

**GOVERNMENT OF INDIA
MINISTRY OF HOME AFFAIRS**

**LOK SABHA
UNSTARRED QUESTION NO. 1738**

TO BE ANSWERED ON THE 06TH MARCH, 2018/ PHALGUNA 15, 1939 (SAKA)

PRISONERS IN JAILS

1738. SHRI SHARAD TRIPATHI:

Will the Minister of HOME AFFAIRS be pleased to state:

(a) whether the Government is taking any steps for quick disposal of the cases of prisoners lodged in jails without conviction; and

(b) if so, the details thereof?

ANSWER

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

(a) & (b) Disposal of cases of undertrial prison inmates vests) primarily with the State Government & judiciary. 'Prisons' is a State subject under Entry 4 of List II of the Seventh Schedule to the Constitution of India. Administration and management of prisons is the responsibility of State Governments.

The Ministry of Home Affairs has been providing regular guidance to the States and UTs on various issues related to prison reforms. MHA had issued an advisory to all States and UTs which provides for steps to be taken by the States/UTs for providing free legal aid to undertrials and setting up Lok Adalats/ Special courts in prisons for expediting the review of cases of undertrials. Besides the advisories issued from time to time, Model Prison Manual 2016 was also forwarded by the Ministry of Home Affairs to all States and Union Territories in May 2016. The Prison Manual has a dedicated

chapter on 'Undertrial Prisoners', 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.

The National Legal Services Authority (NALSA) has been providing free and competent legal services to all under trial prisoners and convicts through its 1070 legal service clinics running in jails all over India. Empanelled Legal Services Advocates and trained Para-Legal Volunteers man these clinics. 9563 Remand Advocates are also providing legal services to arrested persons in criminal courts.

NALSA has issued instructions to all State Legal Services Authorities to set up an Under Trial Review Committees in each of the Districts in their jurisdiction, which meets once in a quarter to review the cases of all under trials who have completed half of the maximum sentence provided for the offences they are charged with. The District Legal Services Authorities have been advised to take prompt action to ensure that bail orders in respect of undertrial prisoners are passed u/s 436 A Cr. PC without delay. NALSA is also promoting plea bargaining for quick disposal of cases falling within the parameters spelt out in the provisions of plea bargaining given in the Code of Criminal Procedure.