

**GOVERNMENT OF INDIA
HOME AFFAIRS
LOK SABHA**

UNSTARRED QUESTION NO:5699

ANSWERED ON:02.05.2000

RELEASE OF UNDER-TRIALS

MADHAVRAO SCINDIA;SUSHIL KUMAR SAMBHAJIRAO SHINDE;VILAS BABURAO MUTTEMWAR

Will the Minister of HOME AFFAIRS be pleased to state:

- (a) whether a number of under-trials have been released in many States by the Court orders;
- (b) if so, the total number of under-trials released from the jails by the Court orders since January, 2000;
- (c) whether the Government have issued any specific directions to different State Governments to ensure speedy review of the under-trials lodged in different jails for petty offences; and
- (d) if so, the response of the State Governments thereto?

Answer

MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS

(SHRI I.D. SWAMI)

- (a)&(b): Information about the number of undertrials released in pursuance of the Court orders is not maintained at Central level.
- (c)&(d): Both Government and Judiciary are concerned with the presence of a large number of undertrials in jails. 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 or 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 the 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.

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In pursuance of the orders passed by the Supreme Court of India in the case- R.D. Upadhyay Vs State of Andhra Pradesh and Others on 13.10.1999 and 7.12.1999, 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 appointed Special Judicial/ Metropolitan Magistrates for disposal of petty criminal cases.