

**GOVERNMENT OF INDIA
MINISTRY OF HOME AFFAIRS**

**LOK SABHA
UNSTARRED QUESTION NO. 2581**

TO BE ANSWERED ON THE 5TH AUGUST, 2025/ SARVANA 14, 1947 (SAKA)

CAPACITY BUILDING PROGRAMME

2581. SHRI PRADYUT BORDOLOI:

Will the Minister of HOME AFFAIRS be pleased to state:

(a) the manner in which the Government responding to recent observations by the Chief Justice of India emphasising that 'bail is the rule, jail the exception,' in the context of rising pretrial custody rates;

(b) whether any guidelines or capacity-building programmes are being undertaken to ensure lower courts respect the principle of bail and if so, the manner of States that have judicial officers been trained since 2023; and

(c) the mechanisms are in place to monitor and reduce prolonged pre-trial detention, including reviews of undertrial cases and bail application delays across District and High Courts?

ANSWER

MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS

(SHRI BANDI SANJAY KUMAR)

(a) to (c): In Chapter-XXXV of the Bharatiya Nagarik Suraksha Sanhita, 2023, detailed provisions have been made in respect of bail and bonds.

National Judicial Academy, which is the apex Institute of judicial education and training for Judges, Judicial and Quasi-Judicial Officers, run programmes for both High Court Judges and District Judges on criminal justice system and the question of granting bail always forms key feature of these programmes. In such programmes, the principles being laid down

by the Hon'ble Supreme Court of India, on the question of granting bail for both undertrials and, in appropriate cases, for the convicted persons whose appeals are pending, are deliberated in detail. Such discourses are conducted by senior judges and well-known lawyers practicing on the criminal side. The principle of 'Bail is the rule, jail the exception' is regularly discussed therein as enunciated by the Hon'ble Chief Justice of India.

Further, the maximum period for which undertrial prisoner can be detained has been prescribed in section 479 of the Bharatiya Nagarik Suraksha Sanhita. It has also been provided in section 479 of the Bharatiya Nagarik Suraksha Sanhita that where a person is a first-time offender (who has never been convicted of any offence in the past), he shall be released on bond by the Court, if he has undergone detention for the period extending up to one-third of the maximum period of imprisonment specified for such offence under that law. It shall be the duty of the Superintendent of Jail to make an application to the Court in this regard. Ministry of Home Affairs has issued an Advisory dated 16.10.2025 to all the States/Union Territories regarding implementation of the provisions of Section 479 of the Bharatiya Nagarik Suraksha Sanhita, 2023 by State Prison authorities for providing relief to undertrial prisoners.
