



May 25, 2022

Jail Mail: Prisons and Parliament – Budget Session 2022

Dear friends,

Greetings from CHRI! Hope you are well.

As part of our effort to document the public discourse on issues concerning prisons, prisoner's rights and the criminal justice system, CHRI continues to compile the list of questions raised in the parliament and their responses in every session of the Parliament. In furtherance of this, we are happy to share yet another issue of our newsletter 'Jail Mail' on the Budget Session 2022.

The Budget Session 2022 began on 31st January 2022 and concluded on 7th April 2022. The session was held in two parts with a recess in between from 12th February till 13th March. The Parliament sat for a total of 27 days.

In this session of the Parliament, the Government of India responded to a total of **59 questions** on prison-related issues, highlighting the steps undertaken by the government. 32 of these questions were answered in Lok Sabha (Lower House) while the rest were answered in the Rajya Sabha (Upper House). We have broadly divided the questions under the following 14 themes. These are -

1. Vulnerable categories of prisoners
2. Undertrial Prisoners
3. Overcrowding in prisons
4. Political Prisoners
5. Prison Reforms
6. COVID and Prisons
7. Indians in Foreign Prisons
8. Refugees and Foreigners in Prisons
9. Legal Aid
10. Custodial Violence
11. National Human Rights Commission
12. Amendments and Criminal Legal Reforms
13. False Cases
14. Delivery of Justice

The attached note contains – a) theme-wise list of questions in a tabular form; and b) a thematic summary of the responses shared by the government in both houses of the Parliament, during the Budget Session 2022.

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 neighboring State(s).
- You may write to 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.
- 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 with your comments and suggestions.

With best regards,

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COMPILATION OF THE QUESTIONS AND ANSWERS TABLED IN THE LOK SABHA AND THE RAJYA SABHA DURING THE BUDGET SESSION 2022

All questions along with the answers are hyperlinked in this table. You may also access these questions and their respective responses by entering the question number on the Search pages of the official websites of [Lok Sabha](#) and [Rajya Sabha](#). The theme-wise summary of the responses is given below.

Sl. No	Question Number & Date	Topic	Question Asked By	Forum	Answer By (Name & Designation)
I. VULNERABLE CATEGORY OF PRISONERS					
1.	2291 ; 15th March 2022	Women in Prisons	Shri Ravikumar D.	Lok Sabha	Shri Ajay Kumar Mishra (MoS, The Ministry of Home Affairs)
2.	1650 ; 16th March 22	Women inmates and their children in prisons	Dr. Amar Patnaik	Rajya Sabha	Shri Ajay Kumar Mishra (MoS, The Ministry of Home Affairs)
3.	5488 ; 5th April 2022	Pregnant Women Prisoners	Shrimati Chinta Anuradha	Lok Sabha	Shri Ajay Kumar Mishra (MoS, The Ministry of Home Affairs)
4.	369 ; 6th April 2022	Transgender people currently as inmates in jails	Shri Sushil Kumar Modi	Rajya Sabha	Shri Ajay Kumar Mishra (MoS, The Ministry of Home Affairs)
5.	1637 ; 16th March 22	Undertrial prisoners from minority communities	Shri Abdul Wahab	Rajya Sabha	Shri Ajay Kumar Mishra (MoS, The Ministry of Home Affairs)
II. UNDERTRIAL PRISONERS					
6.	57 ; 2nd February 2022	Undertrial prisoners in the country	Dr. Vikas Mahatme	Rajya Sabha	Shri Ajay Kumar Mishra (MoS, The Ministry of Home Affairs)
7.	1064 ; 10th February 2022	Proposal to set up Fast Track Courts for undertrials	Dr. Kirodi Lal Meena	Rajya Sabha	Shri Kiren Rijiju (Minister, The Ministry of Law & Justice)
8.	2244 , 15th March 2022	Undertrials in prisons	Shri Asaduddin Owaisi	Lok Sabha	Shri Ajay Kumar Mishra (MoS, The Ministry of Home Affairs)
9.	1642 ; 16th March 22	Undertrial Prisoners	Smt. Vandana Chavan	Rajya Sabha	Shri Ajay Kumar Mishra (MoS, The Ministry of Home Affairs)

Sl. No	Question Number & Date	Topic	Question Asked By	Forum	Answer By (Name & Designation)
10.	1655 ; 16th March 22	Undertrial prisoners in the country	Shri Jose K. Mani	Rajya Sabha	Shri Ajay Kumar Mishra (MoS, The Ministry of Home Affairs)
11.	3032 ; 22nd March 2022	Undertrials Lodged in Prisons	Shri Sanjay Seth	Lok Sabha	Shri Ajay Kumar Mishra (MoS, The Ministry of Home Affairs)
12.	5396 ; 5th April 2022	Undertrial prisoners	Shri Kesineni Srinivas	Lok Sabha	Shri Ajay Kumar Mishra (MoS, The Ministry of Home Affairs)
III. OVERCROWDING IN PRISONS					
13.	4312 ; 29th March 2022	Overcrowded Prisons	Shri M.V.V. Satyanarayana; Shri Kuruva Gorantla Madhav	Lok Sabha	Shri Ajay Kumar Mishra (MoS, The Ministry of Home Affairs)
IV. POLITICAL PRISONERS					
14.	2204 ; 15th March 2022	Arrest under UAPA	Shri Dibyendu Adhikari	Lok Sabha	Shri Nityananad Rai (MoS, The Ministry of Home Affairs)
15.	2078 ; 15th March 2022	Undertrail in UAPA	Shri Saptagiri Sankar Ulaka	Lok Sabha	Shri Nityananad Rai (MoS, The Ministry of Home Affairs)
16.	3002 ; 22nd March 2022	Sedition Cases	Shri Gaurav Gogoi; Shri Pradyut Bordoloi	Lok Sabha	Shri Nityananad Rai (MoS, The Ministry of Home Affairs)
V. PRISON REFORMS					
17.	3175 ; 22nd March 2022	Standards for Prison	Shri Anumula Revanth Reddy	Lok Sabha	Shri Ajay Kumar Mishra (MoS, The Ministry of Home Affairs)
18.	4271 ; 29th March 2022	Prison Reforms	Shri Suresh Kumar Kashyap	Lok Sabha	Shri Ajay Kumar Mishra (MoS, The Ministry of Home Affairs)
19.	3104 ; 30th March 22	Increasing the Medical staff in prisons	Prof. Manoj Kumar Jha	Rajya Sabha	Shri Ajay Kumar Mishra (MoS, The Ministry of Home Affairs)
20.	3110 ; 30th March 22	Prisoner wages	Smt. Phulo Devi Netam and Prof. Manoj Kumar Jha	Rajya Sabha	Shri Ajay Kumar Mishra (MoS, The Ministry of Home Affairs)

