

**GOVERNMENT OF INDIA
HOME AFFAIRS
LOK SABHA**

UNSTARRED QUESTION NO:2172

ANSWERED ON:10.03.2015

UNDER TRIAL IN JAILS

Dhruvanarayana Shri Rangaswamy;Jadhav Shri Sanjay Haribhau;Jayadevan Shri C. N.;Owaisi Shri Asaduddin

Will the Minister of HOME AFFAIRS be pleased to state:

- (a) the total number of under trials languishing in various jails in the country, category, gender and State-wise;
- (b) whether it is a fact that out of 3.81 lakh prisoners in the country 2.54 lakh are under trials, if so, the details thereof and the steps taken by the Government to reduce the number of under trials in the jails;
- (c) the total number of such prisoners who have spent more time in jails than the actual period of their sentence;
- (d) the total number of prisoners suffering from TB, HIV/AIDS, typhoid, hepatitis etc. along with the action taken by the Government to provide more experienced doctors in the jails for providing medical facilities to the prisoners;
- (e) whether the High Court of Delhi has issued notices to the Union and the Government of the NCT of Delhi on the deplorable conditions of under trials, especially women and mentally challenged, if so, the details thereof and the reaction of the Union and the Delhi Government in this regard; and
- (f) the steps taken by the Government in consultation with States to address the issues, provide basic amenities to prisoners and to ensure speedy delivery of justice to the under trials?

Answer

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

(a)&(b): As per the National Crime Records Bureau at the end of 2013, the total numbers of jail inmates as on 31.12.2013 is 4,11,992 out of which there were 2,78,503 undertrial prisoners. A statement of total number of under trials languishing in various jails in the country, category, gender and State-wise are enclosed at the annexure.

The following measures have also been taken by the Government of India in respect of undertrial prisoners to reduce overcrowding in prisons:

- (i) 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 overcrowding of prisons.
- (ii) The Union Home Minister has written to the Chief Ministers/LG of States/UT on 3.9.2014 regarding use of section 436A of Cr P.C. to reduce overcrowding in jails of the country.
- (iii) Director General (Prisons)/Inspector General (Prisons) of all the States/UTs have been requested on 22.9.2014 to take necessary action to comply with the order dated 5.9.2014 of the Hon'ble Supreme Court in the matter of Bhim Singh Vs Union of India & Others.
- (iv) An advisory dated 27.9.2014 has been issued by the Government of India to the States/ UTs on reckoning half-life of time spent in judicial custody of Undertrial prisoners under Section 436A of Cr P. C.

(c)&(d): 'Prisons' is a State subject under List II of the Seventh Schedule to the Constitution and, therefore, prison administration is primarily the responsibility of the State Governments. Such data is not maintained centrally.

(e)to(f): Yes, Madam. The Hon'ble High Court of Delhi in the Writ Petition (CrI) No. 283/2015 has given directions in this regard. The Government of India has already issued following advisories to the States/UTs:

- (i) A comprehensive advisory dated 17.7.2009 on Prison Administration to the States/UTs covering all aspects of prison administration.
- (ii) Advisory dated 15.5.2006 regarding "Facilities to the children of women prisoners – Guidelines issued by the Supreme Court" wherein the Hon'ble Supreme Court had issued guidelines for providing various facilities to the children of women prisoners.
- (iii) Advisory dated 13.8.2010 on the policy for the treatment of terminally ill prisoners/inmates (TIPs).

These advisories are available at the website of the Ministry of Home Affairs at the link:

[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)