

**GOVERNMENT OF INDIA
HOME AFFAIRS
LOK SABHA**

UNSTARRED QUESTION NO:1216
ANSWERED ON:16.11.2010
SPEEDY TRIALS OF PRISONERS
Jagannath Dr. M.

Will the Minister of HOME AFFAIRS be pleased to state:

- (a) whether the number of prisoners in jails are rising due to delay in justice/trial;
- (b) if so, the details thereof;
- (c) whether the Government proposes to undertake speedy trials of persons imprisoned without any convictions; and
- (d) if so, the details thereof?

Answer

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

(a) & (b): The number of undertrials at the end of the 2006 to 2008 is given as under:

Year	Number of undertrials
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2006	245244
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2007	250727
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2008	257928
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(c) & (d): With a view to reduce the number of undertrials, the Central Government has taken various legislative and administrative measures which 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 Law has also launched a Mission Mode Programme on 26.1.2010 to take up the cases of undertrials expeditiously. The primary purpose of the programme is the reduction of overcrowding in prisons and release on bail of those undertrial prisoners who are entitled to be so released.

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