

**GOVERNMENT OF INDIA  
HOME AFFAIRS  
LOK SABHA**

UNSTARRED QUESTION NO:1388  
ANSWERED ON:21.08.2012  
JUSTICE DELIVERY SYSTEM  
Patle Kamla Devi

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

- (a) whether the number of prisoners in jails is increasing due to delay in the justice delivery system;
- (b) if so, the details thereof;
- (c) whether the Government is taking any steps for faster disposal of cases in respect of prisoners languishing in jails without being convicted; and
- (d) if so, the details thereof?

**Answer**

MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS (SHRI JITENDRA SINGH)

(a) to (b): As per data compiled by NCRB , a total of 2,57,928, 2,50,204, and 2,40,098 undertrials were kept in various jails of the country at the end of 2008, 2009 and 2010 respectively thereby showing a decreasing trend. Even overall occupancy rate in prisons has been decreasing over the years from 129.2% in the year 2008 to 115.1% in the year ending 2010.

(c) to (d): Although 'Prison' is a State subject under Entry 4 of List II of the Seventh Schedule to the Constitution and Prison Administration is primarily the responsibility of the State Governments, active efforts are made by the State Governments to minimize detention period of undertrials and facilitate their release. With a view to provide relief to undertrial prisoners, a new section viz 436A 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.

In addition, regular Lok Adalats, special courts for disposal of petty offences, Plea Bargaining courts are being held in various prisons. Legal aid to poor prisoners is provided while cases of seriously sick prisoners are taken up actively for release on bail.