

**GOVERNMENT OF INDIA  
HOME AFFAIRS  
LOK SABHA**

UNSTARRED QUESTION NO:4671  
ANSWERED ON:23.04.2013  
LODGING OF UNDERTRIALS  
Basheer Shri E. T. Muhammed;Patel Shri Lalubhai

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

- (a) whether the Government has received complaints with regard to lodging of undertrials in various jails without completing the legal formalities;
- (b) if so, the details thereof and the total number of such complaints received and the action taken thereon during each of the last three years and the current year, State-wise; and
- (c) the effective measures taken by the Government to ensure timely justice to the undertrials?

**Answer**

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

(a)&(b) "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 prisons is primarily the responsibility of the State Governments. None can be lodged in a jail as per The Prisons Act 1894 without a custody warrant of the court. Hence the situation does not arise.

(C) The Government have taken a number of measures for reducing the number of undertrials like establishment of Fast Track Courts, introduction of plea bargaining, holding of Lok Adalats, implementation of section 436 and 436A of Cr P.C release of undertrials under section 4(3) of Probation of Offenders Act. An advisory regarding use of section 436A of the Cr.P.C to reduce overcrowding of prisons by taking up cases of undertrials who have completed one-fourth of the maximum sentence, has also been issued to States/UTs on 17.1.2013.