

In a recent response to the PIL petition of Daljit Singh, an undertrial prisoner from Amritsar central jail, the Punjab and Haryana High Court has asked the state home secretary to furnish information regarding undertrials who have not been produced before trial courts in the last three months, after the Superintendent informed the court that on the date of case hearings in the courts, police personnel were deployed for duties of VVIPs/VIPs visiting Amritsar, including judges of the Punjab and Haryana high court and from other states. The story is available at <http://epaper.hindustantimes.com/PUBLICATIONS/HT/HC/2012/01/03/ArticleHtmls/Undertrials-not-produced-before-courts-HC-seeks-info-03012012004030.shtml?Mode=1>. The petitioner had sought directions from concerned authorities to provide adequate security for producing undertrial prisoners in courts for speedy justice, specially through an independent special cell for undertrials.

The lack of police escorts has been one of the main reasons furnished by jail authorities for not producing undertrials in court. As a result, undertrials continue to languish in jail, without trial or conviction but with risk of torture and estrangement, far longer than absolutely necessary. Such privileged allocation of police forces towards VIP duties raises serious concerns regarding the disharmony between the different actors of the criminal justice system.

The data from the Indian Ministry of Law and Justice in 2010 announced that there are roughly 430,000 people incarcerated in the country, with a startling 70% (300,000) being undertrial prisoners. This is a marked increase over 2007 figures which put the total number of undertrial prisoners at 250,727, out of which 103,624 were waiting for a trial for three months or less. Another 52,476 had been waiting up to six months. At the other end of the spectrum, there were 1,891 inmates who spent more than five years in detention.

Judicial orders and pronouncements have, time and again, emphasized on the fundamental right to a speedy trial under Article 21 of the Indian Constitution (See <http://www.indiankanoon.org/doc/1373215/> and CHRI publication http://www.humanrightsinitiative.org/publications/prisons/liberty_at_the_cost_of_innocence.pdf at page 56), that call to question the bogey of 'lack of police escorts' as a substantial/adequate reason for this delay in justice. The recent Punjab & Haryana High Court order has specifically brought this home. In keeping with this concern that justice delayed is justice denied, CHRI is currently scrutinizing the results of its RTIs filed in the prisons and police department of Alwar district in Rajasthan to find out how court production of undertrials has been delayed by the non-availability of police escorts.