

GOVERNMENT OF INDIA
MINISTRY OF HOME AFFAIRS

LOK SABHA
UNSTARRED QUESTION NO.†1240

TO BE ANSWERED ON THE 3RD MARCH, 2015/PHALGUNA 12, 1936 (SAKA)

BAIL TO PRISONERS

†1240. SHRI NITYANAND RAI:

Will the Minister of HOME AFFAIRS be pleased to state:

(a) the details of the prisoners languishing in various jails despite being granted bail by the courts due to non-availability of a suitable surety, State-wise; and

(b) the corrective steps taken by the Government in this regard?

ANSWER

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

(a) to (b): "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. Data is not maintained centrally in this regard. However, the Government of India has issued a comprehensive advisory on 17th July 2009 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://mha.nic.in/sites/upload_files/mha/files/PrisonAdvisories-1011.pdf

In addition, an advisory has been issued by the Government of India on 17.1.2013 to the States/UTs regarding use of section 436A of the Cr P.C. to reduce the overcrowding of prisons which provides for release of undertrials who have completed one half of likely sentence and for old and indigent prisoners to be released on bail instead of personal bond with or without sureties. The same can also be accessed on the website of the Ministry of Home Affairs at the link:

http://mha.nic.in/sites/upload_files/mha/files/AdvSec436APrisons-060213_0.pdf