

**GOVERNMENT OF INDIA
MINISTRY OF HOME AFFAIRS**

**LOK SABHA
UNSTARRED QUESTION NO. 1079**

TO BE ANSWERED ON THE 24TH JULY, 2018/ SHRAVANA 2, 1940 (SAKA)

SPEEDY TRIAL

1079. SHRI KAUSHAL KISHORE:

Will the Minister of HOME AFFAIRS be pleased to state:

(a) whether a vast majority of the prisoners in various jails of the country are awaiting trial for many years;

(b) if so, the details thereof;

(c) whether any steps is being taken by the Government to provide speedy and fair trial to these prisoners;

(d) if so, the details thereof; and

(e) if not, the reasons therefor?

ANSWER

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

(a) and (b): As per information provided by the National Crime Records Bureau, 293058 undertrial prisoners were lodged in various jails of the country as on 31.12.2016.

(c) to (e): 'Prisons' is a State subject under List II of the Seventh Schedule to the Constitution. Prison Administration is, therefore, the responsibility of State Governments.

However, to address the issue of undertrials in various jails of the country,

the Ministry of Home Affairs (MHA) has undertaken various initiatives. Through Cr PC Amendment Act 2005, Section 436A was inserted in Cr PC. Under Section 436A, an undertrial has the right to seek bail on serving more than one half of the maximum possible sentence on personal bond. MHA had issued an advisory to all States and UTs to constitute Review Committees in every District and review the cases of undertrials and educate them about their rights to bail etc. MHA has also issued an advisory to States and UTs which provides for steps to be taken by the States/UTs for providing free legal aid to undertrials, setting up of Lok Adalats/ Special courts in prisons for expediting the review of cases of undertrials.

The National Legal Services Authority (NALSA) has also 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.
