

**GOVERNMENT OF INDIA  
MINISTRY OF LAW & JUSTICE  
DEPARTMENT OF JUSTICE**

**LOK SABHA**

**UNSTARRED QUESTION NO. †1982**

**TO BE ANSWERED ON WEDNESDAY, THE 07<sup>TH</sup> MARCH, 2018.**

**Delay in Justice Delivery**

**†1982. SHRI SHARAD TRIPATHI:**

**Will the Minister of LAW AND JUSTICE be pleased to state:**

- (a) whether the number of prisoners in the jails is increasing due to delay in the justice delivery system; and**
- (b) if so, the details thereof and the steps being taken by the Government to rectify the situation?**

**ANSWER**

**MINISTER OF STATE FOR LAW AND JUSTICE AND CORPORATE AFFAIRS  
(SHRI P. P. CHAUDHARY)**

(a) & (b): As per the information available in the National Crime Records Bureau (NCRB), the total number of prisoners, including undertrial prisoners, lodged in various jails of the country as on 31.12.2015 was 4,19,623 and as on 31.12.2016 was 4,33,003. Disposal of cases pending in courts, including criminal cases pending in various courts of the country, is the responsibility of the judiciary. The Central Government is fully committed to assisting the judiciary to enable speedy disposal of cases in accordance with Article 21 of the Constitution. It has undertaken many steps towards achieving this objective. One important step is, strengthening of judicial infrastructure in districts through the Centrally Sponsored Scheme (CSS) for 'Development of Infrastructure Facilities for Judiciary' wherein a total of Rs. 6,100 crore has been released since 1993-94, out of which Rs. 2,655 crore (43.52%) has been released since April, 2014. 17,981 Court Halls and 14,467 Residential Accommodations have been made available for Judicial Officers of District and Subordinate Courts as on date. Out of this 2,356 Court Halls and 935 Residential Accommodations were constructed since 2014 to till date. In addition, 3,139 Court Halls and 1,785 Residential Accommodations are under construction. The Central Government has approved continuation of the Centrally Sponsored Scheme (CSS) for 'Development of Infrastructure Facilities for Judiciary' beyond the 12<sup>th</sup> Five Year Plan period i.e. from 01.04.2017 to 31.03.2020 with an estimated outlay of Rs.3,320 crore.

Under Phase-I (2010-15) of the eCourts Mission Mode Project ( the Project) undertaken by the Central Government, against a total target of computerisation of 14,249 courts, the computerisation of 13,672 district and subordinate courts has been achieved. This includes the installation of hardware, the LAN and software. This has enabled the courts to upload the case status and orders online. Status of cases and copies of judgments have also been made available on the websites of the respective District and Subordinate Court Complexes which have been computerised. Rs. 935.00 crore were allocated for Phase – I out of which Rs. 639.41 crore were utilized.

A budget outlay of Rs.1670 crores was approved for Phase II of the Project (from July, 2015 upto 31 March 2019). The facilities of e-services such as cause lists, case status, daily orders, judgments *etc.* are being provided under the supervision of e-Committee of the Supreme Court and Computer Committees of respective High Courts. A total of 16,089 district and subordinate courts have been computerised under the Project till date. Video Conferencing facility has also been operationalised between 488 court complexes and 342 corresponding prisons during the period 2015-17. The National Judicial Data Grid (NJDG) developed under this project provides updated information on civil and criminal cases, including pending cases, for the computerised district / subordinate courts in the country.

Another initiative with a focus to improve access to justice is the Tele Law Scheme launched on 20<sup>th</sup> April, 2017, which is an effort to provide legal advice pro-actively to the marginalised sections of society through Common Service Centres (CSCs). This initiative facilitates delivery of legal advice through an expert panel of lawyers stationed at the State Legal Service Authorities (SLSA). Under this Scheme, Para Legal Volunteers (PLVs) connect potential litigants with lawyers through video conferencing facilities at CSCs which are, operated by Village Level Entrepreneurs. The Scheme has been launched in 1800 Gram Panchayats in 11 States (U.P., Bihar, J&K, Assam, Arunachal Pradesh, Meghalaya, Mizoram, Manipur, Tripura, Nagaland, Sikkim). A total of 12,218 cases have been registered by PLVs under the scheme and legal advice has been provided in 9,094 cases. The Government has also launched a scheme for Pro Bono Legal Services in April, 2017 in which interested lawyers and litigants can register on the website ([www.doj.gov.in](http://www.doj.gov.in)) to provide and avail pro-bono legal services as may be required. So far, 224 lawyers have registered on the portal and more than 298 cases have been assigned for pro bono assistance. In order to reduce the cases pending in courts for over 10 years, the Government has recently introduced Nyaya Mitra Scheme covering 227 selected districts of 16 States. Under the Scheme, retired judicial officers are engaged and designated as 'Nyaya Mitra' to facilitate expeditious disposal of the cases pending over 10 years. In the first Phase, 15 Nyaya Mitra's have been engaged.

In pursuance of the resolution passed in the Chief Justices' Conference held in April, 2015, 24 High Courts have set up Arrears Committees to clear the backlog of cases pending for more than five years, except Sikkim High Court where there is no pendency of more than five year old cases. The Supreme Court has also constituted an Arrears Committee consisting of two Hon'ble Judges to formulate steps to reduce pendency of cases in High Courts and District Courts.

The Hon'ble Supreme Court vide order dated 05.02.2016 had inter alia passed following directions on release of undertrials:

1. The Under Trial Review Committee under every District Judge should meet every quarter and the first such meeting should take place on or before 31st March, 2016. The Secretary of the District Legal Services Committee should attend each meeting of the Under Trial Review Committee and follow up the discussions with appropriate steps for the release of undertrial prisoners and convicts who have undergone their sentence or are entitled to release because of remission granted to them.
2. The Under Trial Review Committee should specifically look into aspects pertaining to effective implementation of Section 436 of the Cr.P.C. and Section 436A of the Cr.P.C. so that undertrial prisoners are released at the earliest and those who cannot furnish bail bonds due to their poverty are not subjected to incarceration only for that reason. The Under Trial Review Committee will also look into issue of implementation of the Probation of Offenders Act, 1958 particularly with regard to first time offenders so that they have a chance of being restored and rehabilitated in society.

3. The Member Secretary of the State Legal Services Authority of every State will ensure, in coordination with the Secretary of the District Legal Services Committee in every district, that an adequate number of competent lawyers are empanelled to assist undertrial prisoners and convicts, particularly the poor and indigent, and that legal aid for the poor does not become poor legal aid.
4. The Secretary of the District Legal Services Committee will also look into the issue of the release of undertrial prisoners in compoundable offences, the effort being to effectively explore the possibility of compounding offences rather than requiring a trial to take place.
5. The Under Trial Review Committee will also look into the issues raised in the Model Prison Manual 2016 including regular jail visits as suggested in the said Manual.

The Minister of Law & Justice has written to the Chief Justices of High Courts on 3<sup>rd</sup> February 2017 requesting for periodic monitoring of release of Under Trials prisoners so that every accused person receives a fair trial and does not languish in jail longer than is absolutely necessary as per law. The Hon'ble Supreme Court in its order dated 05.09.2014 in the Writ Petition No. 310/2005-Bhim Singh Vs Union of India & Other relating to the undertrial prisoner has directed for effective implementation of Section 436 A of the Code of Criminal Procedure. The DG (Prisons)/IG (Prisons) of all States / UTs have been requested on 22.09.2014 to take necessary action to comply with the order of the Hon'ble Supreme Court in the matter.

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