry of Home Affairs)
8	383; 30 <sup>th</sup> November 2021	Incidents of Custodial Violence	Shri Jagdambika Pal	Lok Sabha	Shri Nityanand Rai (MoS, The Ministry of Home Affairs)
9	397; 30 <sup>th</sup> November 2021	Custodial Deaths	Shri Feroze Varun Gandhi	Lok Sabha	Shri Nityanand Rai (MoS, The Ministry of Home Affairs)
<b>OVERCROWDING IN PRISONS</b>					

10	1161; 8 <sup>th</sup> December 2021	Overcrowding in Prisons	Prof. Manoj Kumar Jha	Rajya Sabha	Shri Ajay Kumar Mishra (MoS, The Ministry of Home Affairs)
11	3771; 21 <sup>st</sup> December 2021	Overcrowded Prisons	Shri Ramcharan Bohra	Lok Sabha	Shri Ajay Kumar Mishra (MoS, The Ministry of Home Affairs)
12	408; 30 <sup>th</sup> November 2021	Report of NCRB on overcrowded prisons	Shri Manish Tiwari	Lok Sabha	Shri Ajay Kumar Mishra (MoS, The Ministry of Home Affairs)
FREE LEGAL AID					
13	203; 16 <sup>th</sup> December 2021	Free Legal Aid under Legal Services Authority Act	Shri Sushil Kumar Gupta	Rajya Sabha	Shri Kiren Rijiju (Minister of Law & Justice)
14	2200; 16 <sup>th</sup> December 2021	Legal Services provided under Free legal aid scheme	Dr. Narendra Jadhav	Rajya Sabha	Shri Kiren Rijiju ( Minister of Law & Justice)
15	587; 2 <sup>nd</sup> December 2021	Legal aid clinics in Jails	Shri Partap Singh Bajwa	Rajya Sabha	Shri Kiren Rijiju ( Minister of Law & Justice)
16	1422; 7 <sup>th</sup> December 2021	Free legal aid to under trial prisoners	Shri Deepak Baij	Lok Sabha	Shri Ajay Kumar Mishra (MoS, The Ministry of Home Affairs)
17	1019; 3 <sup>rd</sup> December 2021	Legal aid for Women Prisoners	Shri Hemant Tukaram Godse	Lok Sabha	Shri Kiren Rijiju (Minister of Law & Justice)
18	3239; 17 <sup>th</sup> December 2021	Tele- Law on Wheels	Shri Bhartuhari Mahtab	Lok Sabha	Shri Kiren Rijiju (Minister of Law & Justice)
19	3235; 17 <sup>th</sup> December 2021	Tele- Law Scheme	Shri Anurag Sharma	Lok Sabha	Shri Kiren Rijiju (Minister of Law & Justice)
20	1118; 3 <sup>rd</sup> December 2021	Tele- Law Mobile App	Shri Pochabrahmananda Reddy	Lok Sabha	Shri Kiren Rijiju (Minister of Law & Justice)
JUVENILE CRIMES					
21	2071; 15 <sup>th</sup> December 2021	Guidelines to prevent Juvenile Crimes	Smt. Geeta Alias Chandraprabha	Rajya Sabha	Shrimati Smriti Zubin Irani (Minister of Women & Child Development)
DETENTION CENTRES					
22	1976; 15 <sup>th</sup> December 2021	Detention Centres for Illegal Immigrants	Dr. K. Keshava Rao	Rajya Sabha	Shri Nityanand Rai (MoS, The Ministry of Home Affairs)
PENDENCY OF CASES					

