

# Aadhaar may replace surety bond for bail

At present, an accused gets released only after signing a personal bond

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**New Delhi:** In what could come as a big relief for lakhs of undertrials, the Law Commission is all set to recommend the replacement of surety bonds with Aadhaar or voter ID cards in case of minor offences.

If the recommendation is adopted by the government and legislation brought in, many undertrials will be able to walk out of jails.

This and many more suggestions are part of the crucial reforms that the Law Commission is going to suggest to the government for liberalisation of bail laws, sources told DNA.

Sources said that the suggestion to replace surety bonds with Aadhaar cards and voter IDs has been taken by the Commission after discussions with stakeholders

## ...& ANALYSIS

■ If the recommendations are adopted by the legislature, it will facilitate release on bail of undertrials belonging to the poor sections.

■ **This will also lead to decongestion of prisons, which has been a matter of great concern for long in the country.**

and factoring in the government's push for Aadhaar cards. The Commission also took note of the fact that there are many states in the country where all citizens have voter IDs.

Time and again, the courts and even governments have raised the issue of undertrials languishing in jails for years due to their failure to grant bail.

According to the 2015 data of National Crime Records Bureau, 11 states in the country had overcrowded prisons.

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There are around 4.16 lakh prisoners in the country out of which 2.83 lakh prisoners are undertrials.

At present, even in the case of bailable offences, an accused gets released only after signing a personal bond and after authorities verify the his or her address. This is easy for rich accused persons or accused from the middle class category because their addresses can be easily verified. But in cases where the accused fail to give a proper address, the accused – who are usually below poverty line – are required to produce surety, who can be held in case he/she flees after getting bail.

A source, who did not wish to be identified said, “93 per cent of the working population in India is part of the unorganised sector which means that these people are not financially sound. They are labourers, street vendors, hawkers, farm-



Pic for representation

ers etc and most of them leave their villages and towns and come to cities for jobs. They face a lot of difficulties when they find themselves on the wrong side of law. They don't have proper addresses and can't find people who can stand as surety for them. These reforms, if implemented, will mainly benefit this 93

per cent of the working population.”

The Commission, which is likely to submit its report in a week's time, also feels that the bail bond amount and surety bond amount should be determined strictly in accordance with the financial condition of the accused. A source said that the law panel will also suggest that “if an accused is unable to furnish surety within 30 days of grant of bail, the court may reduce the surety amount.”

The Commission is also going to recommend that the courts should not insist on a local surety for out-of-town accused persons.

Another suggestion of the Law Commission is for imposition of most “reasonable” conditions on accused during grant of bail by the court. However, the nature of conditions would obviously be determined in accordance with the nature of offence.