Sl. No	Question Number & Date	Topic	Question Asked By	Forum	Answer By (Name & Designation)
21.	<u>3112</u> ; 30th March 22	Jail staff vacancies	Shri Mahesh Poddar	Rajya Sabha	Shri Ajay Kumar Mishra (MoS, The Ministry of Home Affairs)
22.	<u>5381</u> ; 5th April 2022	Assessment on Prisons	Shri Ramcharan Bohra	Lok Sabha	Shri Ajay Kumar Mishra (MoS, The Ministry of Home Affairs)
VI. COVID AND PRISONS					
23.	<u>3898</u> ; 6th April 2022	Return of released prisoners	Shri Narain Dass Gupta	Rajya Sabha	Shri Ajay Kumar Mishra (MoS, The Ministry of Home Affairs)
VII. INDIANS IN FOREIGN PRISONS					
24.	<u>1023</u> ; 10th February 2022	Indian expatriates imprisoned abroad	Shri Abdul Wahab	Rajya Sabha	Shri V. Muraleedharan (MoS, The Ministry of External Affairs)
25.	<u>1026</u> ; 10th February 2022	Indians in foreign jails	Shri Syed Zafar Islam	Rajya Sabha	Shri V. Muraleedharan (MoS, The Ministry of External Affairs)
26.	<u>2478</u> ; 24th March 2022	Indians imprisoned abroad	Shri Binoy Viswam	Rajya Sabha	Shri V. Muraleedharan (MoS, The Ministry of External Affairs)
27.	<u>3910</u> ; 25th March 2022	Indians Stranded in Saudi Arabia Deportation Centre	Dr. T.R. Paarivendhar	Lok Sabha	Shri V. Muraleedharan (MoS, The Ministry of External Affairs)
28.	<u>4931</u> ; 1st April 2022	Indian Prisoners in Foreign Jails	Dr. Alok Kumar Suman; Shri E.T. Mohammed Basheer	Lok Sabha	Shri V. Muraleedharan (MoS, The Ministry of External Affairs)
29.	<u>4063</u> ; 7th April 2022	Indians lodged in Foreign Jails	Dr. Fauzia Khan	Rajya Sabha	Shri V. Muraleedharan (MoS, The Ministry of External Affairs)
30.	<u>4067</u> ; 7th April 2022	Indians lodged in jails of Gulf countries	Smt. Ambika Soni	Rajya Sabha	Shri V. Muraleedharan (MoS, The Ministry of External Affairs)

Sl. No	Question Number & Date	Topic	Question Asked By	Forum	Answer By (Name & Designation)
VIII. REFUGEES & FOREIGNERS IN INDIAN PRISONS					
31.	<u>5327</u> ; 5th April 2022	Shelters for Refugees	Shri B. Y. Raghavendra; Shri Annasaheb Shankar Jolle; SHRI L.S. Tejasvi Surya; Shri S. Muniswamy; Shri Prathap Simha	Lok Sabha	Shri Nityananad Rai (MoS, The Ministry of Home Affairs)
32.	<u>212</u> ; 23rd March 22	Foreign prisoners in Indian jails	Shri Rewati Raman Singh	Rajya Sabha	Shri Ajay Kumar Mishra (MoS, The Ministry of Home Affairs)
33.	<u>865</u> ; 9th February 2022	Foreigner Tribunals and Detention Centres	Shri Binoy Viswam	Rajya Sabha	Shri Nityananad Rai (MoS, The Ministry of Home Affairs)
34.	<u>55</u> ; 2nd February 2022	Maintenance of database of foreigners	Dr. Narendra Jadhav	Rajya Sabha	Shri Nityananad Rai (MoS, The Ministry of Home Affairs)
35.	<u>5501</u> ; 5th April 2022	Illegal Stay of Foreigners	Shri Parvesh Sahib Singh Verma	Lok Sabha	Shri Nityananad Rai (MoS, The Ministry of Home Affairs)
36.	<u>1089</u> ; 8th February 2022	Illegal Stay of Foreigners	Shri Sunil Kumar Singh	Lok Sabha	Shri Nityananad Rai (MoS, The Ministry of Home Affairs)
37.	<u>1644</u> ; 16th March 22	Status of requests for asylum and citizenship	Shri Tiruchi Siva	Rajya Sabha	Shri Nityananad Rai (MoS, The Ministry of Home Affairs)
IX. LEGAL AID					
38.	<u>633</u> ; 4th February 2022	Legal Aid Authorities	Shri Ravikumar D.	Lok Sabha	Shri Kiren Rijju (Minister, The Ministry of Law & Justice)
39.	<u>559</u> ; 4th February 2022	Free Legal Aid	Shri Anurag Sharma	Lok Sabha	Shri Kiren Rijju (Minister, The Ministry of Law & Justice)
40.	<u>3198</u> ; 22nd March 2022	Undertrial Prisoners	Shri Feroze Varun Gandhi	Lok Sabha	Shri Ajay Kumar Mishra (MoS, The Ministry of Home Affairs)
41.	<u>4111</u> ; 7th April 2022	Pro Bono Legal Aid	Dr. Santanu Sen	Rajya Sabha	Shri Kiren Rijju (Minister, The Ministry of Law & Justice)