23	1398; 9 <sup>th</sup> December 2021	Disposal of various cases in pending courts	DR. D.P. Vats Shri Vijay Pal Singh Tomar	Rajya Sabha	Shri Kiren Rijiju (Minister of Law & Justice)
24	586; 2 <sup>nd</sup> December 2021	Pendency of Cases before courts	Shri Derek O Brien	Rajya Sabha	Shri Kiren Rijiju (Minister of Law & Justice)
25	593; 2 <sup>nd</sup> December 2021	Increase in Pendency of Cases	Shri Vishambhar Prasad Nishad	Rajya Sabha	Shri Kiren Rijiju (Minister of Law & Justice)
26	2203; 16 <sup>th</sup> December 2021	Huge pendency of cases in High Courts & SC	Shri Kanakamedala Ravindra Kumar	Rajya Sabha	Shri Kiren Rijiju (Minister of Law & Justice)
<b>CHILDREN INSIDE PRISONS</b>					
27	479; 1 <sup>st</sup> December 2021	Children living with Mothers in Prisons	Shri Derek O Brien	Rajya Sabha	Shrimati Smriti Zubin Irani (Minister of Women & Child Development)
<b>DRUG RELATED CASES</b>					
28	383; 1 <sup>st</sup> December 2021	Cases registered regarding drugs	Shri Rajendra Gehlot	Rajya Sabha	Shri Nityanand Rai (MoS, The Ministry of Home Affairs)
<b>POLICE REFORMS</b>					
29	1193; 8 <sup>th</sup> December 2021	Reforms in Police Administration	Shri A. Vijayakumar	Rajya Sabha	Shri Nityanand Rai (MoS, The Ministry of Home Affairs)
<b>PRISONERS LODGED IN JAILS</b>					
30	384; 1 <sup>st</sup> December 2021	Prisoners lodged in jails	CH. Sukhram Singh Yadav Shri Vishambhar Prasad Nishad	Rajya Sabha	Shri Ajay Kumar Mishra (MoS, The Ministry of Home Affairs)
<b>UN CONVENTION AGAINST TORTURE</b>					
31	365; 1 <sup>st</sup> December 2021	Non ratification of UN Convention against torture	Shri Sanjay Singh	Rajya Sabha	Shri Ajay Kumar Mishra (MoS, The Ministry of Home Affairs)
<b>UAPA &amp; SEDITION</b>					
32	352; 1 <sup>st</sup> December 2021	UAPA Cases	Dr. V. Sivadasan	Rajya Sabha	Shri Nityanand Rai (MoS, The Ministry of Home Affairs)
33	359; 1 <sup>st</sup> December 2021	UAPA & PSA in J&K	Shri Kumar Ketkar	Rajya Sabha	Shri Nityanand Rai (MoS, The Ministry of Home Affairs)
34	372; 1 <sup>st</sup> December 2021	Increase in arrests made under UAPA	DR. Santanu Sen	Rajya Sabha	Shri Nityanand Rai (MoS, The Ministry of Home Affairs)
35	1970; 15 <sup>th</sup> December 2021	Arrests made under UAPA	Shri Kumar Ketkar	Rajya Sabha	Shri Nityanand Rai (MoS, The

