

**GOVERNMENT OF INDIA  
MINISTRY OF HOME AFFAIRS**

**LOK SABHA  
UNSTARRED QUESTION NO. 2308**

**TO BE ANSWERED ON THE 09<sup>TH</sup> MARCH, 2021/ PHALGUNA 18, 1942 (SAKA)**

**SPEEDY TRIAL IN CRIMINAL CASES**

**2308. SHRI G.M. SIDDESHWAR:**

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

**(a) whether it is a fact that most of the undertrial prisoners in the jails of the country are imprisoned in criminal cases;**

**(b) if so, whether fast and speedy hearings of the criminal cases would not only assure the basic rights provided by the Constitution but will also lessen the burden on the jails; and**

**(c) if so, the policy-related measures taken/being taken by the Government towards the fast and speedy hearings of criminal cases?**

**ANSWER**

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

**(a): Undertrial prisoners are detained in prisons as per the order of the Courts and by following due process of law.**

**(b): Yes, Sir.**

**(c): 'Prisons' and 'persons detained therein' are State subjects under Entry 4 of List II of the Seventh Schedule to the Constitution of India. Administration and management of prisons is therefore the primary**

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**responsibility of respective State Governments. However, the Ministry of Home Affairs has also taken various steps and initiatives to address the issues relating to undertrial prisoners. Section 436A has been inserted in the Code of Criminal Procedure, 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). E-prisons Software, which is a Prison Management Application integrated with Interoperable Criminal Justice System provides facility to State Jail authorities to access the data of inmates in a quick and easy manner and helps them in identifying inmates whose cases are due for consideration by the Under Trial Review Committee. State Legal Services Authorities have established Legal Service Clinics in Jails and have deployed Para Legal Volunteers with a view to provide free 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**

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**Home Affairs to all States and UTs on 18th February 2019. The Model Prison Manual 2016 circulated to all States and UTs also has a Chapter on 'Legal Aid' which provides the details of facilities that are to be provided to undertrials, viz. legal defence, interview with lawyer, signing of Vakaltatnama, application to Courts for legal aid at Government cost etc. The Ministry of Home Affairs has also issued various advisories to States & UTs to adopt various measures to reduce overcrowding in prisons and addressing the issue of undertrials. These advisories are available on MHA's website: <https://mha.gov.in/> .**

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