

**GOVERNMENT OF INDIA  
HOME AFFAIRS  
LOK SABHA**

UNSTARRED QUESTION NO:3263

ANSWERED ON:15.04.2008

UNDERTRIALS IN JAIL

Agarwal Shri Dharendra;Darbar Shri Chhatar Singh;Naik Shri Shripad Yasso;Pandey Dr. Laxminarayan;Ponnuswamy Shri Mohan;Rana Shri Kashi Ram;Scindia Smt. Yashodhara Rajee

**Will the Minister of HOME AFFAIRS be pleased to state:**

- (a) whether a number of undertrial prisoners are languishing in the different jails of the country for a long time without conviction;
- (b) if so, the number of undertrials kept in jails for more than two to ten years upto February 15, 2007 without being punished by the courts separately, State-wise, gender-wise and year-wise; and
- (c) the steps taken by the Government in this regard?

**Answer**

MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS(DR. SHAKEEL AHMAD)

(a): Yes, Sir.

(b): A statement showing number of undertrials kept in jail state wise between 2-5 years and for more than 5 years during the period 2004, 2005 and 2006 is enclosed as at Annexure-I to Annexure- III.

(c): Although "Prisons" is a State subject under List II of the Seventh Schedule to the Constitution of India and Prison Administration is primarily the responsibility of the respective State Governments, the Government of India periodically reviews the position of undertrials in prisons.

For reducing the undertrial populations, the following measures have been taken by Government of India:

(1) A new section viz 436 A of the Code of Criminal Procedure, 1973 has been inserted in the Code to provide that where an undertrial prisoner other than the one accused of an offence for which death has been prescribed as one of the punishments, has been under detention for a period extending to one-half of the maximum period of imprisonment, provided for the alleged offence, he should be released on his personal bond, with or without sureties. It also provides that in no case will an undertrial prisoner be detained beyond the maximum period of imprisonment for which he can be convicted for the alleged offence. Section 436 (1) of the Code of Criminal Procedure, 1973 has also been amended to make a mandatory provision that if the arrested person is accused for a bailable offence and he is an indigent and cannot furnish surety, the Court shall release him on his execution of a bond without sureties.

(2) In 2006, the Government of India has introduced the system of plea bargaining primarily to reduce pendency of cases in trial courts and overcrowding in prisons.

(3) For disposal of long pending sessions and other cases, Government of India has also set up 1562 Fast Track Courts for speedy disposal of cases.