

**GOVERNMENT OF INDIA
MINISTRY OF HOME AFFAIRS**

**LOK SABHA
UNSTARRED QUESTION NO. 1422**

TO BE ANSWERED ON THE 07TH DECEMBER, 2021/ AGRAHAYANA 16, 1943 (SAKA)

FREE LEGAL AID TO UNDER TRIAL PRISONERS

1422. SHRI DEEPAK BAIJ:

Will the Minister of HOME AFFAIRS be pleased to state:

(a) whether the Government proposes to provide free legal aid to undertrial prisoners keeping in view their increasing number in prisons across the country so that illiterate and poor accused persons can get timely legal assistance;

(b) if so, the details thereof;

(c) whether certain provisions were made after amendment to section 31 of the Indian Penal Code with respect to arrest in the year 2010 and the same are not being followed at present in the case of arrests made; and

(d) if so, the details thereof?

ANSWER

MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS

(SHRI AJAY KUMAR MISHRA)

(a) & (b): ‘Prisons’/‘persons detained therein’ is a “State-List” subject under Entry 4 of List II of the Seventh Schedule to the Constitution of India. Administration and management of prisons and inmates is the responsibility of respective State Governments. However, the Government of India has been supplementing the efforts of the State Governments by providing them guidance through various advisories issued from time to time. The Model Prison Manual 2016 has dedicated chapters on “Legal Aid” and “Undertrial Prisoners”, which provide detailed guidance on making available legal assistance to such inmates. The Model Prison

Manual 2016 has been circulated to all States and Union Territories (UTs) for their guidance and implementation.

State Legal Services Authorities have established Legal Service Clinics and have deployed Para Legal Volunteers in Jails with a view to provide free legal assistance to persons in need. Awareness camps are being held in jails to make the prisoners aware about the availability of free legal aid, plea-bargaining and Lok Adalats, etc. Regular visits are made by functionaries of Legal Services Authorities to jails to identify prisoners who require legal aid and advice.

The National Legal Services Authority (NALSA) had prepared a Standard Operating Procedure (SOP) for Under-Trial Review Committees (UTRC). This SOP was circulated by the Ministry of Home Affairs to all States and Union Territories (UTs).

(c): Section 31 of Indian Penal Code was not amended in 2010.

(d): Does not arise in view of reply to part (c) above.