					Ministry of Home Affairs)
36	193; 15 <sup>th</sup> December 2021	Sedition Cases	Dr. V. Sivadasan	Rajya Sabha	Shri Nityanand Rai (MoS, The Ministry of Home Affairs)
37	3860; 21 <sup>st</sup> December 2021	Arrests made under UAPA in Tripura	Shri Adhir Ranjan Chowdhury Shri K. Navaskhani	Lok Sabha	Shri Nityanand Rai (MoS, The Ministry of Home Affairs)
38	2531; 14 <sup>th</sup> December 2021	Persons arrested under UAPA	Shri Mahesh Sahoo	Lok Sabha	Shri Nityanand Rai (MoS, The Ministry of Home Affairs)
39	3847; 21 <sup>st</sup> December 2021	Sedition Cases	Shri Thirumaavalavan Thol	Lok Sabha	Shri Nityanand Rai (MoS, The Ministry of Home Affairs)
AFGHAN REFUGEES					
40	380; 1 <sup>st</sup> December 2021	Status of Afghan Refugees in India	Smt. Vandana Chavan	Rajya Sabha	Shri Nityanand Rai (MoS, The Ministry of Home Affairs)
VACANCIES IN SC & HC					
41	1394; 9 <sup>th</sup> December 2021	Filing up of vacancies in High Courts	Shri Kanakamedala Ravindra Kumar	Rajya Sabha	Shri Kiren Rijiju (Minister of Law & Justice)
42	589; 2 <sup>nd</sup> December 2021	Vacancies in SC & HCs	Shri John Brittas	Rajya Sabha	Shri Kiren Rijiju (Minister of Law & Justice)
CRIMINAL LAW REFORMS COMMITTEE					
43	1972; 15 <sup>th</sup> December 2021	Criminal Law Reforms Committee	Shri Narain Dass Gupta	Rajya Sabha	Shri Ajay Kumar Mishra (MoS, The Ministry of Home Affairs)
SC Appeals					
44	1395; 9 <sup>th</sup> December 2021	Inordinate Delay in filing appeal in Supreme Court	Shri Neeraj Dangi	Rajya Sabha	Shri Kiren Rijiju (Minister of Law & Justice)
UNDER TRIAL PRISONERS					
45	355; 1 <sup>st</sup> December 2021	Under trial Persons	Shri K.R. Suresh Reddy	Rajya Sabha	Shri Ajay Kumar Mishra (MoS, The Ministry of Home Affairs)
46	1169; 8 <sup>th</sup> December 2021	Legal assistance to under trial prisoners	Shri Vishambhar Prasad CH. Sukhram Singh Yadav	Rajya Sabha	Shri Ajay Kumar Mishra (MoS, The Ministry of Home Affairs)
47	400; 30 <sup>th</sup> November 2021	Under trial Prisons	Shri Deepak Baij	Lok Sabha	Shri Ajay Kumar Mishra (MoS, The Ministry of Home Affairs)

48	3292; 17 <sup>th</sup> December 2021	Fast track courts for under trial prisoners	Shri B.B. Patil	Lok Sabha	Shri Kiren Rijiju (Minister of Law & Justice)
COVID & PRISONS					
49	1601; 7 <sup>th</sup> December 2021	Decongestion of Jails	Shri Pradyut Bordoloi	Lok Sabha	Shri Ajay Kumar Mishra (MoS, The Ministry of Home Affairs)

## SUMMARY OF THE RESPONSES

### **Prison Resources**

Three questions were raised in Lok Sabha on issues pertaining to social security schemes for women prisoners and amendments in Model Prison Manual, 2016. All of these questions were directed towards Ministry of Home Affairs (MHA) and in response it was stated that various advisories were issued to States/UTs on vocational and skill development training to prisoners. Also, the guidance can be taken by the Model Prison Manual, 2016 which has specific chapters on “After care and rehabilitation”, “Women prisoners” etc. For holistic development of children of women inmates, “Women in Prisons” report, advisories of MHA and Model Prison Manual should be used as a governing document for effective administration of prisoners. Furthermore, it was stated that no amendment or any proposal to amend in Model Prison Manual has been made.

### **Human Rights violation**

Question was asked on the number of human rights violations cases registered state wise and year wise with NHRC. Other was the number of awards which were provided as compensation to the victims. The state wise and year wise database with respect to the number of cases registered was provided by NHRC from 2018- 2022 (up to 31.10.21). It was stated that no such increase in the incidents of human rights violations were observed. The amount of compensation which was paid as monetary relief between 2018- 2022 (up to 31.10.21) was 63,66,94,648.

### **Custodial Deaths**

The Ministry of Home Affairs was asked six questions with respect to incidents of custodial violence, steps taken to sensitize the police personnel and details with respect to conviction of police personnel. There were 114 police custodial deaths registered for the year 2021-2022 (up to 15.11.21) as per NHRC database. It was further stated that a little growth in the number of custodial deaths can be concluded from the previous year’s data which had 100 deaths. Gujarat had the highest count at 17 deaths. MHA also laid that to sensitize the state authorities for better protection of persons in custody NHRC conducts workshops/seminars and advisories are issued by the Central government. No database is maintained centrally pertaining to conviction or cases against police personnel.