Sl. No	Question Number & Date	Topic	Question Asked By	Forum	Answer By (Name & Designation)
X. CUSTODIAL VIOLENCE					
42.	<u>1062</u> ; 8th February 2022	Custodial Deaths	Adv. Dean Kuriakose	Lok Sabha	Shri Nityananad Rai (MoS, The Ministry of Home Affairs)
43.	<u>2253</u> ; 15th March 2022	Custodial Rape Cases	Shri Mahabali Singh	Lok Sabha	Shri Nityananad Rai (MoS, The Ministry of Home Affairs)
44.	<u>3019</u> ; 22nd March 2022	Custodial Deaths	Shri Pinaki Misra; Shri Ravikumar D.	Lok Sabha	Shri Nityananad Rai (MoS, The Ministry of Home Affairs)
45.	<u>3113</u> ; 30th March 22	Violence related deaths in prisons	Shri Mahesh Poddar	Rajya Sabha	Shri Ajay Kumar Mishra (MoS, The Ministry of Home Affairs)
46.	<u>3881</u> ; 6th April 2022	Custodial torture and death	Shri Jose K. Mani	Rajya Sabha	Shri Nityananad Rai (MoS, The Ministry of Home Affairs)
XI. NATIONAL HUMAN RIGHTS COMMISSION (NHRC)					
47.	<u>4264</u> ; 29th March 2022	Complaints received by NHRC	Shri Pinaki Misra; Shri Ravikumar D.	Lok Sabha	Shri Nityananad Rai (MoS, The Ministry of Home Affairs)
48.	<u>3088</u> ; 30th March 22	Annual reports of NHRC	Shri Abdul Wahab	Rajya Sabha	Shri Nityananad Rai (MoS, The Ministry of Home Affairs)
49.	<u>5483</u> ; 5th April 2022	Compensation Recommended by NHRC	Shri Ravikumar D.	Lok Sabha	Shri Nityananad Rai (MoS, The Ministry of Home Affairs)
XII. AMENDMENTS & CRIMINAL LAW REFORMS					
50.	<u>48</u> ; 2nd February 2022	Amendments in criminal laws	Shri Jawhar Sircar	Rajya Sabha	Shri Ajay Kumar Mishra (MoS, The Ministry of Home Affairs)
51.	<u>54</u> , 2nd February 2022	Amendments in criminal laws	Shri John Brittas	Rajya Sabha	Shri Ajay Kumar Mishra (MoS, The Ministry of Home Affairs)
52.	<u>195</u> ; 15th March 2022	Inter-Operable Criminal Justice System Project	Shri Chandra Sekhar Sahu; Shri Girish Bhalchandra Bapat	Lok Sabha	Shri Ajay Kumar Mishra (MoS, The Ministry of Home Affairs)
53.	<u>2305</u> ; 23rd March 2022	Amendments to criminal laws (IPC, CRPC)	Shri Elamaram Kareem	Rajya Sabha	Shri Ajay Kumar Mishra (MoS, The Ministry of Home Affairs)

Sl. No	Question Number & Date	Topic	Question Asked By	Forum	Answer By (Name & Designation)
					Affairs)
XIII. FALSE CASES					
54.	<u>540</u> ; 4th February 2022	Wrongful Prosecution and Compensation	Shri Hibi Eden	Lok Sabha	Shri Kiren Rijju (Minister, The Ministry of Law & Justice)
55.	<u>3047</u> ; 22nd March 2022	False Arrests	Dr. Mohammad Jawed; Shri Kumbakudi Sudhakaran; Shri Balubhau Alias Suresh Narayan Dhanorkar; Shri Adhir Ranjan Chowdhury, Shri Benny Behanan	Lok Sabha	Shri Ajay Kumar Mishra (MoS, The Ministry of Home Affairs)
XIV. DELIVERY OF JUSTICE					
56.	<u>960</u> ; 8th February 2022	Mercy Petitions	Shrimati Maneka Sanjay Gandhi	Lok Sabha	Shri Ajay Kumar Mishra (MoS, The Ministry of Home Affairs)
57.	<u>1139</u> ; 8th February 2022	Conviction Rate	Shri Kaushalendra Kumar	Lok Sabha	Shri Nityananad Rai (MoS, The Ministry of Home Affairs)
58.	<u>1619</u> ; 11th February 2022	Delivery of Justice	Shri Nayab Singh	Lok Sabha	Shri Kiren Rijju (Minister, The Ministry of Law & Justice)
59.	<u>1744</u> ; 11th February 2022	Cases Pending in Courts	Shri Upendra Singh Rawat; Shri Bholanath (B.P. Saroj)	Lok Sabha	Shri Kiren Rijju (Minister, The Ministry of Law & Justice)

SUMMARY OF RESPONSES

I. Vulnerable Category of Prisoners

This jail mail has clubbed questions on women inmates, third gender prisoners, prisoners belonging to religious minorities and other vulnerable prisoners in this category. In 2022 budget session, three questions were answered regarding women inmates, one in the Rajya Sabha and two in the Lok Sabha respectively. One question each was asked on transgender persons in jails and prisoners belonging to religious minority, both in the Rajya Sabha.

Questions on the topic of women inmates were on: **statistics about the number of convicted and women in prisons awaiting trial, pregnant women prisoners, women prisoners who have given birth to infants in prisons, children below the age of six residing in prison with their mothers, and related questions regarding the necessary health and social facilities for female inmates.** The Ministry of Home Affairs (MHA) responded to these questions by providing the following data sourced from NCRB's Prison Statistics in India (PSI) 2020:

- Of the total 19,880 female prison inmates in the country, 4,713 were convicts and 15,167 under-trials;
- **Regarding questions relating to pregnant women prisoners, the government responded that NCRB does not maintain data about pregnant women prisoners or women prisoners who have given birth to infants in prisons.**
- State-wise breakup of women prisoners with children and total number of children in the jails between the years 2016 to 2020 was provided.
- 1,427 women prisoners with children were lodged in various jails of the country as on 31st December, 2020.

Other questions answered in Parliament were related to the steps taken to ensure the availability of necessary health and social facilities for female inmates, study of hygiene and sanitation inside women's prisons, measures taken to track and report pregnancy-related data, and routine medical screening for pregnant women prisoners. To these questions the Minister of State, MHA replied that prisons are subject matters which occur in Entry 4 of List II of the Seventh Schedule and therefore fall within the jurisdiction of State Governments. However, the MHA has issued advisories to States and drafted the Model Prison Manual, 2016 to address these issues. Further, a report titled "Women in Prisons" received from the Ministry of Women and Child Development has also been sent to States and UTs in November 2018 for implementation of its suggestions relating to women inmates.

