

**GOVERNMENT OF INDIA
HOME AFFAIRS
LOK SABHA**

UNSTARRED QUESTION NO:2575
ANSWERED ON:09.12.2014
PRISONERS ON BAIL
Arunmozhithevan Shri A.

Will the Minister of HOME AFFAIRS be pleased to state:

- (a) whether the Government is considering to release undertrial prisoners on bail after the charge-sheet against them in the Courts;
- (b) if so, the details thereof; and
- (c) the extent to which it is likely to reduce overcrowding in jails?

Answer

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

(a)to(c) "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 following measures have been taken by the Government in respect of undertrial prisoners:

(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. 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/AdvSec436 APrisons-060213_0.pdf

(ii) The Union Home Minister has written to 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 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. 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/GuidelinesFor RreckoningHalfLife_161014.pdf