

Undertrials in Assam

1775. SHRI BHUBANESWAR KALITA : Will the Minister of LAW AND JUSTICE be pleased to state:

(a) whether it is a fact that hundreds of undertrials in Assam have been incarcerated in various jails for the periods exceeding the term of their probable sentence;

(b) if so, the number of such undertrials in various jails;

(c) whether it is also a fact that various pronouncements of the High Courts and the Supreme Court on this issue have not been found effective in reducing the number of undertrials in jails; and

(d) if so, the details thereof and the reasons for the failure in the matter and what new measures are proposed to be taken to reduce the number of undertrials in various jails in the State?

THE MINISTER OF LAW AND JUSTICE (SHRI ASHWANI KUMAR) : (a) and (b) The Statement showing the number of undertrials by period of detention in various jails of Assam at the end of 2011, is given in Statement (*See below*).

(c) and (d) Undertrial prisoners are generally illiterate and unaware of their rights. They are at times neither aware of the charges levelled against them nor are able to access the documents relating to the case. Provision exists in the Criminal Procedure Code under Section 436 for release of an indigent person on personal bond, in bailable offences within seven (7) days of arrest. Further Section 436A has been added in 2005 providing for a right to the undertrial to seek bail once he/she has served one half of the maximum sentence. Section 167 provides for the release of the undertrial on bail in case the investigation is not completed within the stipulated time of sixty (60) or ninety (90) days. Besides generating awareness among the undertrials about their rights, there is a need to ensure that the statutory provisions are followed by judiciary and the police so that the undertrials do not languish in jails. The Ministry of Law and Justice has requested Chief Justices of all the High Courts as well as the Chief Ministers in 2010 to undertake a programme in Mission Mode for reducing the number of undertrials cases and to ease congestion in jails. During the campaign for pendency reduction in a mission mode approach from July, 2012 to December, 2012, one of the thrust areas is disposal of cases of undertrial prisoners.

Statement

*Number of undertrial prisoners by period of detention in Assam jails
at the end of 2011*

Sl. No.	Period of Detention	Male	Female	Total
1.	Upto 3 months	3174	112	3286
2.	3-6 months	731	30	761
3.	6-12 months	386	33	419
4.	1-2 years	260	24	284
5.	2-3 years	158	8	166
6.	3-5 years	93	0	93
7.	Above 5 years	57	0	57
TOTAL		4859	207	5066

Pending cases

†1776. SHRI RAGHUNANDAN SHARMA : Will the Minister of LAW AND JUSTICE be pleased to state:

- (a) the reasons for pendency of cases in the courts of the country;
- (b) the efforts being made by Government to dispose pending cases; and
- (c) the number of judges required to dispose of pending cases keeping in view the current population and the details of the efforts being made by Government to increase the number of judges?

THE MINISTER OF LAW AND JUSTICE (SHRI ASHWANI KUMAR) : (a) to (c) The reason of pendency in court is mainly because the filings of cases have been either equal or more than the disposal. The other causes of increasing pendency are number of State and Central legislations, accumulation of first appeals, continuation of ordinary civil jurisdiction in some of the High Courts, vacancies of Judges, appeals against orders of quasi-judicial forums going to High Courts, number of revisions/

† Original notice of the question was received in Hindi.