

[2 August, 2006]

RAJYA SABHA

- (vi) The Investigating Officers are briefed by their senior officers to desist from use of third degree methods.
- (vii) Investigating Officers are encouraged to use scientific methods of investigation.
- (viii) Strict action is taken against police personnel found using third degree method.
- (ix) Instructions have been issued to all concerned not to keep drunkards, drug addicts, sick and injured persons at police stations.
- (x) Close circuit TV sets have been installed in all the police stations to have a better supervisions.

Compulsory registration of births/deaths

940. SHRIL. PERUMAL: will the Minister of HOME AFFAIRS be pleased to state:

- (a) whether it is proposed to make registration of births and deaths compulsory;
- (b) if so, the details thereof; and
- (c) whether registration of birth will be made simpler in case of adoption of children?

THE MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS (SHRI MANIKRAO GAVIT): (a) and (b) The Registration of births & deaths has been compulsory in the country since the coming into force of the Registration of Births and Deaths Act, 1969.

(c) Currently, there are no provisions in the Registration of Births and Deaths (RBD) Act, 1969 for registration of births of the adopted children. The office of the Registrar General, India had issued special guidelines in July, 1999 in consultation with Central Adoption Resource Agency for registration of such births. There is a proposal under consideration to make a suitable provision in the RBD Act, 1969 for registration of births of the adopted children.

Implementation of provision of plea bargaining

941. SHRI M. V. MYSURA REDDY: will the Minister of HOME AFFAIRS be pleased to state:

- (a) whether it is a fact that Government have issued a notification for

implementation of 'plea-bargaining' in order to reduce the pendency of cases-in trial courts;

(b) if so, the salient features of this provision; and

(c) whether Government are sure that by introducing this provision, pendency in trial courts and overcrowding in jails would be reduced to a significant extent?

THE MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS (SHRI MANIKRAO GAVIT): (a) Yes, Sir.

(b) Plea-bargaining applies in respect of an accused against whom a Report by the Police Officer has been forwarded under Section 173 of Cr. P.C. alleging that an offence appears to have been committed by him, other than an offence for which the punishment of death or of imprisonment for life or of imprisonment for a term exceeding seven years has been provided under the law. It can also be applied in cases where a Magistrate has taken cognizance of an offence on complaint. Plea-bargaining does not apply where the offence affects the socio-economic conditions of the country or has been committed against a woman, or a child below the age of 14 years. The accused can file an application for plea-bargaining in the court in which such offence is pending for trial. The accused should not have been previously convicted by a court in a case in which he had been charged with the same offence. After the court satisfies itself that the accused has filed the application voluntarily it can provide time to the public prosecutor or the complainant of the case and the accused to work out a mutually satisfactory disposition of the case which may include giving to the victim by the accused the compensation and other expenses during the case. Where a satisfactory disposition of the case has been worked out, the court may release the accused on probation or provide the benefit of any such law or sentence the accused to half of the minimum punishment provided under the law for the offence. If minimum punishment is not prescribed, the court case sentence the accused to one-fourth of the punishment provided or extendable for such offence. The judgement delivered in such cases shall be final and no appeal shall lie in any court against such judgement. The statements or facts stated by an accused in an application for plea-bargaining shall not be used for any other purpose except for the purpose of Chapter XXIA of the Cr. P.C.

(c) The provision is expected to significantly reduce pendency in trial Courts.