Also, some specific questions were raised regarding persons belonging to the third gender category. These questions related to the **number of trans persons currently residing in jails, details and guidelines regarding implementation of infrastructure requirements for jails in line with the Transgender Persons (Protection of Rights) Act, 2019 to cater to the needs of transgenders, number of jails which have separate facilities for transgender people and measures currently in place in jails to respect**

their privacy and dignity .

With respect to the data regarding trans-men and trans-women people currently as inmates in jails, it was said that **National Crime Records Bureau (NCRB) does not have specific data regarding trans persons and jails with separate wards, facilities for transgender people.** However, **the Ministry provided the details of number of transgender inmates lodged in the jails of the country as on 31st December 2020 which was at 70** and the state-wise distribution was provided in an [Annexure](#). Further, it was stated “Administration and management of prisons and inmates is the responsibility of respective State Governments, who are competent to adopt appropriate measures for providing separate accommodation for transgender inmates as per the need and requirement for the same in individual prisons”. **The Ministry had also issued a detailed advisory on 10th January, 2022 to all States and UTs advising them for ensuring the safety of transgender persons and protecting them against any form of exploitation.**

One question was asked about prisoners belonging to minority communities. It related to **statistics regarding undertrial prisoners belonging to minority communities, and whether members of the Muslim community constituted a significant number of undertrial prisoners.** Statistics compiled in the PSI report regarding religion-wise number of undertrial prisoners in the jails across the country as on 31st December, 2020 was provided in the [annexure](#).

Further, a part of the question enquired whether Government intends to constitute a committee under the supervision of a retired High Court or Supreme Court judge to “understand the details of undertrial prisoners from minority communities”. Answer to this part was not provided.

II. Undertrial Prisoners –

With regard to this category, questions were primarily related to **State/ UT / district - wise statistics about undertrials, whether there has been an increase in the population/number of undertrials year after year and reasons for the same, whether undertrials can contest elections and have the right to vote, the actions taken for early release of undertrials, data regarding the share of undertrials in the prison population across jails and what steps have been taken for the speedy disposal of cases.**

Replying to several questions relating to this theme, the MHA provided State/UT wise data from PSI, 2020 of:

- Duration wise confinement of under-trial prisoners as on 31st December, 2020 was given in the [Annexure](#).
- Number of convicted and undertrial prisoners lodged in jails as on 31st December, 2018, 2019 and 2020 was given in the [Annexure](#).
- As on 31st December 2020, the population of convicted prisoners was at 1,12,589 while the undertrial prisoner population was a total of 3,71,848.

With regard to the speedy disposal of cases and establishment of tribunals for this purpose, the MHA said that prisons being a State subject it is the responsibility of State Governments to take appropriate measures for the speedy disposal of cases of undertrial prisoners. In another query, the Ministry of Law and Justice was asked **whether the Government has any proposal to set up fast track courts for delivering justice to the undertrials**. The Ministry responded saying that there is **no such proposal at present**.

Responding to a question on steps taken by the Central Government towards the release of undertrial prisoners languishing in prisons for five to ten years, the MHA stated that detention of prisoners is as per the order of the courts and States are competent enough to “devise and implement policies for ensuring social justice to inmates in prisons”. Apart from that, MHA listed down some steps taken at the Central level to deal with the issue. **These include: issuing advisories to States/UTs for adopting measures to provide legal assistance to prisoners;** section 436A has been inserted in CrPC that provides for the release of UT prisoners on bail who have completed one-half of the maximum period of imprisonment and the introduction of E-prisons software for States to access the data of inmates in a quick and easy manner that in turn helps in identifying inmates whose cases are due for consideration by the Under Trial Review Committee (UTRCs). It was also added that on the directions of the Hon’ble Supreme Court of India, NALSA had prepared a Standard Operating Procedure (SOP) for Under-Trial Review Committees which has been circulated to all States and UTs. The Ministry has also added a chapter to the Model Prison Manual 2016 on ‘Legal Aid’ which provides the details of facilities that are to be provided to undertrials. This was done in addition to issuing advisories to States & UTs to adopt specific measures to reduce overcrowding in prisons and to address the issue of undertrials in a timely manner.

It was also stated that the State Legal Services Authorities have established Legal Service Clinics in jails with a view to provide free legal assistance to persons in need. About 1,091 Legal Service Clinics are being operated by empanelled legal services advocates and trained para-legal volunteers in jails across the country. Further, Video Conferencing facility has been enabled between 3,240 court complexes and 1,272 corresponding jails for expediting the justice process and easing prison conditions.

Some questions were regarding **undertrials’ right to vote in and contest elections**. The Ministry responded that according to information received from the Election Commission of India upon conviction for criminal offences, there are provisions in Section 8 of the *Representation of the People Act, 1951* regarding disqualification from contesting elections to become a member of the Houses of Parliament or the State Legislatures. Further, Section 62(5) of the *Representation of the People Act, 1951* which denudes a person confined in a prison whether under a sentence of imprisonment or transportation or otherwise, or is in the lawful custody of the police from the right to vote, was mentioned.

III. Overcrowding in Prisons

One question was asked specific about the State of Andhra Pradesh in four parts: whether the Central Government is aware of the fact that the four central prisons of Andhra Pradesh situated at Vizag, Nellore, Rajahmundry and Kadapa are filled to sanctioned capacity, progress report regarding the construction of Central Jails in Krishna and Guntur districts, details of the funds allocated, and whether funds under the proposal have been underutilized.

The MHA's Minister of State, replied that 'Prisons/persons detained therein' is a State subject under Entry 4 of List II of the Seventh Schedule and the State Governments are competent to make appropriate provisions for the creation of additional prisons in their jurisdictions in order to reduce overcrowding. Further, regarding the allocation of funds and the construction of central prisons, the Minister stated that according to information received from the Prisons Department of Andhra Pradesh out of the four central prisons in that State, only Central Prison, Rajahmundry and Central Prison, Visakhapatnam have prisoners in excess of the sanctioned capacity of these prisons. It was also stated the "Prisons Department of Andhra Pradesh has moved a proposal for allotment of 150 acres of land in Amaravati city for construction of Central Prison Complex at state capital of Andhra Pradesh. However, no funds have been allocated for the said project".

