

**GOVERNMENT OF INDIA  
MINISTRY OF LAW AND JUSTICE  
DEPARTMENT OF LEGAL AFFAIRS**

**LOK SABHA**

**UNSTARRED QUESTION NO.3431**

**TO BE ANSWERED ON FRIDAY, THE 17<sup>TH</sup> DECEMBER, 2021**

**Habeas Corpus Pleas**

3431. SHRI JAGDAMBIKA PAL:

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

- (a) the number of Habeas Corpus pleas continued to be pending in the Supreme Court and High Courts, till date;
- (b) whether the number of pending Habeas Corpus pleas has increased over the years;
- (c) if so, the reasons therefor;
- (d) the number of cases filed under Unlawful Activities (Prevention) Act (UAPA) in last three years along with the number of total Habeas Corpus pleas made by the UAPA accused, the number of such pleas rejected, and those pending, till date, State-wise; and
- (e) the number of convicted person under the UAPA in last three years, State-wise?

**ANSWER**

**MINISTER OF LAW AND JUSTICE**

**(SHRI KIREN RIJIJU)**

(a) to (c): Sir, as per information presently available for the Hon'ble Supreme Court and eight High Courts, the number of pending Habeas Corpus pleas is as per **Annexure-I**.

(d) & (e): Specific information is not maintained by the National Crime Records Bureau (NCRB), Ministry of Home Affairs. However, State/UT-wise cases registered, cases charge-sheeted, cases convicted, persons arrested, persons charge-sheeted and persons convicted under the Unlawful Activities (Prevention) Act during 2018-2020 is as per **Annexure-II**. Latest published data pertains to the year 2020.

**ANNEXURE-I**

| Sl. No.                 | Name of the Court                             | (f) the number of Habeas Corpus pleas continued to be pending in the Supreme Court and High Courts, till date;   | (g) whether the number of pending Habeas Corpus pleas has increased over the years;   | (h) if so, the reasons therefor; |      |   |                     |      |      |    |      |    |                         |      |   |    |
|-------------------------|---|--|---|----------------------------------|------|---|---------------------|------|------|----|------|----|-------------------------|------|---|----|
| 1                       | HON'BLE SUPREME COURT OF INDIA                | The information is not maintained as sought for. However, the number of pending cases, as per the Supreme Court Subject Category Code 1300 which relates to 'Habeas Corpus matters' in Supreme Court of India, for the last four years, as retrieved from the Integrated Case Management Information System (ICMIS) as on 13.12.2021 is as under:  |   |                                  |      |   |                     |      |      |    |      |    |                         |      |   |    |
|                         |   | <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 50%;">Year</th> <th style="width: 50%;">No. of Pending Cases (at the end of the year)</th> </tr> </thead> <tbody> <tr> <td>2018</td> <td style="text-align: center;">43</td> </tr> <tr> <td>2019</td> <td style="text-align: center;">40</td> </tr> <tr> <td>2020</td> <td style="text-align: center;">53</td> </tr> <tr> <td>2021 (as on 13.12.2021)</td> <td style="text-align: center;">52</td> </tr> </tbody> </table> |   |                                  | Year | No. of Pending Cases (at the end of the year) | 2018                | 43   | 2019 | 40 | 2020 | 53 | 2021 (as on 13.12.2021) | 52   |   |    |
| Year                    | No. of Pending Cases (at the end of the year) |  |   |                                  |      |   |                     |      |      |    |      |    |                         |      |   |    |
| 2018                    | 43  |  |   |                                  |      |   |                     |      |      |    |      |    |                         |      |   |    |
| 2019                    | 40  |  |   |                                  |      |   |                     |      |      |    |      |    |                         |      |   |    |
| 2020                    | 53  |  |   |                                  |      |   |                     |      |      |    |      |    |                         |      |   |    |
| 2021 (as on 13.12.2021) | 52  |  |   |                                  |      |   |                     |      |      |    |      |    |                         |      |   |    |
| 2                       | HON'BLE HIGH COURT OF BOMBAY                  | Habeas Corpus Pendency as on 14.12.2021 = 108  | <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 25%;">Year</th> <th style="width: 25%;">Pending</th> <th style="width: 50%;">Increased/Decreased</th> </tr> </thead> <tbody> <tr> <td style="text-align: center;">2018</td> <td style="text-align: center;">12</td> <td style="text-align: center;">10</td> </tr> <tr> <td style="text-align: center;">2019</td> <td style="text-align: center;">12</td> <td style="text-align: center;">0</td> </tr> <tr> <td style="text-align: center;">2020</td> <td style="text-align: center;">5</td> <td style="text-align: center;">-7</td> </tr> </tbody> </table> |                                  | Year | Pending                                       | Increased/Decreased | 2018 | 12   | 10 | 2019 | 12 | 0                       | 2020 | 5 | -7 |
| Year                    | Pending                                       | Increased/Decreased  |   |                                  |      |   |                     |      |      |    |      |    |                         |      |   |    |
| 2018                    | 12  | 10   |   |                                  |      |   |                     |      |      |    |      |    |                         |      |   |    |
| 2019                    | 12  | 0  |   |                                  |      |   |                     |      |      |    |      |    |                         |      |   |    |
| 2020                    | 5   | -7   |   |                                  |      |   |                     |      |      |    |      |    |                         |      |   |    |
| 3                       | HON'BLE HIGH COURT OF                         | Number of Habeas Corpus pleas pending till 09.12.2021 = 35   |   |                                  |      |   |                     |      |      |    |      |    |                         |      |   |    |

