

**GOVERNMENT OF INDIA
HOME AFFAIRS
LOK SABHA**

UNSTARRED QUESTION NO:4069
ANSWERED ON:20.12.2005
NEW LAW FOR UNDERTRIAL
Yadav Shri Ram Kripal

Will the Minister of HOME AFFAIRS be pleased to state:

- (a) whether the Government proposes to enact a new law to provide relief to undertrials; and
- (b) if so, the details in this regard alongwith the reasons therefor?

Answer

MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS (SHRI MANIKRAO HODLYA GAVIT)

(a) & (b): The Code of Criminal Procedure (Amendment) Act, 2005 has inserted a new provision relating to undertrials viz. Section 436A of the Code of Criminal Procedure, 1973 which provides that no person accused of an offence under any law (not being an offence for which death is a punishment) shall be detained during the period of investigation, inquiry or trial for more than the maximum period of imprisonment prescribed for that offence under the law. Further the court shall release an accused on his personal bond if he has undergone detention for a period extending to one-half of the maximum period of imprisonment specified for that offence under the law. However, the Court may after hearing the Public Prosecutor and or reasons to be recorded by it in writing order the continued detention of such person for a period longer than one-half of the said period or release him on bail instead of the personal bond.