

**GOVERNMENT OF INDIA
HOME AFFAIRS
LOK SABHA**

UNSTARRED QUESTION NO:3730
ANSWERED ON:04.09.2012
UNDERTRIALS IN JAIL
Swaraj Smt. Sushma,Vijayan Shri A.K.S.

Will the Minister of HOME AFFAIRS be pleased to state:

- (a) the total number of undertrials languishing in the various jails of the country, State-wise and gender-wise;
- (b) the total number of such undertrials in jails for more than ten years;
- (c) the number of undertrials whose trial period has exceeded the sentence period fixed for their crime, State-wise and gender-wise;
- (d) whether the Government has any proposal to review such cases and release the undertrials who has completed their sentence period; and
- (e) if so, the details thereof?

Answer

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

- (a) & (b): State wise and gender wise total number of undertrials in the country and undertrials in various prisons of the country for more than five years at the end of 2010 as per data compiled by National Crime Records Bureau is as per Annexure.
- (c): Data is not maintained centrally as "Prisons" 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.
- (d) to (e): A comprehensive advisory dated 17th July 2009 has been issued by the Government on "Prison Administration", which also provides for steps to be taken by the States/UTs for providing free legal aid to undertrials, setting up of Lok Adalats/Special courts in prisons for expediting review of cases of undertrials in line with directions of the Hon'ble Courts that, in cases where the undertrial has been in jail for a period longer than the maximum term he would have been sentenced to, if convicted, he should be released forthwith.