

**GOVERNMENT OF INDIA  
MINISTRY OF HOME AFFAIRS**

**LOK SABHA  
UNSTARRED QUESTION NO. 3285**

**TO BE ANSWERED ON THE 21<sup>ST</sup> MARCH, 2023/ PHALGUNA 30, 1944 (SAKA)**

**RELEASING OF PRISONERS LODGED FOR PETTY CRIMES**

**†3285. SHRIMATI RANJANBEN DHANANJAY BHATT:**

**Will the Minister of HOME AFFAIRS be pleased to state:**

- (a) whether the Government proposes to release the prisoners who are lodged for petty crimes and have completed half of their sentences;**
- (b) if so, whether the Government has taken any step in this direction;**
- (c) if so, the details thereof; and**
- (d) if not, the reasons therefor?**

**ANSWER**

**MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS  
(SHRI AJAY KUMAR MISHRA)**

**(a) to (d): ‘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 the responsibility of respective State Governments. However, the Government of India had inserted Section 436A in the Code of Criminal Procedure (CrPC), which provides for release of an under-trial prisoner on bail on undergoing detention for a period extending up to one half of the maximum period of imprisonment specified for an offence under any law. E-prisons Software, which is a Prison Management Application integrated with the Interoperable**

**Criminal Justice System provides facility to the State Jail authorities to access the data of inmates in a quick and efficient manner and helps them in identifying the inmates whose cases are due for consideration by the Under Trial Review Committee under the provision of Section 436A of the Code of Criminal Procedure. The Ministry of Home Affairs had provided financial assistance to the tune of Rs. 100.00 crore to all States/Union Territories during the period from Financial Year 2017-18 to Financial Year 2019-2020 for strengthening the E-Prisons system. The State Legal Services Authorities have established Legal Service Clinics in the jails, who provide free legal aid to persons in need. These Legal Service Clinics are managed by Empanelled Legal Services Advocates and trained para-legal volunteers. These clinics have been established to ensure that no prisoner remains unrepresented and legal aid and advice is provided to them. On directions of the Hon'ble Supreme Court of India, National Legal Services Authority (NALSA) had prepared a Standard Operating Procedure (SOP) for Under-Trial Review Committees, which has been circulated by the Ministry of Home Affairs to all States/Union Territories for making best use of the same, with a view to providing relief to under trial prisoners.**

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