|   | GAUHATI                                |   | Year  | Pending at the beginning                                | Case instituted  | Case disposed               | Pending at the end |
|---|--|---|---|---|--|-----------------------------|--------------------|
|   |  |   | 2018  | 11  | 11   | 6                           | 16                 |
|   |  |   | 2019  | 16  | 24   | 20                          | 20                 |
|   |  |   | 2020  | 20  | 17   | 8                           | 29                 |
|   |  |   | 2021  | 29  | 24   | 18                          | 35                 |
| 4 | HON'BLE HIGH COURT OF KERALA           | As on 10.12.2021, 24 cases of Habeas Corpus are pending.        | The pendency trends in Habeas Corpus petition for the last five years is furnished below: |   |  |                             |                    |
|   |  |   | As on 30.11.2017  | 53  |  |                             |                    |
|   |  |   | As on 30.11.2018  | 38  |  |                             |                    |
|   |  |   | As on 30.11.2019  | 32  |  |                             |                    |
|   |  |   | As on 30.11.2020  | 79  |  |                             |                    |
|   |  |   | As on 10.12.2021  | 24  |  |                             |                    |
| 5 | HON'BLE HIGH COURT OF MADHYA PRADESH   | As on 01.12.2021, 97 cases of Habeas Corpus are pending.        | Details of pending Habeas Corpus cases in the last five years:                            |   |  | <b>Reasons of Pendency:</b> |                    |
|   |  |   | 31.12.2017  | 75  | Heavy Institutions of cases and vacant posts of Hon'ble Judges are the causes for the pendency of all cases as well Habeas Corpus cases. |                             |                    |
|   |  |   | 31.12.2018  | 72  |  |                             |                    |
|   |  |   | 31.12.2019  | 76  |  |                             |                    |
|   |  |   | 31.12.2020  | 112   |  |                             |                    |
|   |  |   | 30.11.2021  | 97  |  |                             |                    |
| 6 | HON'BLE HIGH COURT OF MEGHALAYA        | Nil   | No  |   |  | Does not arise              |                    |
| 7 | HON'BLE HIGH COURT OF PATNA            | Pendency of Habeas Corpus Pleas(as per filing year)             |   | Pendency of Habeas Corpus Pleas(at the end of the year) |  |                             |                    |
|   |  | 2019  | 1   | 2018  |  |                             | 44                 |
|   |  | 2020  | 8   | 2019  |  |                             | 29                 |
|   |  | 2021  | 12  | 2020  |  |                             | 46                 |
|   |  | Total Pendency as on 10.12.2021                                 |   | 21  | Total Pendency as on 10.12.2021  |                             |                    |
| 8 | HON'BLE HIGH COURT OF PUNJAB & HARYANA | As per the computer record, a total number of 396 Habeas Corpus | Yes, the details of pending Habeas Corpus for the last three years is as                  |   |  |                             |                    |

