

**GOVERNMENT OF INDIA
HOME AFFAIRS
LOK SABHA**

UNSTARRED QUESTION NO:1243
ANSWERED ON:03.03.2015
MUSLIM AND DALIT IN JAILS
Anwar Shri Tariq

Will the Minister of HOME AFFAIRS be pleased to state:

- (a) the percentage of people belonging to Muslim and Dalit community detained in Jails;
- (b) the number of prisoners who are unable to pay the amount of bail due to social and economic weakness;
- (c) whether the Government has any proposal to release them without paying the bail amount or on private bail;
- (d) if so, the details thereof; and
- (e) if not, the reasons therefor?

Answer

MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS (SHRI HARIBHAI PARATHIBHAI CHAUDHARY)

(a): As per the data compiled by the National Crime Records Bureau at the end of 2013, out of total number of 278503 undertrials, the under-trials belonging to Muslim community were 57936 (20.80%). The number of undertrials belonging to SC community were 59326 (21.30%).

(b) to (e): "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. Data is not maintained centrally in this regard. However, the Government of India has issued a comprehensive advisory on 17th July 2009 to the States/UTs 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. The same may be downloaded from the website of the Ministry of Home Affairs at the following links:

[http://mha.nic.in/sites/upload_files/mha/files/Prison Advisories-1011.pdf](http://mha.nic.in/sites/upload_files/mha/files/Prison%20Advisories-1011.pdf)

In addition, an advisory has been issued by the Government of India on 17.1.2013 to the States/ UTs regarding use of section 436A of the Cr P.C. to reduce the overcrowding of prisons which provides for release of undertrials who have completed one half of likely sentence and for old and indigent prisoners to be released on bail instead of personal bond with or without sureties. The same can also be accessed on the website of the Ministry of Home Affairs at the link:

[http://mha.nic.in/sites/upload_files/mha/files/Adv Sec436A Prisons-060213_0.pdf](http://mha.nic.in/sites/upload_files/mha/files/Adv%20Sec436A%20Prisons-060213_0.pdf)