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2.5L undertrials who didn't get bail in a day

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New Delhi: Salman Khan got bail within hours of his conviction but the justice delivery system is not as proactive in case of a common prisoner or the poor. At least 2.54 lakh undertrials, many of whom may be innocent, are made to languish behind bars for their failure to procure bail.

It has been estimated that out of 3.81 lakh prisoners across the country, about 2.54 lakh are undertrials. Only one-third, or 1.27 lakh, of those in jail have been convicted and are serving their sentence. In British India, the ra-

JAILED WITHOUT CONVICTION

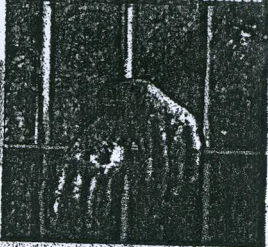
► Repeated govt advisories to states and HCs fail to release thousands of undertrials; many behind bars for more than their sentence had they been convicted

► On Sept 5, SC had set a Dec 2014 deadline for release of all undertrials who have served half of the maximum sentence prescribed for the offences

► Chief judicial magistrates & SSPs asked to start jail visits from Oct 1, 2014 to identify &

release undertrials

► Govt yet to receive data on number of undertrials released



tio of undertrials to convicts was just the reverse, where two-thirds of the prison population was of convicts. Ac-

cording to the government's own assessment, many of these undertrials have spent more time in jail than the sentence

they would have got had they been convicted for the crime they were arrested for, which is against the law of the land.

Some of these undertrials are petty thieves and ragpickers and can't afford bail bond for which they continue to languish in prison. In many cases, undertrials have been jailed for more than a decade without cases being listed for trial.

In September last year, the Supreme Court had set a deadline of December 2014 to release all undertrials who had served half of the maximum sentence prescribed for the offences they had been charged with in FIR against them on personal bond.

Prior to the SC order, the home ministry too had issued advisories to states and all 24 HCs asking them to ensure implementation of Section 436A of the Code of Criminal Procedure that mandates release of such undertrials.

But this was not the first time that the government had raised the matter with state governments and high courts and brought to their notice the CrPC provisions. "Such advisories were sent to state governments and HCs earlier to implement the amendment brought in CrPC but this was never followed," a source said.

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