

**GOVERNMENT OF INDIA
HOME AFFAIRS
LOK SABHA**

UNSTARRED QUESTION NO:288
ANSWERED ON:25.11.2014
UNDERTRIAL PRISONERS
Basheer Shri E. T. Mohammed

Will the Minister of HOME AFFAIRS be pleased to state:

- (a) the number of undertrial prisoners lodged in various jails without filing charge sheet for more than three years, State/ UT-wise; and
- (b) the steps taken by the Government to ensure justice to such undertrials without any delay?

Answer

MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS (SHRI KIREN RIJJU)

(a): As per data compiled by the National Crime Records Bureau (NCRB) at the end of 2013, a statement showing State/UT wise number of undertrial prisoners lodged in jails of the country for more than three years is at Annexure.

(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. However, the Government of India has taken the following steps in respect of undertrial prisoners:

(i) An advisory has been issued by the Government of India on 17.1.2013 to States/UTs regarding use of section 436A of the Cr.P.C to reduce overcrowding of prisons. The same can also be accessed on the website of Ministry of Home Affairs at the link: http://mha.nic.in/sites/upload_files/mha/files/AdvSec436A Prisons-060213_0.pdf

(ii) The Union Home Minister has written to the Chief Ministers of all States/ UTs on 3.9.2014 regarding use of section 436A of Cr. P.C. to reduce overcrowding in jails of the country.

(iii) Hon'ble Supreme Court in its order dated 5.9.2014 in Writ Petition No. 310/2005 – Bhim Singh Vs Union of India & Others relating to undertrial prisoners, has directed for effective implementation of Section 436A of the Code of Criminal Procedure. DG (Prisons)/IG (Prisons) of all States/UTs have been requested by the Government of India on 22.9.2014 to take necessary action to comply with the order of the Hon'ble Supreme Court in the matter.

(iv) An advisory dated 27.9.2014 has been issued by the Government of India to States/UTs on reckoning half-life of time spent in judicial custody of Undertrial prisoners under Section 436A of Cr. P. C. 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/GuidelinesForReckoningHalfLife_161014.pdf