

Empowering the Election Commission to revoke/countermand elections

641. SHRI MAJEED MEMON: Will the Minister of LAW AND JUSTICE be pleased to state:

(a) whether Government has received any proposal from the Election Commission seeking legal powers to revoke any election (Assembly/Lok Sabha/Rajya Sabha etc.) in case there is credible evidence of use of money to bribe voters; and

(b) if so, whether Government is ready to bring in an amendment to Section 58A of the Representation of the People Act, 1951 to empower the poll watchdog with statutory powers to enable it to countermand polls in case it is established that money has been used to influence voters, the details thereof?

THE MINISTER OF STATE IN THE MINISTRY OF LAW AND JUSTICE (SHRI P. P. CHAUDHARY): (a) and (b) A proposal to amend the Representation of the People Act, 1951 empowering the Election Commission to postpone polling or to declare polling already taken as void, on the basis of the report of the Returning Officer regarding bribery and misuse of money power in affected areas, has been received from the Election Commission. The proposal is under examination of the Government.

Speedy disposal of cases of undertrials

642. SHRI RIPUN BORA: Will the Minister of LAW AND JUSTICE be pleased to state:

(a) whether it is a fact that the population of undertrials in prisons has been recorded as 50 lakhs across the country;

(b) if so, the status/details of court backlogs in this regard, State-wise;

(c) whether Government is aware of the very low disposal rates of cases in different courts of the country; and

(d) if so, the plan/proposal of Government to dispose of the Cases of undertrials speedily?

THE MINISTER OF STATE IN THE MINISTRY OF LAW AND JUSTICE (SHRI P. P. CHAUDHARY): (a) and (b) No, Sir. As per the latest data compiled by National Crime Records Bureau, the total number of undertrial prisoners were 2,82,879 at the end of 2014.

(c) and (d) An advisory has been issued by the Central Government on 17.01.2013 to all States/UTs regarding use of Section 436A of the Criminal Procedure

Code to reduce overcrowding of prisons by taking up cases of under trials. In addition, under sub-section (g) of Section 12 of the Legal Services Authorities Act, 1987, anyone in custody is eligible for legal services including filing of bail petitions.. Accordingly, all State Legal Services Authorities (SLSAs) have been issued instructions to set up an Under Trial Review Committee in each district of the State. The Committee shall meet once in a quarter to review the cases of all under trials who have completed half of the maximum sentence provided for the offence they are charged with. The District Level Services Authorities have been requested to take up the matter of such under trials on urgent basis so that they are released on bail without any further delay.

The SLSAs have established legal services clinics in 986 Jails out of total 1193 jails in the country to interact with the inmates and to arrange for legal representation for all those who have not engaged private counsel. Para Legal Volunteers have been trained for this purpose and Panel Lawyers also visit these clinics regularly. Awareness programmes are also carried out at regular intervals to inform the inmates about their legal rights including right to bail.

Strike by Judges of Andhra Pradesh and Telangana

643. SHRI RAJKUMAR DHOOT: Will the Minister of LAW AND JUSTICE be pleased to state:

(a) whether it is a fact that the Judges of the Subordinate Courts of Andhra Pradesh and Telangana went on strike recently by taking mass leaves, if so, the details thereof along with the reasons therefor; and

(b) the action Government has taken or proposes to take in the matter?

THE MINISTER OF STATE IN THE MINISTRY OF LAW AND JUSTICE (SHRI P. P. CHAUDHARY): (a) and (b) According to the information received from the Hon'ble High Court of Judicature at Hyderabad, 127 Judicial Officers had submitted leave applications on various grounds including medical leave/earned leave/casual leave, and around 100 of them were rejected by the Hon'ble High Court in the interest of the litigant public. The High Court of Judicature at Hyderabad wrote to the State Administration to provide adequate security in all subordinate courts to enable the smooth functioning of the courts and instructions were issued by the State Administration accordingly.