### **Overcrowding in Prisons**

Three questions were directed to the Ministry of Home Affairs on the issue of overcrowding in the Indian Prisons. One of these questions was on the prison population in the country from 2015-2019. The state wise occupancy rate of prisons in the country was furnished through PSI 2019 which is published by National Crime Records Bureau.

With regards to the construction of more prisons and measures undertaken, MHA responded that State governments has sole responsibility for facilitating additional accommodation and managing prisons based on their need. Other questions were on the measures taken to reduce overcrowding in the prisons

by addressing the issue of under trial prisoners. Various initiatives were taken by the Ministry to reduce prison overcrowding and these are-

- Introduction to plea bargaining through insertion of 'Chapter XXIA', which provides for pre-trial negotiation between the defendant and the prosecution.
- Insertion of Section 436A CrPC, which enables release of an under-trial prisoner on bail who has completed at least one-half of the maximum period of imprisonment specified for an offence under a law.
- E-Prisons framework was introduced for effective access to the cases which would be considered by Under Trial Review Committee.
- Free legal assistance through state legal service authorities.
- Preparation of the Model Prison Manual, 2016
- Issuance of advisories by MHA to states/UTs to reduce overcrowding in the prisons.

### **Free Legal Aid**

Accumulatively, eight questions were directed towards the Ministry of Law and Justice in both the houses of Parliament on state wise data pertaining to free legal aid services which were provided by NALSA. Responding to the first question, Ministry of Law and Justice stated that NALSA does not maintain data with respect to women belonging to SC and ST category. He provided the data between 2018-2022 (up to September, 2021) of all free legal services under the Legal Services Authorities Act 1987 extended to women and persons belonging to SC, ST community.

Other question was asked on measures taken to promote information on free legal aid provided by Legal Services Authorities Act and benefits granted through this initiative. The Ministry of Law & Justice in this regard stated that free legal services were provided to 3.10 lakh persons from April 2021 to September 2021 and 75.41 lakh cases have been settled through Lok Adalats. In total 18,377 women prisoners were provided legal assistance through jail legal service clinics. Also, legal services mobile app was launched on 08.08.21 which can be extensively used for legal advices, assistance and tracking applications. Various types of legal awareness campaign have been organized by NALSA in certain villages and cities.

Three questions were raised in Lok Sabha on Citizen Tele- Law Mobile app and steps taken to promote the app amongst the lawyers, the Ministry shared that, tele law mobile app which aims to provide access to legal advice at the pre-litigation stage to needy and disadvantaged sections from panel lawyers was launched on 13.11.21. For increasing awareness amongst the masses, various initiatives such as special login week, tele law on wheels campaign, e-tutorial on mobile app were taken by government which benefited more than 52,000 participants.

Another question was on the number of legal aid clinics, Under Trial Review Committees and about male/female and transgender under trial cases. All the databases furnishing the mentioned information was provided by the Ministry of Law & Justice.

### **Crimes by Juveniles**

Ministry of Women and Child Development was asked about the guidelines issued to prevent the crimes by juveniles and measures taken to encourage awareness about child rights.

Answering this question, Ministry stated that centrally sponsored Child Protection Services Scheme provides financial assistance for services such as human resources, institutional care, non-institutional care etc. to state/UT governments. The main objective is to provide safe environment for overall development of children in conflict with law and in need of protection. Different types of Child Care institutions including open shelters, observation homes, place of safety, special homes and children's

homes are set up through grants which provides health care, counselling, education, access to vocational training etc. It further mentioned that to deal with crimes against children advisories are issued to states/UTs time to time.

