

GOVERNMENT OF INDIA
MINISTRY OF HOME AFFAIRS

LOK SABHA
UNSTARRED QUESTION NO.2642

TO BE ANSWERED ON THE 15TH DECEMBER, 2015/ AGRAHAYANA 24, 1937 (SAKA)
JUSTICE FOR JUVENILES

2642. ADV. SHARADKUMAR MARUTI BANSODE:

Will the Minister of HOME AFFAIRS be pleased to state:

- (a) whether any steps have been taken to deal with the cases regarding juveniles waiting for justice and still confined in different jails of the States and if so, the details thereof;
- (b) whether any initiative has been taken for speedy settlement of such cases;
- (c) if so, the details thereof;
- (d) whether the jails are filled with prisoners for want of justice and early settlement of their cases; and
- (e) if so, the details thereof and the steps taken for the finalization of such cases especially those cases concerning prisoners whose tenure of imprisonment has already expired and are still lodged in jails?

ANSWER

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

(a)to(c): "Prison" 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. Juvenile offenders are not housed in prisons but are kept in Juvenile Justice Institutions in a child friendly environment.

(d)to(e): As per data compiled by the National Crime Records Bureau (NCRB) at the end of 2014, there were 2,82,879 undertrials (67.6% of the total inmates) in the jails of the country. 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/AdvSec436APrison-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