IV. Political Prisoners

Three questions were asked in the Lok Sabha about the number of cases registered under the *Unlawful Activities Prevention Act* (UAPA) 1967, undertrials who are in jail under UAPA, the number of sedition cases registered, the number of detentions under UAPA, the number of accused under sedition law and UAPA who belong to minority/SC/ST/OBC/minority communities, the number of convictions under UAPA and the duration for which every under-trial UAPA prisoner has been in jail without securing bail.

The MHA/Ministry responded to these questions providing the following information:

- NCRB does not record data about the number of persons who were denied bail.
- NCRB does not record data about the number of accused under sedition law and UAPA who belong to minority/SC/ST/OBC/minority communities or such other groups.
- As per NCRB's 'Crime in India' report, a total of 1,321 persons were arrested under the UAPA in 2020 is.
- A total of 4,690 persons were arrested under the UAPA between the years 2018-2020 out of which 149 persons were convicted by courts across the country.
- Breakup of State/UT-wise number of persons arrested, persons on bail, persons convicted and persons acquitted under UAPA was also provided.

These questions also sought to know whether the Government has put any checks in place to ensure that innocent individuals are not charged under UAPA and whether the Act is being used against minorities and backward sections of the society. **The Ministry refuted claims of misuse by stating that "constitutional, institutional and statutory**

safeguards” already existed in place to prevent the misuse of this law. Further, it was said that the UAPA has been amended and that presently, no amendments in the UAPA are under consideration.

V. **Prison Reforms**

Six questions were raised in both houses of Parliament about issues relating to sanctioned medical staff per prisoner, the number of vacancies in jail staff across the country, social security schemes for prisoners, details of the capacity of prisons across the country along with the total number of prisoners and the current prison to-population ratio. Some of the questions were related to NCRB and its functioning. All of these questions were directed towards the MHA.

In its replies the Ministry supplied State/UT-wise number of prisons, their sanctioned capacity and inmate population as on 31st December, 2020 as per data published in NCRB’s PSI report. Further, details regarding funds allocated for E-prisons project, for the computerization of prison operations and the digitisation of prison records was also provided.

On the question of extending the modernisation of prisons scheme, the Ministry stated that: Modernisation of prisons is a continuous process, which the Government has been supporting from time to time to address various needs for improvement including the need to reduce overcrowding of prisons through guidance in the form of Model Prison Manual, advisories, guidelines and financial assistance.

Another related question was about jail staff vacancies and the sanctioned strength of medical staff per prisoner. The Ministry responded by listing down the statistics according to NCRB’s data. **Out of the total 87,961 sanctioned jail staff posts, 26,671 were vacant as on 31st December, 2020. Further, regarding medical staff per prisoners, out of 3,316 sanctioned post only 2,232 were filled up.**

A question was asked about **whether the Government has formulated any social security scheme(s) applicable to prisoners in general and women prisoners whose children are outside prisons, in particular.** Without stating any specific social security schemes for prisoners, the Ministry responded by saying that although prisons is a State subject under the Seventh Schedule of the Constitution, the MHA has time and again issued advisories to all States and UTs about providing vocational and skill development training to prisoners including the categories mentioned in the question. It further stated that, “States have been advised that on release from prisons, individual cases of released prisoners may 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 and the status of their rehabilitation and reintegration into the society may be closely monitored at appropriate level”.

Another question was related to the steps taken by the Government for prison reforms, details of capacity building and allocations, details of construction of additional prisons to reduce overcrowding and details regarding fund allocation for the same. It was mentioned that Bureau of Police Research and Development (BPR&D) has prepared two training Manuals namely “Training Manual of Basic Course for Prison Warders 2017” and “Training Manual of Basic Course for Prison Officers 2017” on correctional administration and for capacity building of prison staff which had been already circulated to the States and UTs. The Ministry also provided statistics regarding the State/UT-wise number of prisons constructed and renovated/expanded, as reported by the National Crime Records Bureau in the [Annexure to the reply](#).

VI. Covid and Prisons

One question was asked concerning the prisoners released to decongest Delhi’s jails during the second wave of the Covid-19 pandemic. The question was regarding whether all the prisoners released to decongest jails have returned to serve the remainder of their sentence, how many prisoners have not returned, number of prisoners who have been declared as fugitives, and whether a special drive to catch them and bring them to jails has been initiated.

The Ministry mentioned the directives of the Hon’ble Supreme Court of India in *suo motu* Writ Petition (Civil) No. 1 of 2020 in the matter of “Contagion of COVID 19 Virus in Prisons” passed on 16th July 2021. It was mentioned that **the Court has directed that the prisoners who have been released in the decongestion drive should not be asked to surrender until further orders. Therefore, such prisoners have not been asked to surrender as yet. Further, it was stated that the prisoners so released who had again indulged in crimes have since been re-arrested in fresh cases.**

VII. Indians in Foreign Prisons

Seven questions were directed at the Ministry of External Affairs about Indian nationals lodged in foreign prisons and their repatriation process. The questions sought details on the number of Indians in foreign jails in general and Gulf countries in particular; number of repatriation applications received; number of prisoners exchanged by India with foreign countries through the Repatriation of Prisoners Act; number of countries with which India has bilateral agreements for repatriation; whether the Indians are stranded and kept in deportation centre due to COVID norms imposed by the Government of Saudi Arabia and the average time taken and process followed between ministries and departments in India for the repatriation process to get completed.

The Ministry gave the following responses:

- The number of Indian prisoners in foreign jails as of 15th January 2022 is 7,925 which also includes under-trials (country wise list is [attached](#) in the answer).

- The number of Indian prisoners, including undertrials, in jails of Gulf countries is as follows: Bahrain (63), Kuwait (460), Oman (45), Qatar (466), Saudi Arabia (1363), United Arab Emirates (1663).
- After the enactment of the Repatriation of Prisoners Act in 2003, 205 applications for repatriation had been received and 75 Indian prisoners had been repatriated from foreign prisons.
- 75 foreign national prisoners who were in Indian jails have been transferred to their respective countries under the Repatriation of Prisoners Act, 2003 to serve the remainder of their sentence.
- With regards to Saudi Arabia, it was said that no Indian nationals are kept in their deportation centres due to Covid norms imposed by that Government.