It was also stated, that the National Commission for Protection of Child Rights ensures that all the policies, programmes, laws comply with UN Convention on the Rights of the Child and child rights perspective which are guaranteed by the constitution. Some activities related to child rights, their well-being etc. are planned by NCPCR with State Commission for the protection of Child Rights through webinars and consultation.

### **Detention Centres**

One question was raised on the number of detention centres; expenditure incurred to establish centres; total number of detainees and lastly the expenditure incurred on the upkeep of detainees. The Ministry said that Model Detention Centre/ Holding Centre/ Camp Manual 2019 guides the governance and setting of detention centres. There is no centrally maintained database on detention centres/ camps and all the power of establishing detention centres is entrusted upon state governments/Union Territory administrations.

### **Pendency of Cases**

The Ministry of Law and Justice was asked 4 detailed questions on the pending cases in the Indian Courts, vacancy of judges and any steps taken by government for quick disposal of cases. In response, the Ministry provided statistical data and detailed answers to all the questions. It also mentioned that 69,855 and 56,41,212 cases are pending in Supreme Court and High Court respectively in 2021 (up till 10.12.21). The suggestions for setting up benches of Supreme Court was rejected twice after consideration by the Chief Justice of India. Also, there is no pending complete proposal lying before the Ministry for establishing the High Court benches.

### **Children Inside Prisons**

One question was raised in the Parliament on the issue of Children in Prison. All these questions were addressed to Shrimati Smriti Zubin Irani, Minister for Women Development. The questions were on the NCRB 2014 Prison statistics related to children living with under trial and convicted mothers, initiatives undertaken to facilitate their needs and budget allocations for them. The response stated that prisons being a state subject, state governments are fully responsible for adopting measures which will benefit children and also managing prisons. Further, the Model Prison Manual, 2016 which governs prisons has a special chapter which guides on “welfare of children and their health, education, nutrition etc.” and has already been distributed to all states/UTs.

### **Drug Related Cases**

When asked about the cases registered pertaining to drugs and details on the harsh measures taken to prohibit the drugs, the MHA produced detailed list on cases registered under Narcotic Drugs and Psychotropic Substances Act from 2018-2020. It further mentioned that NDPS act bans production, trade of narcotic drugs and psychotropic substances except for its use for medical or scientific purposes. Stringent penalties are imposed on illegal trafficking and consumption of these drugs.

### **Police Reforms**

Several important questions were asked on the issue of reforms in police administration. These were on efforts taken by the government to bring police reforms at central/ state level, ratio gap between police and public and measures taken to decrease the gap through recruitment of police personnel.

The MHA responded that the power to implement police reforms, in accordance with the advisories and recommendations of the committees set up by the Union government, has been entrusted upon

States/UTs. Also, states are being incentivized under the scheme of “assistance to states for modernisation of police” by providing up to 20% of the total annual allocation of the scheme. Additionally, it was stated that the rate of police personnel per 1000 people is 1.55 as per actual strength as on 01.01.20. Recruitment of police personnel to fill up vacant posts is the sole responsibility of States/UTs.

### **Prisoners Lodged in Jails**

One question was asked on the excess of prisoners lodged in jails, number of under trial prisoners confined in jails and reasons for increase in number of under trials. In the answer, the MHA provided that 4,78,600 prisoners were confined in jails against the actual capacity of 4,03,739 prisoners which was published in PSI 2019. The database on under trial prisoners on the basis of duration of confinement and State/UT wise as on 31st December 2019 was also furnished by the ministry. With respect to increase in under trials, State governments/UTs did not specify particular reason for growth in under trial prisoners.

### **UN Convention against torture**

A specific question was asked on the reason of non-ratification of 1987 UN Convention against torture by Indian government. The response provided stated that: Law commission’s report related to the implementation of UN Convention against torture was received in December, 2017 by MHA. After that, inputs were also received on the same by respective state governments/UTs. Nonetheless, in the 146<sup>th</sup> report by Parliamentary Standing Committee on Home Affairs, it was suggested that there is a need of comprehensive review of criminal justice system in the country rather than certain amendments in the relevant acts.

