

## 8. High number of undertrials :-

74.49% of the total jail population comprises of undertrials. In order to reduce the number of undertrials, the Government has taken various steps in association with District Judiciary for ensuring expeditious trial. Some of the steps are as under:-

1. **Special courts / Plea Bargaining Courts** are being set up for the trial of minor offences where the undertrial is ready to compromise. Such courts have been organized and 4941 cases of undertrials have been released.
2. **A list of undertrials who have been granted bail** by the court is being compiled on weekly basis as per the directions of the District Judge, Court so that if the court thinks it proper the prisoner can be released on or on personal bond.
3. The cases of **seriously sick prisoners** are being taken up with the trial courts for their release on bail as per law.
4. A list of prisoners who were ordered to release by the court but were detained because of **inaccuracy of particulars** in the warrants is being compiled and sent to the Ld. District & Session Judge, Delhi for necessary directions to the concerned trial court. This has brought down the number of prisoners being detained on the ground that release warrant were bearing wrong particulars.



At the initiative of Delhi Prisons, Hon'ble Delhi High Court in Crl. Ref. No. 1/2007 & Crl. M.A. No. 7030/2007 on its own motion V/s State & Ors has passed landmark directions which greatly help decongestion of Delhi Jails. The following directions were issued

- "(a) All inmates in Central Jail, Tihar who have been lodged in the prison on account of being booked under Section 107 read with section 151 Cr.P.C. due to non-furnishing of a surety bond would be released on furnishing a personal bond in sum of Rs.2,000/-. The bond would be furnished to the satisfaction of the Superintendent, Central Jail, Tihar.
- (b) The inmates so released pursuant to direction (a) above would report to the local police station within the jurisdiction of which proceedings under section 107 read with section 151 Cr.P.C. have been registered and in respect whereof they have been detained in Central Jail, Tihar on account of not being able to furnish a surety. It would be a further condition that they would report as afore-directed twice a day at 10.00 AM and 6.00 PM. They would mark their attendance on a register maintained in each police station and available with the duty officer incharge.
- (c) The personal bond would contain an undertaking in terms of directions (b) above."

By subsequent order dated 22/08/2007 Hon'ble Court, while appreciating the assistance rendered by the Additional Solicitor General, directed as follows:-

"Those under-trials who have been admitted to bail but have been unable to furnish sureties for more than two months, shall be released on their furnishing a personal bond to the satisfaction of the trial court.

As regards the twenty under-trials, who are reported to be terminally ill and suffering from what is commonly termed as 'incurable diseases', the jail Authorities to move the appropriate court which court shall consider their case for release on bail on humanitarian grounds.

In the case of under-trials who are from States other than Delhi, if admitted to bail, local surety shall not be insisted upon and it shall be sufficient on verification of the identities and actual places of residence outside Delhi of the under-trials and their sureties to release them on personal bonds, or with or without sureties, as the case may be.

In case of under-trials who are senior citizens, the courts to take up their cases on day to day basis as far as possible, if they are found not fit to be admitted to bail.

The cases where the maximum punishment prescribed for the offence committed is upto seven years, the case of such under-trials shall be put up by the Jail Authorities before the Visiting Judge every three months for review of their cases for release on bail.

The Jail Authorities shall sensitize and inform all jail inmates of the provision of 'plea bargain' and also the benefits thereof.

The Jail Authorities shall also take special care to place these cases before the Special Court/Judge who, we are informed, visits the jail every month. This, of course, goes without saying that 'plea bargain' should be encouraged by all courts in the normal course of trials as well."

**The impact of above directions has been that the prison population which was above 13,700+ in the month of June 2007 has been steadily declining and stood at 10,856 as on 31.12.2010. The below mentioned table "K" reflect the average period of detention of undertrials as on 31.12.2010.**

**Table K**

S.No.	Detention Period	Numbers			%Age			% Age Cum.
		Male	Female	Total	Male	Female	Total	
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(8)
1	Upto 01 Month	1617	59	1676	21.04	14.71	20.72	20.72
2	1-3 Months	1564	64	1628	20.35	15.96	20.13	40.85
3	3-6 Months	1174	45	1219	15.27	11.22	15.07	55.92
4	6-12 Months	1413	65	1478	18.38	16.21	18.28	74.20
5	12-24 Months	985	35	1020	12.82	8.73	12.61	86.81
6	24-36 Months	447	64	511	5.82	15.96	6.32	93.13
7	36-48 Months	243	51	294	3.16	12.72	3.64	96.77
8	48-60 Months	182	08	190	2.37	2.00	2.35	99.12
9	Above 60 Months	61	10	71	0.79	2.49	0.88	100.00
10	<b>Total</b>	7686	401	8087	100.00	100.00	100.00	