

general questions of policy etc. in so far they relate to matters enumerated in the State List or in the Concurrent List in the Seventh Schedule to the Constitution.

(c) Question does not arise in view of above.

Pathetic condition of prisoners

2080. SHRI N.R. GOVINDARAJAR: Will the Minister of HOME AFFAIRS be pleased to state:

(a) whether the National Human Rights Commission (NHRC) has expressed concern over the pathetic condition of prisoners in various jails in the country;

(b) if so, the details thereof;

(c) the number of cases registered with National Human Rights Commission against police atrocities and about violation of Human Rights in the prison during each of the last three years;

(d) whether NHRC has made any recommendation/observation on the security aspects of prisoners in various jails in the country; and

(e) the steps taken/proposed to be taken to improve the condition of prisoners and also to curtail atrocities against them?

THE MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS (SHRI MANIK RAO GAVIT): (a) and (b) Yes, Sir. The officials of the National Human Rights Commission (NHRC) has been visiting various jails in the country from time to time to ascertain the living conditions of prisoners and have been expressing their concern on the conditions of prisoners. They have made various recommendations to the State Governments for improving the living conditions of prisoners which are summarized as under:

(i) construction of additional jails to reduce overcrowding

(ii) repair and renovation of existing jails;

(iii) increasing the capacities of existing jails;

(iv) improvement in sanitation and water supply;

(v) living accommodations for prison's staff;

(vi) quick disposal of cases of undertrial prisoners; and

(vii) sensitization of police officers to make arrests only when there is reasonable grounds to justify the arrests.

(c) The number of cases registered with National Human Rights Commission against police atrocities and human rights violation in jails during the last three years are as under:

| Year | Police atrocities | Human Rights violation in Jail | Total |
|-------------------------|-------------------|--------------------------------|-------|
| 2004-05 | 29975 | 2033 | 32008 |
| 2005-06 | 28378 | 2234 | 30612 |
| 2006-07 | 31103 | 2236 | 33339 |
| 2007-08 (upto 12.03.08) | 36486 | 2718 | 39204 |

(d) Yes, Sir.

(e) 'Police' and 'Public Order' are State subjects under the Seventh schedule of the Constitution and the responsibility of prison administration lies primarily with the respective State Governments. The National Human Rights Commission has made several recommendations to the State Governments for improving the conditions of prisons and prisoners which *inter alia* include the following:

- (i) To reduce the overcrowding in the jails.
- (ii) Speedy disposal of cases of undertrial prisoners.
- (iii) To take prompt action for premature release of eligible prisoners.
- (iv) To improve the water and sanitary conditions in jails.
- (v) System of Board of Visitors be maintained.
- (vi) Security arrangements should be reviewed time to time.
- (vii) Jail Adalats for petty offenders should be made functional.

Following measures have also been taken by the Government of India in this regard which are as follow:

- (1) Financial assistance is being provided to the State Governments under the Scheme of Modernization of Prisons for construction of new prisons, repair and renovation of existing prisons and providing water and sanitation facilities in prisons to reduce overcrowding and improving the condition of prisoners.
- (2) A new section viz 436A of the Code of Criminal Procedure, 1973 has been inserted in the Code to provide that where an undertrial prisoner other than the one accused of an offence for which death has been prescribed as one of the punishments, has been under detention for a period extending to one-half of the maximum period of imprisonment, provided for the alleged offence, he should be released on his personal bond, with or without sureties. It also provides that in no case will an undertrial prisoner be detained beyond the maximum period of imprisonment for which he can be convicted for the alleged offence. Further, Section 436 (1) of the Code of Criminal Procedure, 1973 has also been amended to make a mandatory provision that if the arrested person is accused for a bailable offence and he is an indigent and cannot furnish surety, the Court shall release him on his execution of a bond without sureties.
- (3) The Government of India has introduced the system of plea bargaining in 2006 primarily to reduce pendency of cases in trial courts and overcrowding in prisons.
- (4) For disposal of long pending sessions and other cases, the Government of India has also set up 1562 Fast Track Courts.

Augmenting States police force

2081. MS. PRAMILA BOHIDAR:
SHRI B.J. PANDA:

Will the Minister of HOME AFFAIRS be pleased to state:

(a) whether the Centre has asked the States to augment their police force to make up the shortfall;