

(c) No, Sir.

(d) and (e) Don't arise.

Speedy disposal of criminal cases

4878. SHRI PALVAI GOVARDHAN REDDY: Will the Minister of LAW AND JUSTICE be pleased to state:

(a) whether it is a fact that, as per the Bureau of Police Research and Development, 96.8 per cent of the arrested criminals are not in jails and only 3.2 per cent are in jails;

(b) if so, the reasons therefor;

(c) how the Ministry looks at it and would ensure that cases are disposed of quickly and criminals are punished; and

(d) whether any consultations have been held to adopt the method of videoconferencing to expedite hearing of cases?

THE MINISTER OF LAW AND JUSTICE (SHRI SALMAN KHURSHEED): (a) and (b) As per the latest report of Crime in India-2010 published by the National Crime Records Bureau, a total of 7789937 persons were arrested under Indian Penal Code (IPC) and Special and Local Law (SLL) crimes during 2010 in the country. As per Prison Statistics India-2010, a total of 240098 undertrials were kept in various jails of the country at the end of 2010.

(c) Hearing and disposal of Court cases under various laws fall within the domain of judiciary. The Government has taken several steps for ensuring speedy disposal of cases. These are as follows:

(i) Amendment to the Code of Criminal Procedure:

The Code of Criminal Procedure has been amended through the Code of Criminal Procedure (Amendment) Act 2005 which has the following provisions for speedy disposal of cases:-

- (a) The proviso to section 223 Cr.P.C. provides that the Magistrate on an application of the accused persons may direct their joint trial even if they do not fall in the categories specified, if he is satisfied that such persons would not be prejudicially affected thereby. In the interest of prompt disposal of cases, scope of this proviso was widened to enable the Court of Sessions also to hold such trials.

- (b) Under sub-section (1) of section 260, a Magistrate has a discretion to try offences specified therein either summarily or in a regular way. This sub-section was amended to make summary trial of offences specified therein mandatory. It was also provided that the offence of theft and other cognate offences, namely, offences under sections 379, 380, 381, 411 and 414 of the Indian Penal Code might be tried summarily where the value of the property involved does not exceed two thousand rupees instead of two hundred rupees.
- (ii) To reduce the delay in the disposal of criminal trials and appeals and also to alleviate the suffering of under-trial prisoners, the concept of plea-bargaining was introduced in the Code of Criminal Procedure 1973.
- (iii) Fast Track Courts were set up on the recommendations of the 11th Finance Commission for expeditious disposal of long pending sessions cases and cases involving undertrial prisoners. The Finance Commission had recommended creation of 1734 new additional courts for five years upto 31.3.2005. Against that, 1562 Fast Track Courts were functional as on 31.3.2005. The Government had subsequently approved continuation of these 1562 Fast Track Courts for six years upto 31.3.2011. As on 31.3.2011, 1192 Fast Track Courts were functional in the country. Out of 38.99 lakh cases transferred to fast track courts, 32.93 lakh cases have been disposed of as on 31.03.2011.
- (iv) A National Mission for Justice Delivery and Legal Reforms has been set up with the twin objectives of increasing access by reducing delays and arrears in the system and enhancing accountability through structural changes and by setting performance standards and capacities. The Mission will pursue a co-ordinated approach for phased liquidation of arrears and pendency in the judicial administration.
- (v) In order to improve the infrastructure in courts, a Centrally Sponsored Scheme for development of infrastructure facilities for the judiciary is being implemented since 1993-94 under which central assistance for construction of court buildings and residential quarters for judicial officers is released to augment the resources of the State Governments.
- (vi) The Central Government is providing assistance to States for setting up of Gram Nyayalayas for delivery of justice to citizens at their door steps. Under the Gram Nyayalayas Act, 2008, the Gram Nyayalayas shall

exercise both civil and criminal jurisdictions and follow summary trial procedure in the manner and to the extent provided under the Act.

- (vii) Computerization of the District and Subordinate Courts (e-Courts project) has been taken up under a centrally sponsored scheme with the objective of enhancing judicial productivity and making justice delivery system more affordable and cost effective.
- (viii) The 13th Finance Commission has allocated a grant of Rs. 5000 crores for the states over a period of 5 years between 2010-2015 for various initiatives such as increasing the number of court working hours using the existing infrastructure by holding morning/evening/shift courts; enhancing support to Lok Adalats to reduce the pressure on regular courts; providing additional funds to State Legal Services Authorities to enable them to enhance legal aid to the marginalized and empower them to access justice; promoting the Alternate Dispute Resolution (ADR) mechanism to resolve part of the disputes outside the court system.

(d) No consultation has been held to adopt the method of Video-conferencing to expedite hearing of cases.

Performance of Gram Nyayalayas

4879. SHRI VIJAY JAWAHARLAL DARDA: Will the Minister of LAW AND JUSTICE be pleased to state:

- (a) the details of visible level of satisfaction after notification and working of 151 Gram Nyayalayas set up under the Gram Nyayalayas Act, 2008 to provide access to justice to the citizens at their doorsteps;
- (b) whether any States have achieved phenomenal success and in others the experiment has not enthused the litigants; and
- (c) whether active co-operation of Panchayats and Self-Help Groups have been solicited for willing adoption of this method?

THE MINISTER OF LAW AND JUSTICE (SHRI SALMAN KHURSHEED): (a) to (c) The Gram Nyayalayas Act, 2008 has come into force w.e.f. 2/10/2009. It is for the State Governments to notify the Gram Nyayalayas in consultation with the respective High Courts.

As per the information available, six State Governments viz Madhya Pradesh, Rajasthan, Maharashtra, Odisha, Jharkhand and Karnataka have notified 159 Gram Nyayalayas. Out of these, 151 are operational. Some other States are seized of the