

GOVERNMENT OF INDIA
MINISTRY OF HOME AFFAIRS

LOK SABHA
UNSTARRED QUESTION NO.1386

TO BE ANSWERED ON THE 08TH DECEMBER, 2015/AGRAHAYANA 17,1937 (SAKA)

UNDERTRIALS IN JAILS

1386. SHRI PRATHAP SIMHA:
SHRI C.S. PUTTA RAJU:
KUMARI SHOBHA KARANDLAJE:

Will the Minister of HOME AFFAIRS be pleased to state:

(a) the total number of prisoners and undertrials languishing in various jails in the country separately, gender and Statewise;

(b) whether the Supreme Court has directed the Government to release undertrials who have already served half of their maximum sentence, if so, the details thereof and the reaction of the Government in this regard;

(c) whether the Chief Justice of the High Courts have been directed to advise the district judiciary to review all cases where undertrials are eligible for bail under Sections 436 and 436A of the Criminal Procedure Code and take *suo moto* action for their release and if so, the details thereof;

(d) whether the Government has any proposal to revamp the existing judicial process to ensure time-bound trials and if so, the details thereof;

(e) whether the Government has set up fast track courts for speedy trial of such cases and if so, the details thereof; and

(f) the steps taken by the Government for speedy disposal of pending cases in view of the increasing number of prisoners languishing in jails due to delay in judicial process?

ANSWER

MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS
(SHRI HARIBHAI PARATHIBHAI CHAUDHARY)

(a): As per data compiled by the National Crime Records Bureau (NCRB) at the end of 2014, there were 4,18,536 inmates in the jails of the country, out of which the undertrials were 2,82,879. A State/UT wise list of total inmates and undertrial prisoners is at Annexure.

(b)&(c): Hon'ble Supreme Court in its order dated 5.9.2014 in Writ Petition No. 310/2005 – Bhim Singh Vs Union of India & Others relating to undertrial prisoners had directed for effective implementation of Section 436A of the Code of Criminal Procedure.

(d)to(f): "Prisons" is a State subject as per Entry 4 of List II of the Seventh Schedule to the Constitution of India. Therefore, the administration and management of prisons is primarily the responsibility of the State Governments. However, the following measures have been taken by the Government of India in respect of undertrial prisoners:

(i) A comprehensive advisory dated 17th July 2009 has been issued to the States/UTs on "Prison Administration", which provides for steps to be taken by the States/UTs for providing free legal aid to undertrials, setting up of Lok Adalats/Special courts in prisons for expediting review of cases of undertrials. The same may be downloaded from the website of the Ministry of Home Affairs at the following links:

<http://mha1.nic.in/PrisonReforms/pdf/PrisonAdmin17072009.pdf>

(ii) An Advisory has been issued by this Ministry on 17.1.2013 to States/UTs regarding use of section 436A of the Cr.P.C to reduce overcrowding of prisons. The same can also be accessed on the website of Ministry of Home Affairs at the link:

http://mha1.nic.in/PrisonReforms/pdf/AdvSec436APrisons-060213_0.pdf

(iii) Hon'ble Home Minister has written to Chief Ministers/LG of States/UT on 3.9.2014 regarding use of section 436A of Cr. P.C. to reduce overcrowding in jails of India.

(iv) Director General (Prisons)/Inspector General (Prisons) of all States/UTs have been requested on 22.9.2014 to take necessary action to comply with the order dated 5.9.2014 of the Hon'ble Supreme Court in the matter.

(v) Advisory dated 27.9.2014 issued to States/UTs on reckoning half-life of time spent in judicial custody of Undertrial prisoners under Section 436A of Cr. P. C. The same can also be accessed on the website of Ministry of Home Affairs at the link:

http://mha1.nic.in/PrisonReforms/pdf/GuidelinesForReckoningHalfLife_161014.pdf

Annexure referred to in part (a) of Lok Sabha Unstarred Question
No. 1386 for answer on 8.12.2015

S. No.	State/UT	Inmate population			Undertrial prisoners		
		Male	Female	Total	Male	Female	Total
1	Andhra Pradesh	7601	363	7964	5097	221	5318
2	Arunachal Pradesh	123	4	127	91	4	95
3	Assam	8052	294	8346	5007	186	5193
4	Bihar	30204	1091	31295	25822	978	26800
5	Chhattisgarh	15726	799	16525	8895	465	9360
6	Goa	500	27	527	363	19	382
7	Gujarat	11426	522	11948	7198	319	7517
8	Haryana	17858	784	18642	10685	439	11124
9	Himachal Pradesh	2043	77	2120	1171	45	1216
10	Jammu & Kashmir	2202	82	2284	1829	70	1899
11	Jharkhand	16823	865	17688	13072	718	13790
12	Karnataka	13632	589	14221	9441	371	9812
13	Kerala	6907	171	7078	4364	107	4471
14	Madhya Pradesh	35283	1150	36433	18561	627	19188
15	Maharashtra	26438	1430	27868	18867	1028	19895
16	Manipur	607	37	644	479	31	510
17	Meghalaya	810	3	813	695	2	697
18	Mizoram	994	60	1054	511	44	555
19	Nagaland	433	10	443	328	8	336
20	Odisha	14302	538	14840	11123	430	11553
21	Punjab	24703	1304	26007	14694	773	15467
22	Rajasthan	19665	694	20359	14145	463	14608
23	Sikkim	258	6	264	153	4	157
24	Tamil Nadu	15266	608	15874	8621	413	9034
25	Telangana	5559	446	6005	3506	277	3783
26	Tripura	881	28	909	390	17	407
27	Uttar Pradesh	84649	3572	88221	59913	2602	62515
28	Uttarakhand	3893	162	4055	1985	71	2056
29	West Bengal	18752	1317	20069	13143	907	14050
30	A & N Islands	764	5	769	83	4	87
31	Chandigarh	670	32	702	388	14	352
32	D & N Haveli	198	1	199	198	1	199
33	Daman & Diu	78	1	79	63	0	63
34	Delhi	13248	602	13850	9738	433	10171
35	Lakshadweep	28	0	28	28	0	28
36	Puducherry	279	7	286	186	5	191
	Total	400855	17681	418536	270783	12096	282879

