

(b) whether an estimated two-thirds of around four lakh prisoners in our jails are those awaiting trial with many already having spent years in jails; and

(c) whether Government is also considering to revamp the existing judicial process to ensure time-bound trials?

THE MINISTER OF LAW AND JUSTICE (SHRI D. V. SADANANDA GOWDA):

(a) In September 2014, the Supreme Court of India passed an order in the Bhim Singh case directing all judicial officers to effectively implement Section 436A of the Code of Criminal Procedure.

(b) and (c) As per the prison statistics India, 2013 published by the National Crime Records Bureau (NCRB), out of 4.12 lakh different types of prison inmates in jails, 2.78 lakh are undertrials. In order to reduce the number of undertrials in prisons, the Chief Justices of the High Courts have been requested to advise the district judiciary to review all cases where under-trials are eligible for bail under Section 436 and 436A of CrPC, and take suo moto action for their release. They have also been advised to set up a mechanism in the High Court for periodic monitoring of the release of undertrials prisoners. The Chief Ministers and the Law Ministers have also been requested to use software applications to generate data of under-trial prisoners and review their cases periodically.

Section 436A of Criminal Procedure Code provides for the right of the under trial prisoner to apply for bail once he/she has served one half of the maximum sentence, if convicted. Further, Section 436 of Criminal Procedure Code enjoins Courts to consider as indigent any person who is unable to furnish bail within 7 days from the date of arrest, and to release him/her on personal bond without asking for any surety.

Trial of arrested/detained persons within reasonable period

3100.SHRI TIRUCHI SIVA: Will the Minister of LAW AND JUSTICE be pleased to state:

(a) whether it is a fact that India is among the worst ranking countries in the world in terms of proportion of undertrials languishing in jails;

(b) whether Government proposes to give people, arrested or detained, the right to trial within a reasonable period of time; and

(c) if so, the details thereof and if not, the reasons therefor?

THE MINISTER OF LAW AND JUSTICE (SHRI D. V. SADANANDA GOWDA):

(a) to (c) As per the prison statistics India, 2013 published by the National Crime Records

Bureau (NCRB), out of 4.12 lakh different types of prison inmates in jails, 2.78 lakh are undertrials. In order to reduce the number of undertrials in prisons, the Chief Justices of the High Courts have been requested to advise the district judiciary to review all cases where under-trials are eligible for bail under Section 436 and 436A of CrPC, and take suo moto action for their release. They have also been advised to set up a mechanism in the High Court for periodic monitoring of the release of undertrials prisoners. The Chief Ministers and the Law Ministers have also been requested to use software applications to generate data of under-trial prisoners and review their cases periodically.

Vacancies in judiciary

3101.SHRI NARENDRA BUDANIA: Will the Minister of LAW AND JUSTICE be pleased to state:

(a) whether it is a fact that at present there are 22.5 per cent of judges' positions vacant in subordinate Judiciary, the situation being worse in High Courts where vacancies are more than 34 per cent;

(b) if so, the current strength of Subordinate Judiciary and High Courts as against their sanctioned strengths; and

(c) the action Government has taken or is taking in expediting the process of filling up the vacancies, the details thereof?

THE MINISTER OF LAW AND JUSTICE (SHRI D. V. SADANANDA GOWDA):
(a) to (c) Under Article 235 of the Constitution of India, the control over District and Subordinate Courts in the States vests with the concerned High Court. As per information available in Court News, a quarterly newsletter of Supreme Court of India, the sanctioned and working strengths of Judicial Officers of District and Subordinate Courts were 19,518 and 15,115 respectively as on 31.12.2013; and 4403 posts of Judicial Officers of District and Subordinate Courts were vacant on 31.12.2013.

The Sanctioned and Working Strengths of Judges of various High Courts were 984 and 631 respectively; and 353 posts of Judges of High Courts were vacant as on 15.12.2014.

As per the Memorandum of Procedure, initiation of proposals for appointment of Judges of a High Court rests with the Chief Justice of the concerned High Court. The Government is periodically reminding the Chief Justices of the High Courts to initiate proposals in time for filling up the existing vacancies as well as the vacancies anticipated