

**GOVERNMENT OF INDIA
HOME AFFAIRS
LOK SABHA**

UNSTARRED QUESTION NO:50
ANSWERED ON:09.11.2010
NHRC OBSERVATION ON UNDER TRIALS
Premajibhai Dr. Solanki Kiritbhai

Will the Minister of HOME AFFAIRS be pleased to state:

(a) whether the National Human Rights Commission (NHRC) has made any observation on the status of undertrials held in various jails in the country; and

(b) if so, the details thereof and the reaction of the Union Government thereto?

Answer

MINISTER OF THE STATE IN THE MINISTRY OF HOME AFFAIRS (SHRI AJAY MAKEN)

(a) & (b): No Madam, However, as per the statistics compiled by the National Crime Records Bureau (NCRB), there were 263144 undertrial prisoners in the country as on 31.12.2008 which constitutes 67.4% of the total prison population.

With a view to reduce the number of undertrials, the Central Government has taken various legislative and administrative measures which inter-alia include:

(i) Amendment in the Code of Criminal Procedure, 1973 by inserting a new article viz. 436A 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 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) Amendment to Section 436 (1) of the Code of Criminal Procedure, 1973 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 personal bond without sureties;

(iii) Setting up of Fast Track Courts for disposal of long pending cases;

(iv) Introduction of scheme of Plea Bargaining;

(v) Holding of Jail Courts (Lok Adalat);

Ministry of Home Affairs has taken up the matter with the State Governments for providing assistance to judiciary for quick processing and disposal of cases of undertrial prisoners as per law.