

**GOVERNMENT OF INDIA
LAW AND JUSTICE
LOK SABHA**

UNSTARRED QUESTION NO:2747
ANSWERED ON:28.07.2014
HARSH PUNISHMENT TO POOR
Kothapalli Smt. Geetha

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

- (a) whether the courts are imposing harsh sentence on poor persons for default of payment of a fine;
- (b) if so, the details thereof; and
- (c) the steps taken/being taken by the Government to avoid imposing harsh sentences on the poor persons?

Answer

MINISTER OF LAW & JUSTICE AND COMMUNICATIONS & INFORMATION TECHNOLOGY (SHRI RAVI SHANKAR PRASAD)

(a) to (c) Disposal of criminal cases and imposition of sentence, if any, falls within the domain of judiciary. Necessary provisions relating to the imposition of sentence in default of fine are contained in the Indian Penal Code, 1860 and the Code of Criminal Procedure, 1973. In terms of Section 65 of Indian Penal Code and Section 30 of the Code of Criminal Procedure the default sentence cannot exceed one fourth of the term of imprisonment which a court is competent to impose for that offence. While imposing the sentence in default of payment of fine the courts are bound by the provisions of law. In case any person is aggrieved by the sentence imposed on him in default of payment of fine the remedy lies in preferring an appeal to superior court.