On the question of average time taken and process followed between ministries and departments in India for the repatriation process to get completed, the Ministry shared that there was a regular process of inter-Ministerial meetings, consultation and coordination between the Ministries of External Affairs and Home Affairs on the issue of repatriation of Indian nationals housed in foreign prisons including in the context of bilateral agreements for Transfer of Sentenced Persons (TSP). Addition Further, the Ministry replied that, the Government, through its Missions/Posts abroad and during high level visits, takes up and pursues grant of amnesty/commutation of sentences of Indian prisoners in foreign countries.

VIII. Refugees & Foreigners

A total of seven questions were raised in both houses of Parliament on issues relating to foreigners, refugees and detention centres covering the following topics: the maintenance of data about refugees, stateless persons, and asylum seekers fleeing from religious persecution, the facilities being provided by the Government to any of the above refugees like shelter camps, meals, education and citizenship applications, the number of prisoners of foreign origin who were under trial in Indian prisons during the year 2020-21, whether a large number of foreigners from African countries are living illegally in the country and the total number of Foreigner Tribunals (FTs) currently operating in the country, total number of people with cases pending in these FTs.

The MHA stated that, despite **India not being a signatory to the 1951 UN Convention relating to refugees and the 1967 Protocol**, they are governed by several statutes, such as the Foreigners Act, the Passport (Entry into India) Act, etc. **Considering that such foreign nationals enter into the country without valid travel documents, the Minister replied that such data is not maintained centrally.** Regarding relief assistances, it was said that usually these include monthly cash dole, subsidised ration, free clothing materials, utensils, cremation and shraaddh grants and infrastructure facilities in camps. Citizenship of India is granted to eligible foreigners under the provisions of the *Citizenship Act, 1955*.

With respect to the number of foreign-origin undertrial prisoners in the jails across the country, as on 31st December, 2020, the Government cited PSI data about 3,467 such

individuals situated across India. Further, their country-wise distribution was also provided in the [Annexure](#).

It was also mentioned that **25,304 African nationals were overstaying in India. from African countries is. Further, details regarding the number of overstaying foreigners from African countries who were deported by the Bureau of Immigration-controlled Immigration Check Posts in 2018, 2019 & 2020 was 1,032, 936 and 315 respectively.**

Further, with regard to the number of Foreigner Tribunals (FTs) functioning across the country and related matters, the MHA said that the **Government of Assam has informed that 100 Foreigners Tribunals (FT) were functioning in that State. The total number of cases pending before these FTs as on 31st December 2021 was 1,23,829.** It was added that States/UTs are delegated the necessary powers and functions to make arrangements for opening detention centres/camps as per their requirement. **State Government/ UT Administration set up such centre/camps as per Model Detention Centre/Holding centre/Camp Manual 2019. No data in respect of such centres/camps is maintained centrally, said MHA.**

IX. Legal Aid

Four questions were asked regarding legal aid. Three of these were directed towards the Ministry of Law & Justice seeking information about **funds allocated and sanctioned by the Department of Justice to the National Legal Services Authority (NALSA), whether NALSA provides funds to all State Legal Aid Authorities and details particularly regarding the Tele- Law, Nyaya Mitra and Pro-bono Legal scheme, steps taken by the Government to provide free legal aid to the marginalized people, and total number of cases where *pro bono* legal aid was provided by the States since 2017.**

The Law and Justice Ministry provided data regarding funds allocated to NALSA during the last [three financial years \(2018-2021\)](#) and further funds allocation by NALSA to all the State Legal Services Authorities including Supreme Court Legal Services Committee for the implementation of various legal aid schemes/ programmes framed under the Legal Services Authorities Act, 1987 and data regarding the utilisation of such funds in the [Annexures](#).

Regarding the **details of implementation of the Nyaya Mitra Scheme in Uttar Pradesh and whether it was successful in achieving its objective**, the Law and Justice Ministry mentioned that Nyaya Mitra aims to facilitate expeditious disposal of decade-old pending cases in High Courts and subordinate courts. A total number of 27 Nyaya Mitras were engaged in the States of Uttar Pradesh, Bihar, West Bengal, Rajasthan, Odisha and Maharashtra since 2017 which assisted the concerned courts on disposal of 2,019 cases including 111 cases in Uttar Pradesh. The State-wise details of case disposal by Nyaya Mitras were provided in the [Annexure](#). However, it was stated that no fresh Nyaya Mitra could be engaged during the year 2020-2021 due to closure

of courts and social distancing protocols caused by Covid pandemic.

Regarding the **steps taken by the Government to provide free legal aid to marginalised people**, the Law and Justice Ministry stated that the legal services institutions have been set up from the taluk level to the Supreme Court level. **During the period between April, 2021 and November, 2021, 60.17 lakhs persons have been provided with free legal services and 132.37 lakhs cases have been settled through Lok Adalats.** The Nyaya Bandhu (Pro-bono Legal Services) programme to link the persons eligible to avail free legal aid under Section 12 of LSA Act, 1987 with the pro-bono lawyers was also mentioned in the reply. Further, State-wise data containing number of cases disposed of by Nyaya Mitra was provided in the [Annexure](#).

The Ministry also provided other statistics regarding the number of persons who benefited from the legal aid services between 2017-18 and 2021-22, State/UT wise allotment of funds for providing legal aid services during 2020-21 and 2021-22, and details of advocates registered on the Nyaya Bandhu Mobile app, State Bar Council wise, as on 31.03.2022 was provided in the [Annexures to the replies](#).

One question regarding **legal aid services availed by undertrials was directed towards the MHA.** The question mentioned the **report of the Indian Law Review according to which only 7.91% of the undertrials availed of the legal aid services for which they were entitled to** and asked for the State-wise details of the undertrial prisoners. The question also asked **whether the Government has assessed the reasons for the low utilisation of legal aid services by the prison population and details regarding efforts made by the Government to increase awareness of legal aid available to prisoners.** The Ministry provided details regarding the number of undertrial prisoners as recorded in [NCRB's report](#) of the year 2020.

