

**GOVERNMENT OF INDIA
HOME AFFAIRS
LOK SABHA**

UNSTARRED QUESTION NO:3000

ANSWERED ON:08.12.2009

UNDERTRIALS IN JAILS

Deora Shri Milind Murl;Rao Shri Nama Nageswara;Sinha Shri Yashwant

Will the Minister of HOME AFFAIRS be pleased to state:

- (a) the total number of undertrials languishing in various jails in the country;
- (b) whether some of them even after completing punishment period for the offences Committed by them continue to be lodged in jail without trial;
- (c) if so, the details thereof and the reaction of the Government thereon;
- (d) whether the Government has any proposal to amend the Criminal Procedure Code and release undertrials who have not committed heinous crimes and thereby reduce overcrowding of the jails;
- (e) is so, the details thereof and the time by which the proposed amendments are likely to be made; and
- (f) the steps taken by the Government to rehabilitate the undertrials?

Answer

MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS(SHRI MULLAPPALLY RAMACHANDRAN)

(a): As per the information received from the National Crime Records Bureau, a statement showing State/UT wise number of undertrials prisoners in jails at the end of 2006, 2007 and 2008 is enclosed.

(b) & (c): The National Crime Records Bureau has informed that they do not have such information.

(d)& (e): The following provisions have been incorporated in the Code of Criminal Procedure, 1973 in 2005 regarding the undertrial prisoners:-

(i) Section 436 (1) of the Code of Criminal Procedure, 1973 has been amended to make a mandatory provision that if the arrested person is accused of 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.

(ii) A new section 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.

In addition to the above, a new Chapter on Plea Bargaining has also been inserted in the Code of Criminal Procedure, 1973 through the Criminal Law (Amendment) Act, 2005 for early disposal of criminal trials and appeals so that unnecessary crowding of jails may be avoided.

(f) Eligible prisoners are in receipt of the financial assistance and legal aid from the respective State Governments wherever applicable.