

**GOVERNMENT OF INDIA  
HOME AFFAIRS  
LOK SABHA**

STARRED QUESTION NO:124

ANSWERED ON:02.12.2014

UNDERTRIALS IN JAILS

Owaisi Shri Asaduddin;Panda Shri Baijayant "Jay"

**Will the Minister of HOME AFFAIRS be pleased to state:**

- (a) the total number of convicted and undertrial prisoners languishing in various jails along with the number of undertrials detained in jails for over five years, separately gender and State-wise;
- (b) whether the National Crime Records Bureau maintains the societal-strata profile, the religious community to which the undertrials belong and the offence committed by them and if so, the details thereof;
- (c) whether the Supreme Court has recently issued any directive to the Union Government to reduce the number of undertrial prisoners in the jails and if so, the details thereof and the reaction of the Union Government thereto;
- (d) whether the Union Government has issued any directive to the States in this regard; if so, the details thereof and the reaction of the State Governments thereon; and
- (e) the other steps taken to reduce overcrowding of undertrials in various jails of the country?

**Answer**

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

(a) to (e): A Statement is laid on the Table of the House.

STATEMENT IN REPLY TO PARTS (a) to (e) OF THE LOK SABHA STARRED QUESTION NO. 124 FOR 2nd DECEMBER 2014

(a) As per data compiled by the National Crime Records Bureau (NCRB) at the end of 2013, the total number of convict prisoners was 1,29,608 and undertrial prisoners was 2,78,503 in jails of the country. A gender and State/UT wise list of undertrial prisoners lodged in jails for over five years is given at Annexure I.

(b) Yes Madam, as per data compiled by the NCRB, there were 1,92,202 Hindu, 57,936 Muslim, 11,666 Sikh, 12,406 Christian, 4,293 Other undertrial prisoners in jails at the end of 2013. In terms of societal strata there were 59,326 Scheduled Caste, 31,581 Scheduled Tribe, 87,848 OBC and 99,748 Other undertrial prisoners at the end of 2013. The data of undertrials based on the offence committed by them is given at Annexure- II

(c)&(d) 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 by directing the jurisdictional Magistrate/Chief Judicial Magistrate/Sessions Judge to hold one sitting in a week in each jail/prison for two months commencing from 1st October, 2014 for the purposes of effective implementation of section 436A of the Code of Criminal Procedure. In its sittings in jail, the above judicial officers shall identify the under-trial prisoners who have completed half period of the maximum period or maximum period of imprisonment provided for the said offence under the law and after complying with the procedure prescribed under Section 436A pass an appropriate order in jail itself for release of such under-trial prisoners who fulfill the requirement of section 436A of Cr PC.

Director General of Prisons/Inspector General of Prisons of all States/UTs have been requested by the Union Government on 22.9.2014 to take necessary action to comply with the order of the Hon'ble Supreme Court in the matter.

(e) Although "Prisons" is a State subject as per entry 4 of List II of the Seventh Schedule to the Constitution of India and the administration and management of prisons is primarily the responsibility of the State Governments, the Union Government has taken the following steps in respect of the undertrial prisoners:

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(i) An advisory has been issued by this Ministry on 17.1.2013 to the States/UTs regarding use of section 436A of the Cr PC to reduce overcrowding in prisons. 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/AdvSec436APrisons-060213\\_0.pdf](http://mha.nic.in/sites/upload_files/mha/files/AdvSec436APrisons-060213_0.pdf)

(ii) The Home Minister has written to the Chief Ministers/ Lieutenant Governors of the States/UT on 3.9.2014 regarding use of section 436A of Cr PC to reduce overcrowding in jails of the country by taking up cases of the undertrials.

(iii) An advisory dated 27.9.2014 has also been issued by the Union Government to the States/UTs on reckoning half-life of time spent in judicial custody of the Undertrial prisoners under Section 436 A of Cr PC. 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/Guidelines ForReckoningHalfLife\\_161014.pdf](http://mha.nic.in/sites/upload_files/mha/files/Guidelines%20For%20Reckoning%20Half%20Life_161014.pdf)