X. Custodial Violence

Five questions were asked regarding custodial violence, four of which related to custodial deaths and torture, and one was related to custodial rape cases. These questions were regarding details of reported cases of rape in police custody during each month of the last one year, the nature and the status of action taken against guilty policemen and details of any special remedial measures taken by the Government for addressing this problem. The Ministry stated that **as per the information received from the National Human Rights Commission (NHRC), no incident of rape in police or judicial custody has been registered during the period- 01st April 2021 to 08th March 2022.** Further, it was provided that the MHA and NHRC have been issuing guidelines to curb crimes against women and ensure protection of the human rights of women. In case where an enquiry discloses negligence by a police personnel, the Commission recommends the initiation of departmental proceedings/prosecution against the erring police personnel authorities to concerned Central/State governments.

The questions related to custodial deaths and torture were concerned with data of all deaths under police custody during the last three years, steps taken by the Government to

eliminate custodial torture and death, number of cases of custodial deaths in which the NHRC had recommended payment of monetary compensation including the details of the total amount of monetary compensation recommended and paid, number of cases of custodial deaths in which NHRC recommended disciplinary actions, data regarding all encounter deaths that happened during the same period and how many violence-related incidents involving inmates have been reported in the prisons across the country during the last one year.

The Ministry provided details as per information received from the NHRC in the [Annexure](#). **A total of 390 incidents of deaths in police custody were reported across the country from 01st April 2019 to 31st March 2022.** Further, the Ministry stated that it has issued advisories to the States and UTs from time to time along with NHRC. Further, it was mentioned 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 Commission within 24 hours of its occurrence. If an inquiry by the Commission discloses negligence by a public servant, the Commission recommends to authorities of Central/State governments for initiation of disciplinary proceedings/ prosecution against the erring public servants. **The Ministry also provided data regarding the occurrence of deaths in police and judicial custody and monetary compensation provided in such cases in the [Annexure](#). Further, data regarding deaths in police encounters was also provided in an [Annexure](#). The Ministry also mentioned NCRB report for data related to jail breaks, clashes and firings in prisons during the year 2020 which was provided in the [Annexure](#).**

XI. National Human Rights Commission (NHRC)-

Three questions were asked related to the working of the NHRC. The questions were about the number of cases registered with the NHRC since 2011 regarding deaths or injuries caused due to police firing/encounter, the number of cases in which NHRC recommended monetary compensation in such cases and the details of actions which NHRC is mandated to take on receiving such complaints. Other questions were regarding the number of cases registered by the NHRC since 2019 and number of cases resolved during the last three years, steps taken by the Government to strengthen and increase the efficiency of NHRC, and whether it is a fact that NHRC has not published its annual reports since 2019.

The MHA provided statistics supplied by the NHRC regarding the details of cases reported in respect of deaths in police firing and police encounter and details of cases in which the Commission took *suo motu* cognizance of death in police firing and death in police encounter in the [Annexure to the reply](#). However, it was mentioned that no specific data is maintained with regard to injuries caused due to police firing/encounter. Further, regarding the procedure followed by NHRC in such cases, it was stated that action is taken as per the provisions of the *Protection of Human Rights Act, 1993* as well as under NHRC (Procedure) Regulations, 1994 as amended from time to time. In case the enquiry disclosed violation of human rights, the Commission recommends payment of monetary relief to the next-of kin (NoK) of the deceased and

prosecution / disciplinary action against the erring public servants.

The Ministry also provided data regarding the year-wise number of cases registered and resolved by NHRC since 2019 in tabular form in an Annexure to its reply. Regarding the steps taken by the Government to strengthen the NHRC, the Ministry stated that the Government has amended certain provisions of the Protection of Human Rights Act, 1993, through the Protection of Human Rights (Amendment) Act, 2019 aimed at strengthening the functioning and capacity of the Commission, addressing the issue of gender and plurality in the NHRC and many more matters. Although, the Ministry provided data in cases where monetary compensation was **recommended** by the NHRC for deaths or injuries caused due to police firing/encounter since 2010 in Annexures to several replies. **However, it was stated that no information is maintained by NHRC regarding the amount of monetary compensation paid or yet to be paid by the State Governments following the recommendations made by NHRC.**

XII. Amendments & Legal Reforms

Three questions were asked regarding amendments related to IPC, CrPC and Criminal law in general along with a question on the MHA's Inter-Operable Criminal Justice System Project. These were related to the reason behind the Government's decision to bringing major amendments to Indian Penal Code (IPC) and Code of Criminal Procedure (CrPC), whether these amendments are being prepared on the basis of the recommendation of any committee, if so, the composition of that committee and its major recommendations, the main recommendations of earlier Committees under the chairmanship of VS Malimath, NR Madhava Menon and JS Verma that have been taken into consideration, and whether the Government has approved the Inter-Operable Criminal Justice System project, and the details and the salient features of the same.

The Ministry cited the 146th Report of the Department-related PSC on Home Affairs which recommended that there is a need for a comprehensive review of the criminal justice system of the country. Further, it was also stated that PSC in its 111th and 128th Reports had stressed upon the need to reform and rationalise the criminal laws of the country. It was also said that in order to make comprehensive changes in the criminal laws of the country to provide affordable and speedy justice to all, create a people centric legal structure, the Government has initiated the process for comprehensive amendments to criminal laws in consultation with all stakeholders. A Committee constituted in this regard and its composition was also mentioned. It was emphasised that amendments to criminal laws is a continuous process and is necessary to make the laws in accordance with contemporary needs and aspirations of the people.

The Ministry also provided details regarding Inter-Operable Criminal Justice System Project. It was stated that the Inter-operable Criminal Justice System (ICJS), provides for the integration of data maintained by police, courts, prosecution, forensic sciences laboratories and prisons to streamline workflow and a comprehensive search and query for timely and scientific investigation. The Ministry stated that the Government has approved phase II of the ICJS project for implementation from April 2022 till the year

2025-26 at a total cost of Rs. 3,375.00 crore. Further, the Ministry also provided details of funds released to respective States/UTs along with listing the below mentioned benefits of ICJS:

- a) Machine to Machine seamless data exchange between the IT Systems for criminal justice; b)
- b) Enhanced efficiency and timeliness in investigation;
- c) Enabling a shift towards Smart Policing;
- d) Enhanced data quality by reducing errors in data entry;
- e) Move towards paper-less work systems.

