

**GOVERNMENT OF INDIA
HOME AFFAIRS
LOK SABHA**

UNSTARRED QUESTION NO:841
ANSWERED ON:02.03.2010
UNDERTRIALS IN JAILS
Yadav Shri Sharad

Will the Minister of HOME AFFAIRS be pleased to state:

- (a) the number of jails in the country, State-wise;
- (b) whether a large number of undertrials who have committed petty offence are lodged in the jails;
- (c) if so, the details thereof, State-wise;
- (d) whether the Government has any proposal to release the undertrials having served a major part of the prescribed maximum sentence;
- (e) if so, the details thereof; and
- (f) the instructions/guidelines issued to the State Governments in this regard alongwith their reaction thereon?

Answer

MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS(SHRI AJAYMAKEN)

(a): The total number of jails in the country as on 1.1.2009 are 1365. A table indicating State-wise figures of number of jails in the country is at Annexure-I.

(b) & (c) : No, Madam. As per the data compiled by National Crime Record Bureau, the majority of undertrial prisoners are lodged in jails for committing major offences such as murder, attempt to murder, theft, rape, kidnapping, decoity, robbery, extortion, NDPS Act, etc. At the end of 2007, out of a total of 2,49,851 undertrials in the various jails, 76,794 (30.7%) are charged with murder/attempt to murder alone. Another 23,464 (9.39%) are charged under Arms Act/NDPS Act/Explosive & Explosive substances Act/TADA. As many as 52,028 (21%) are charged with culpable homicide/rape/kidnapping & abduction/dacoity/robbery. Therefore, majority of undertrials are charged with major offences. A table indicating details of state-wise number of undertrial prisoner by the type of offences at the end of 2007 is at Annexure-II.

(d) to (f): The Government of India has taken following measures to reduce number of undertrials in prisons:-

(i) A new Article 436A was inserted in the code of Criminal Procedure, 1973 which provides 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.

(ii) 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.

Apart from the above, an action plan is being prepared by the Ministry of Law & Justice to facilitate disposal of long pending cases in Courts. The Ministry has decided to undertake pilot projects at the jails in Delhi, Murshidabad (Kolkata), Chennai and Bangalore.