

**GOVERNMENT OF INDIA  
MINISTRY OF HOME AFFAIRS**

**LOK SABHA  
UNSTARRED QUESTION NO. 2320**

**TO BE ANSWERED ON THE 03<sup>rd</sup> DECEMBER, 2019/ AGRAHAYANA 12, 1941 (SAKA)**

**RELEASE OF UNDERTRIALS**

**†2320. SHRIMATI RANJANBEN DHANANJAY BHATT:**

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

**(a) whether the Government is considering to release the undertrial women prisoners immediately;**

**(b) if so, whether the Government has taken any steps so far in this regard;**

**(c) if so, the details thereof; and**

**(d) if not, the reasons therefor?**

**ANSWER**

**MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS  
(SHRI G. KISHAN REDDY)**

**(a) to (d) : No such proposal is under consideration of the Central Government.**

**‘Prisons’ and ‘persons detained therein’ are State subjects as per Entry 4 of List II of Seventh Schedule to the Constitution of India. The State Governments are competent to take appropriate decisions in their respective jurisdictions. However, the Ministry of Home Affairs has issued several advisories to States & UTs, from time to time, in respect of undertrial prisoners, including women prisoners. A Model Prison Manual, 2016 has also been circulated to all States and UTs which has chapters on ‘Legal Aid’ and ‘Women Prisoners’ which provides for facilities which may be provided to undertrials viz. legal defence, interview with**

**lawyers, signing of Vakalatnama, application to Courts for legal aid at Government cost etc. Section 436A has been inserted in the Code of Criminal Procedure (Cr.PC) 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 (not being an offence for which the punishment of death has been specified as one of the punishments under that law). However, granting bail to undertrial prisoners is in the jurisdiction of relevant Courts. The E-prisons portal provides the facility to State Jail authorities to access the data of inmates in a quick and easy mode which can assist them in identifying inmates whose cases are due for consideration by the Under Trial Review Committees and take up their cases appropriately.**

**State Legal Services Authorities have also established Legal Service Clinics and has deployed para Legal Volunteers at Police Stations, Front Offices, Jails and Child Welfare Centres with a view to provide free and competent legal assistance to persons in need. 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. This SOP was also circulated by the Ministry of Home Affairs to States and UTs on 18<sup>th</sup> February 2019.**