

appointment of Special Metropolitan/Judicial Magistrates to dispose of cases involving petty offences, setting up of fora for alternative modes of dispute resolution such as Lok Adalats, etc.

The problem of delays in criminal cases is also being examined, *inter alia*, by the Justice Malimath Committee set up to suggest reforms in the criminal justice system.

Justice to undertrials

2015. SHRI SUNIL SHASTRI: Will the Minister of LAW AND JUSTICE be pleased to state:

(a) whether Government propose to provide speedy justice to the undertrials in the jails who recently adopted the path of violence in Bihar;

(b) if so, whether Government are planning to restrict the increasing flow of undertrials by bringing certain changes in the laws and legal procedures; and

(c) if not, the reasons therefor?

THE MINISTER OF LAW AND JUSTICE (SHRI K. JANA KRISHNAMURTHY): (a) Yes, Sir.

Both the Government and the Judiciary are concerned with providing speedy justice to undertrials in Jails, including the undertrials languishing in jails in Bihar.

(b) and (c) Yes, Sir.

The Supreme Court *vide* their judgement dated 1.6.1996 in the case of Common Cause Vs. Union of India and others passed certain directions regarding trial of criminal cases on priority basis, and directed all the High Courts to issue necessary directions in that behalf to all the criminal courts under their control and supervision. The directions are intended to release undertrials languishing in jails for long periods even beyond the prescribed period of the punishment, specially in petty offences.

The Supreme Court in its orders dated 13.10.99 and 6.12.99 in R.D. Upadhyaya's case expressed concern over the plight of undertrials who are in jails. The Hon'ble Supreme Court has also stressed the need for taking effective steps for filing challans/reports particularly in cases which

[12 August, 2002]

RAJYA SABHA

involve petty offences and in which the undertrials have been in jails for a long time. Based on the above direction of the Supreme Courts, the Central Government *vide* their letter dated 17.12.1999 requested all the State Governments/UT Administration to take urgent necessary steps to mitigate the hardships face by the undertrials.

The Chief Justice of India *vide* letter dated 29th November, 1999 suggested to all the Chief Justices of the High Courts that every Chief Metropolitan Magistrate or the Chief Judicial Magistrate of the area may hold his Court once or twice in a month, depending upon the workload, in jail to take up the cases of those undertrial prisoners who are involved in petty offences and are keen to confess their guilt. As per the information received from various High Courts, excepting the High Courts of Madhya Pradesh, Jharkhand, Gujarat and Patna, 22,586 cases of the undertrial prisoners involved in petty offences have been disposed of till the 30th June 2001.

Fast Track Courts are also being setup to dispose of long pending sessions cases particularly those involving undertrials who have been in jails for long time.

Supreme Court ruling on Fast Track Courts

2016. SHRIMATI AMBIKA SONI: Will the Minister of LAW AND JUSTICE be pleased to state:

(a) Whether, after the recent Supreme Court ruling reinforcing the Constitutional and legal sanctity of Fast Track Courts, Government are working vigorously to ensure that all 1743 Fast Track Courts become functional;

(b) if so, whether the FTCs adopted by the 11th Finance Commission with the idea of ridding huge pendency of cases, got a legal sanction by a recent Supreme Court ruling dated the 6th May, 2002;

(c) if so, whether any programme of action has been considered by Government to make Fast Track Courts functional soon; and

(d) if so, by when these Courts will be functional?

THE MINISTER OF LAW AND JUSTICE (SHRI K. JANA KRISHNAMURTHY): (a) and (b) Yes, Madam. The Hon'ble Supreme Court