

**GOVERNMENT OF INDIA
HOME AFFAIRS
LOK SABHA**

UNSTARRED QUESTION NO:1252

ANSWERED ON:05.03.2013

RELEASE OF UNDERTRIALS

Abdulrahman Shri ;Babbar Shri Raj;Tagore Shri Manicka

Will the Minister of HOME AFFAIRS be pleased to state:

(a) whether the Union Government has directed all the States and Union Territories to form committees to review the cases of undertrials lodged in various jails in the country in order to release them on personal bond or without sureties except those undertrials who are lodged in jails for heinous crimes;

(b) if so, the details thereof and the reasons therefor;

(c) whether the lack of adequate legal aid and a general lack of awareness of the arrested persons are the principal reasons for such large number of undertrials lodged in jails;and

(d) if so, the steps taken by the Union Government in this direction?

Answer

MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS (SHRI R.P.N. SINGH)

(a) to (d) "Prisons" is a State subject as per Entry 4 of List II of the Seventh Schedule to the Constitution of India. Therefore, the administration and management of prison is primarily the responsibility of the State Governments. However, a comprehensive advisory dated 17th July 2009 has been issued by the Government on "Prison Administration", which 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. An advisory regarding use of section 436A of the Cr.P.C to reduce overcrowding of prisons has also been issued to States/UTs on 17.1.2013.