

**GOVERNMENT OF INDIA
MINISTRY OF HOME AFFAIRS**

**RAJYA SABHA
UNSTARRED QUESTION NO. 2475**

TO BE ANSWERED ON THE 8TH AUGUST, 2018/ SHRAVANA 17, 1940 (SAKA)

REHABILITATION OF UNDERTRIAL PRISONERS

2475. SHRI MAJEED MEMON:

Will the Minister of HOME AFFAIRS be pleased to state :

(a) whether it is a fact that majority of undertrials are from minority communities;

(b) if so, percentage of dalits, adivasis and minority communities' undertrial prisoners according to the latest NCRB records, State and UT-wise;

(c) whether it has come to notice of Government that these prisoners continue to be in a state of misery because they are economically and socially underprivileged, unable to fight costly cases or often even unable to pay for bail and also that these communities are targeted with false cases; and

(d) the steps taken by Government for speedy justice, legal assistance and rehabilitation of undertrial prisoners?

ANSWER

**MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS
(SHRI HANSRAJ GANGARAM AHIR)**

(a): No, Sir.

(b): Does not arise.

(c) and (d): 'Prisons' is a State subject as per Entry 4 of List II of the Seventh Schedule to the Constitution of India and as such administration

and management of prisons is the responsibility of respective State Governments. However, the National Legal Services Authority (NALSA) provides free legal services to all under trial prisoners through its legal service clinics running in jails all over India. As per information provided by NALSA, there are 1125 legal service clinics in jails which are manned by empanelled Legal Service Advocates and trained para-legal volunteers. NALSA also holds awareness camps in jails to generate awareness about the availability of free legal aid, plea bargaining and Lok Adalats and legal rights of inmates including right to bail.

A Model Prison Manual 2016 has also been forwarded by the Ministry of Home Affairs to all States and Union Territories in May 2016, which provides guidance on the facilities to be provided to undertrials viz. legal defence, interview with lawyers, signing of Vakalatnama, application to Courts for legal aid at Government cost etc.
