

**GOVERNMENT OF INDIA
MINISTRY OF HOME AFFAIRS**

**RAJYA SABHA
UNSTARRED QUESTION NO. 3597**

TO BE ANSWERED ON THE 02ND APRIL, 2025/ CHAITRA 12, 1947 (SAKA)

RELEASE OF PROLONGED UNDER-TRIAL PRISONERS

3597 MS. SUSHMITA DEV:

Will the Minister of HOME AFFAIRS be pleased to state:

- (a) the number of prolonged under-trial prisoners identified and released on Constitution Day (November 26, 2024) by Government so far, State-wise;**
- (b) the criteria used to identify the release of these prolonged under-trial prisoners;**
- (c) the measures to ensure that they do not face re-incarceration due to systemic delays, if so, the details thereof, and;**
- (d) whether Government is considering extending this initiative beyond Constitution Day as a regular mechanism to prevent prolonged detention of under-trials, if so, the details thereof?**

ANSWER

MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS

(SHRI BANDI SANJAY KUMAR)

(a) and (b): Section 479 (1) of the Bharatiya Nagarik Suraksha Sanhita, 2023 (BNSS), which has come into force with effect from 1.7.2024, provides that if a person, during investigation, enquiry or trial of an offence under any law (not being an offence for which the punishment of death or life imprisonment has been specified as one of the punishments under that law), has undergone detention for a period extending up to one-half of the maximum period of imprisonment specified for that offence, he shall be released by the Court on bail. In case of a first-time offender, such a

prisoner shall be released on bond by the Court, if he has undergone detention for a period extending up to one-third of the maximum period of imprisonment specified for such offence.

On the occasion of Constitution Day i.e., 26th November, last year, the Ministry of Home Affairs had launched a “Special Campaign”, under which the States and Union Territories (UTs) were requested to identify eligible undertrial prisoners under the provisions of Section 479 of BNSS and move their applications to the concerned Courts for their release on bail/bond. In terms of the data reported by the States and UTs in this regard, State/UT-wise number of eligible prisoners identified and who were granted bail by the Court under the provisions of Section 479 of BNSS upto 26.11.2024 are given in Annexure.

(c): ‘Prisons’/‘persons detained therein’ is a “State List” subject under Entry 4 of List II of the Seventh Schedule to the Constitution of India. Therefore, the administration and management of prisoners is primarily the responsibility of respective State Governments/Union Territories, who have the responsibility to take appropriate action in this regard.

(d): The Ministry of Home Affairs has issued an advisory to the States and Union Territories on 1.1.2025 informing them that release of eligible undertrial prisoners on the occasion of Constitution Day was not a one-time exercise and the States/UTs need to take full advantage of the provisions

of Section 479 of BNSS and provide the benefit of the same to all eligible undertrial prisoners on a continuous basis, as this can go a long way in mitigating the situation of long detention faced by undertrial prisoners and will also address the issue of overcrowding in prisons.

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State/UT-wise number of eligible prisoners identified and who were granted bail by the Court under the provisions of Section 479 of BNSS upto 26.11.2024

S. No.	State/UT	Number of prisoners identified	Number of prisoners granted bail
1	Andhra Pradesh	2	0
2	Arunachal Pradesh	9	8
3	Assam	1	1
4	Bihar	46	28
5	Chhattisgarh	2	0
6	Goa	2	0
7	Gujarat	7	2
8	Haryana	10	9
9	Himachal Pradesh	0	0
10	Jharkhand	26	14
11	Karnataka	21	9
12	Kerala	3	0
13	Madhya Pradesh	72	37
14	Maharashtra	153	22
15	Manipur	2	0
16	Meghalaya	4	4
17	Mizoram	1	1
18	Nagaland	2	1
19	Odisha	6	2
20	Punjab	15	5
21	Rajasthan	19	4
22	Sikkim	0	0
23	Tamil Nadu	2	0
24	Telangana	0	0
25	Tripura	0	0
26	Uttar Pradesh	110	51
27	Uttarakhand	4	4
28	West Bengal	297	98
29	A & N Islands	0	0
30	Chandigarh	1	1
31	DNH & Daman Diu	0	0
32	Delhi	129	28
33	Jammu & Kashmir	5	5
34	Ladakh	0	0
35	Lakshadweep	0	0
36	Puducherry	0	0
	Total	951	334