### **UAPA & Sedition**

The Ministry of Home Affairs was asked eight questions on the issue of the Unlawful Activities Prevention Act and Sedition. These included questions on the number of persons arrested, persons convicted and number of persons in judicial custody during the last five years under these acts.

Answering this question, the MHA stated that:

As per the Crime in India 2020 report which is compiled by NCRB, all the data pertaining to number of persons arrested, cases quashed, cases discarded, persons convicted, cases acquitted etc. was furnished. It was concluded that 1321 number of arrests were made under UAPA in 2020 which has comparatively diminished from last year. For speedy disposal of cases registered under UAPA, 49 special courts have been set up.

Part of the questions were also focused on whether any rules were notified by J & K government with regard to dismissal of employees when they or their family is sympathetic to persons accused of UAPA/ PSA and whether vigilance clearance is made mandatory for obtaining passport for government employees by J & K government. As per ministry, no rules were notified and vigilance clearance is necessary for obtaining passport as per (DoP & T).

### **Afghan Refugees**

A question was raised on database on asylum seekers from Afghanistan, number of emergency e-visas issued, schemes for refugees and data on refugee foreign nationals. The MHA responded that several statutes such as Foreigners Act, 1946, Citizenship Act, 1955 etc. governs asylum seekers as India is not signatory to the 1951 UN Convention relating to refugees. No central database is maintained of such foreign nationals who enter the country without legal travel documents. 200 e- Emergency X-Misc visas were issued for 6 months to Afghan nationals as on 24.11.21 and stay visas for 4,557 Afghan nationals were extended.

### **Vacancies in the Supreme Court & High Courts**

Two questions were asked to the Ministry of Law & Justice on the number of judges appointed in the Supreme Court & High Courts, number of collegium proposals pending and returned by the government. In its response to the first question, the Ministry stated that 9 and 118 judges have been appointed respectively. Further, 164 proposals are in consideration and 55 have been returned after the advice of Supreme Court collegium.

Responding to another question, it was mentioned that 8 advocates were recommended by the HC collegium as against to 19 vacancies in the Andhra Pradesh HC.

### **Criminal Law Reforms Committee**

A question was asked on the Criminal Law Reforms Committee to Ministry of Home Affairs and in its response the Ministry mentioned that under the chairpersonship of the Vice Chancellor, National Law University, Delhi a committee has been constituted for suggesting reforms in criminal laws. It was stated that suggestions were also sought from various branches of the government, after which they would be examined by the MHA and other stakeholders.

### **SC Appeals**

Ministry of Law & Justice was asked one question on the issue of inordinate delay in filing appeals by government authorities and measures taken to expedite the judicial process. It was responded that 64,229 appeals are pending before Supreme Court as on 6.12.21. A platform named LIMBS has been launched by the government for effective monitoring of the litigation.

### **Under trial Prisoners**

Four questions were raised on the number of under trial prisoners and measures taken for accommodation and quick trial. As per the response, there were 3,30,487 under trial prisoners as on 1.12.19 in the country. The steps to expedite the trial of under trial prisoners and to provide adequate accommodation is within the power of state government and the Model Prison Manual, 2016 gives the proper guidance for the same. Various legal service clinics have been established, organization of awareness camps and paralegals have also been deployed to provide free legal assistance to under trial prisoners. Standard operating procedures for UTRC were also prepared by NALSA.

When Ministry of Law & Justice was asked about fast track courts for under trial prisoners, it was responded that no proposal for fast track courts was passed.

### **COVID & Prisons**

One question was raised in Lok Sabha on the issue of decongestion of jails during COVID, details of vaccination status, covid positive cases and deaths registered. The MHA responded that detailed guidelines and protocols were issued by Supreme Court & MHA which were to be followed by States/UTs in their respective prisons to prevent the spread of COVID. The data pertaining to covid positive cases, deaths and vaccination is not provided.