

**GOVERNMENT OF INDIA
LAW AND JUSTICE
LOK SABHA**

UNSTARRED QUESTION NO:584
ANSWERED ON:07.08.2013
PRISONERS ON FLIMSY GROUNDS
Pandey Saroj

Will the Minister of LAW AND JUSTICE be pleased to state:

- (a) whether any scheme has been formulated by the Government to release the prisoners who are in jails on flimsy grounds and are unable to manage the bail amount;
- (b) if so, the number of prisoners released under the said scheme during each of the last three years and the current year;
- (c) if not, whether the Union Government proposes to formulate any such scheme; and
- (d) if so, the details thereof along with the time by which such a scheme is likely to come into force?

Answer

MINISTER OF LAW AND JUSTICE AND COMMUNICATIONS AND INFORMATION TECHNOLOGY (SHRI KAPIL SIBAL)

(a)to(d) No scheme has been formulated by the Central Government for release of under-trial prisoners, who are unable to manage bail amount. However, the following provisions are made in the Criminal Procedure Code (CrPC) in this regard:-

- (i) Section-436 provides for release of an indigent person on personal bond.
- (ii) Section-436(A) provides for a right to the under-trial to seek bail once he/she has served one half of the maximum sentence.
- (iii) Section-167 provides for the release of the under-trial on bail in case the investigation is not completed within the stipulated time.

Government has drawn attention of the Chief Justices of High Courts for proper implementation of the existing provisions in the CrPC to provide relief to under-trial prisoners. Government has also requested Chief Justices of High Courts as well as the Chief Ministers of States to devise strategies and undertake a programme in Mission Mode for release on bail of those under-trial prisoners who are entitled to be so released and to ease congestion in jails.

Statements indicating the State/UT-wise distribution of under-trial prisoners released/transferred during the years 2009, 2010 and 2011 as available on the website of National Crime Records Bureau is attached at Annex-I, II and III respectively.