|   |                                      |  |        |          |
|---|--------------------------------------|--|--------|----------|
|   |                                      | petitions are pending as on 30.11.2021       | under: |          |
|   |                                      |  | Year   | Pendency |
|   |                                      |  | 2018   | 181      |
|   |                                      |  | 2019   | 243      |
|   |                                      |  | 2020   | 412      |
| 9 | HON'BLE HIGH COURT OF<br>UTTARAKHAND | 41 Habeas Corpus is pending as on 13.12.2021 | No     | NA       |



|    |                             |             |            |           |             |            |           |             |            |           |             |             |           |            |            |           |             |             |           |
|----|-----------------------------|-------------|------------|-----------|-------------|------------|-----------|-------------|------------|-----------|-------------|-------------|-----------|------------|------------|-----------|-------------|-------------|-----------|
| 31 | D&N Haveli and Daman & Diu+ | 0           | 0          | 0         | 0           | 0          | 0         | 0           | 0          | 0         | 0           | 0           | 0         | 0          | 0          | 0         | 0           | 0           | 0         |
| 32 | Delhi                       | 2           | 5          | 1         | 8           | 7          | 1         | 2           | 4          | 0         | 9           | 6           | 0         | 6          | 3          | 0         | 12          | 6           | 0         |
| 33 | Jammu & Kashmir*            | 245         | 32         | 0         | 177         | 110        | 0         | 255         | 78         | 0         | 227         | 190         | 0         | 287        | 105        | 1         | 346         | 271         | 2         |
| 34 | Ladakh                      | -           | -          | -         | -           | -          | -         | -           | -          | -         | -           | -           | -         | 0          | 0          | 0         | 0           | 0           | 0         |
| 35 | Lakshadweep                 | 0           | 0          | 0         | 0           | 0          | 0         | 0           | 0          | 0         | 0           | 0           | 0         | 0          | 0          | 0         | 0           | 0           | 0         |
| 36 | Puducherry                  | 0           | 0          | 0         | 0           | 0          | 0         | 0           | 0          | 0         | 0           | 0           | 0         | 0          | 0          | 0         | 0           | 0           | 0         |
|    | <b>TOTAL UT(S)</b>          | <b>247</b>  | <b>37</b>  | <b>1</b>  | <b>185</b>  | <b>117</b> | <b>1</b>  | <b>257</b>  | <b>82</b>  | <b>0</b>  | <b>236</b>  | <b>196</b>  | <b>0</b>  | <b>293</b> | <b>108</b> | <b>1</b>  | <b>358</b>  | <b>277</b>  | <b>2</b>  |
|    | <b>TOTAL (ALL INDIA)</b>    | <b>1182</b> | <b>317</b> | <b>34</b> | <b>1421</b> | <b>853</b> | <b>35</b> | <b>1226</b> | <b>483</b> | <b>33</b> | <b>1948</b> | <b>1139</b> | <b>34</b> | <b>796</b> | <b>398</b> | <b>27</b> | <b>1321</b> | <b>1008</b> | <b>80</b> |

Source: Crime in India

Note : '+' Combined data of erstwhile D&N Haveli UT and Daman & Diu UT during 2018 & 2019

\*' Data of erstwhile Jammu & Kashmir State including Ladakh during during 2018 & 2019