XIII. False Cases

One question was asked of the MHA regarding reports about false arrests of Muslims, Dalits and Adivasis who are most susceptible in such cases and whether the Government has or intends to investigate such reports. A related sub-question was regarding the availability of data about the annual number of false cases reported 2014 onwards till date, any protocols for dealing with acknowledged false cases, the protocols for reinvestigating such cases, providing compensation for falsely accused individuals, and whether the Government takes action against police officials who initiate false cases against minority groups. Similarly, one question was put to the Ministry of Law & Justice as to whether the Ministry maintains any record of the number of wrongfully prosecuted persons across the country and statistics regarding the same, and whether the Government intends to enact a law to curb wrongful prosecution and related matters under CrPC in accordance with the Law Commission's suggestion and the roadmap for the same.

The MHA replied that that prison management is a State subject under the Seventh Schedule of the Constitution and that the responsibilities to maintain law and order, protection of life and property of the citizens, including investigation, handling complaints on wrongful arrest of a person, and prosecution of crimes, rest with the respective State Governments. It was also said that the State Governments are competent to deal with such offences under the extant provisions of laws and their respective police manuals., As for **the data about false arrests and wrongful prosecution, the MHA replied that that no such data was maintained centrally.** Regarding the laws concerning this subject, said the MHA replied that the CrPC contains provisions for the arrest of persons, and compensation payable to persons arrested groundlessly and that the IPC empowers the States/ Union Territories to take action against police officials for falsely charging a person.

The Ministry of Law & Justice also stated that NCRB does not maintains data about the number of wrongfully prosecuted persons. Regarding the Law Commission's report, it replied that the MHA received the Law Commission 277th Report (Wrongful Prosecution (Miscarriage of Justice): Legal Remedies) in 2018 and as Criminal Laws and Criminal Procedure comes under the Concurrent List this Report was forwarded to all the State Governments/ Union Territory Administrations for their comments/views. Further, it was stated that the Department-related Parliamentary Standing Committee (PSC) on Home Affairs, in its 146th Report dated 23rd June 2010,

had recommended that there is a need for a comprehensive review of the Criminal Justice System of the country. The Ministry also said that the PSC in its 111th and 128th Reports had also emphasised the need to reform and rationalize the criminal law of the country by introducing a comprehensive legislation in Parliament rather than bringing about piece meal amendments in respective Acts.

XIV. Delivery of Justice

Two questions were directed to the Ministry of Law & Justice on matters concerning the delivery of justice. Two other questions were directed to the MHA regarding mercy petitions and conviction rates.

The question directed to the Ministry of Law & Justice was as to whether the Government has taken any steps to tackle the challenges and improve the delivery of justice to the citizens under the 'Strategy for New India @75', whether the Government has taken any steps for addressing the challenges being faced by the judiciary as stated in the recent reports of economic survey and NITI Aayog, whether the Ministry is working out any plan to use the talent of law graduates who have completed their internship and have obtained practical experience in Ministries and the judiciary and other steps taken by the Government to deliver justice for all in the society. Further one question was regarding the number of cases pending in the Supreme Court, High Courts and District Courts across the country during the last three years and the number of vacancies of Judges in Supreme Court, High Courts and District Courts during the same period .

The Law and Justice Ministry stated that Government has taken the initiative to improve infrastructure facilities such as., court halls and residential units under the Centrally Sponsored Scheme for Development of Infrastructure Facilities for judiciary. The Ministry also provided details regarding funds allocated and utilised with regard to this scheme. A comprehensive answer regarding various steps taken by the Government was provided by the Ministry. Some of the initiatives mentioned in the reply are: the e-Courts Mission Mode Project, National Judicial Data Grid (NJDG), and steps taken by NALSA and other authorities. **Statistics regarding the number of pending cases and vacancies in courts was also provided in the [Annexure](#). There were 70,239 cases pending before the Supreme Court of India as of 1st January, 2022, according to the Ministry. Further, data regarding sanctioned strength, working strength and vacancies of judges in Supreme Court of India, High Courts and District & Subordinate Courts during the last three years was also provided in the [Annexure](#).**

Questions directed to the MHA were as follows: whether the rate of conviction by police in criminal cases is very poor and disappointing, whether the functioning of police is driven by ego, fear and tyrant behaviour, steps taken by the Government so far to improve the said situation according to time, number of mercy petitions pending before the Government from each year. The Ministry was also asked whether the Government was aware that as per the Supreme Court ruling in *Shatrughan Chauhan v*

Union of India, inordinate delays in deciding mercy petitions amount to a violation of Article 21, and whether the Government had framed rules, procedures and guidelines for the timely disposal of mercy petitions.

The Ministry supplied data about conviction rates as per NCRB's Crime in India Reports for crimes under the Indian Penal Code (IPC) and Special & Local Laws (SLL). They stood at was 66.6%, 66.4% and 73.4% during the years 2018, 2019 and 2020 respectively. The Ministry stated that police management is a State subject and it is primarily the responsibility of the State Governments/UT Administrations to make the police force efficient & capable and their functioning more effective, transparent and accountable. Steps taken by the Central government in the form of issuing advisories, allocating funds, Model Police Act, 2006, sending recommendations on police reforms to State Governments and Union Territories, Inter-operable Criminal Justice System (ICJS), and Crime and Criminal Tracking Network and Systems (CCTNS) were also mentioned.

Regarding mercy petitions, the Ministry mentioned that four mercy petitions under Article 72 were pending as on 8th February 2022. It was further stated that there is no limitation of time within which the power conferred on the President of India under Article 72 of the Constitution may be exercised. However, the mercy petitions are disposed of as expeditiously as possible. It was also said that the Government has also filed a Miscellaneous Application on 22.01.2020 in the Supreme Court in Writ Petition (Criminal) No.55 of 2013 seeking clarifications on the guidelines laid down by the Supreme Court in case of *Shatrughan Chauhan & Anr. v. Union of India* to curtail delay in execution of death sentence.