

**GOVERNMENT OF INDIA
HOME AFFAIRS
LOK SABHA**

UNSTARRED QUESTION NO:3697

ANSWERED ON:18.04.2000

JAIL RECORDS

MADHAVRAO SCINDIA;RAGHUVANSH PRASAD SINGH;SHIVAJI VITHALRAO KAMBLE;SUSHIL KUMAR SAMBHAJIRAO SHINDE

Will the Minister of HOME AFFAIRS be pleased to state:

:

(a) whether the attention of the Government has been drawn to the newsitem captioned `After 37 years in jail without trial freedom means nothing left to lose` appearing in the Indian Express dated January 13, 2000;

(b) if so, the reaction of the Government thereto;

(c) whether the Government propose to review the position regarding mounting number of under-trials over the past;

(d) if so, the details thereof;

(e) if not, the reasons therefor;

(f) whether any such review had been conducted in the past as well; and (g) if so, the observation made therein alongwith the steps taken to issue guidelines to the States in this regard ?

Answer

MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS

(SHRI I.D. SWAMI)

(a) & (b): Yes, Sir. According to information received from the State Government of West Bengal, the prisoner referred to in the newsitem was of unsound mind and was detained in jail as safe custody in pursuance of Court's order and was kept under medical treatment. He was transferred to Antaragram Psychiatric Centre on 30.04.96 for medical treatment. On 20.01.2000, he was released from jail and shifted to the Old Age Home of Missionaries of Charity at Kanchrapara, near Calcutta, in pursuance of the order of the Supreme Court of India.

(c) to (g) : Both Government and Judiciary are concerned with overcrowding in jails which is primarily due to the presence of a large number of undertrial prisoners.

The Chief Justice of India(CJI), vide his letter dated 19.11.1999, has impressed upon all the Chief Justices of High courts that every Chief Metropolitan Magistrate or the Chief Judicial Magistrate of the area, in which a District jail falls, may hold his court once or twice in a month, depending upon the workload, in jail to take up thje cases of those undertrial prisoners who are involved in petty offences and are keen to confess their guilt. The CJI has further suggested that `Legal Aid counsel` may be deputed in jails to help such prisoners and move applications on their behalf on the basis of which the Chief Metropolitan Magistrate or the Chief Judicial Magistrate may direct the investigating agency to expedite the filing of the police report.

In pursuance of the orders passed on 13.10.1999 and 7.12.1999 by the Supreme Court of India in the case - R.D. Upadhyay Vs. State of Andhra Pradesh & Others, the Central Government has also written to all the State Governments and UT Administrations to take urgent necessary steps for expeditious disposal of cases of undertrials who are languishing in various jails in the country.

Most of the State Governments have also appointed Special Judicial/Metropolitan Magistrates for the disposal of petty criminals cases.