2013

RAJYA SABHA REPLIES

MONSOON SESSION, 2013
[229th SESSION OF RAJYA SABHA] [5th August, 2013 to 30th August, 2013]

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US(J)

GOVERNMENT OF INDIA
MINISTRY OF LAW AND JUSTICE
DEPARTMENT OF JUSTICE

RAJYA SABHA
UNSTARRED QUESTION No.1176
TO BE ANSWERED ON FRIDAY, THE 16TH AUGUST, 2013

Allocation of funds to States to clear pendency of court cases

1176. SHRI SANJAY RAUT:

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

(a) whether Government proposes to increase funds for States to appoint more subordinate judges to address the issue of pendency of over three crore cases;
(b) if so, what is the pendency of cases in Maharashtra; and
(c) what will be Centre's allocation for clearing pendency cases?

ANSWER

MINISTER OF LAW & JUSTICE AND COMMUNICATIONS & INFORMATION TECHNOLOGY (SHRI KAPIL SIBAL)

(a) Appointment of Judges in Subordinate Courts comes under the purview of the State Governments and the concerned High Courts. In the conference of Chief Ministers and Chief Justices of High Courts held on 07th April, 2013, it was inter-alia decided that in order to narrow down Judge-Population ratio, the State Governments, in consultation with the Chief Justice of the concerned High Court, will take requisite steps for creation of new posts of Judicial Officers at all levels with support staff and requisite infrastructure.

(b) The pendency of cases in the Subordinate Courts of Maharashtra is 29.77 lakh cases as on 31.12.2012.

(c) The Central Government has allocated Rs 5000 crore over the period 2010-15 under Thirteenth Finance Commission award for initiatives such as Morning/evening/shift courts, Alternate Dispute Resolution (ADR) centres, Lok Adalats, Training of mediators/councilors, Judicial officers and Public Prosecutors and appointment of Court Managers for improvement of justice delivery and reduction in pendency. Further, pursuant to the judgment of the Supreme Court on 19.04.2012 in the Brij Mohan Lal Case, Central Government has decided to provide funds on a matching basis for salaries of the 10% additional positions of Judges to be created by the State Governments in their subordinate judiciary. These funds have been provided upto 31st March, 2015 by allocating Rs 80 crore per annum from the Thirteenth Finance Commission Award for morning/evening/shift courts.

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GOVERNMENT OF INDIA
MINISTRY OF LAW & JUSTICE
(DEPARTMENT OF JUSTICE)

RAJYA SABHA
UNSTARRED QUESTION NO.1177
TO BE ANSWERED ON FRIDAY, THE 16th AUGUST, 2013

Pendency of cases in courts

1177: SHRI N. BALAGANGA:

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

(a) the details of the number of cases pending in different High Courts of the country and the Supreme Court of India, as on date;

(b) whether Government has any plans to clear the backlog of pending cases early;

(c) if so, the details thereof; and

(d) the steps taken by Government to dispose of the pending cases early?

ANSWER
MINISTER OF LAW & JUSTICE & COMMUNICATIONS AND INFORMATION TECHNOLOGY)
(SHRI KAPIL SIBAL)

(a) The data on pendency of cases is maintained by the Supreme Court and High Courts. As per the information available, 67,964 matters were pending in the Supreme Court as on 31.07.2013. Details of cases pending in the High Courts as on 31.03.2012 are given in a Statement at *Annex – I*.

(b) to (d) : Disposal of cases in courts falls within the domain of the judiciary. In order to expedite the trial of court cases, a number of legislative changes have been made in procedural laws which include provisions for limiting adjournments of court proceedings in criminal and civil matters as contained in Section 309 of the Code of Criminal Procedure, 1973 and Order XVII of the Code of Civil Procedure, 1908.

Further, in order to assist the judiciary, the Government has set up a National Mission for Justice Delivery and Legal Reforms to achieve twin goals of (i) increasing access to justice by reducing delays and arrears; and (ii) enhancing accountability through structural changes and by setting performance standards and improving capacities. The Mission has adopted a coordinated approach for phased liquidation of arrears and pendency in judicial administration by providing support for better court infrastructure including computerisation, encouraging increase in the strength of

subordinate judiciary and recommending policy and legislative measures in the areas prone to excessive litigation and suggesting re-engineering of court procedures for quick disposal of cases.

The challenges posed by huge backlog and pendency of cases in our judicial system cannot be met without active involvement of judiciary. The Chief Justice of India, after consulting the Minister of Law and Justice established the National Court Management Systems (NCMS) in May, 2012. The 'Policy and Action Plan' document to implement NCMS was released by the Chief Justice of India on 27.9.2012. NCMS is responsible for preparing a policy guideline for developing a National Framework of Court Excellence (NFCE) to set measurable performance standards for Indian courts to address issues of quality, responsiveness and timeliness to facilitate timely delivery of justice.

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Annex I

Pendency Position in the High Courts as on 31.03.2012

Sl. No	Name of the High Court	Number of Pending Cases
1	Allahabad	10,08,533
2	Andhra Pradesh	1,99,229
3	Bombay	3,62,948
4	Calcutta	3,50,260
5	Delhi	63,012
6	Gujarat	79,529
7	Gauhati	51,899
8	Himachal Pradesh	48,743
9	Jammu & Kashmir	85,298
10	Karnataka	1,71,463
11	Kerala	1,23,437
12	Madras	4,83,848
13	Madhya Pradesh	2,35,150
14	Orissa	3,07,528
15	Patna	1,15,329
16	Punjab & Haryana	2,43,733
17	Rajasthan	2,79,577
18	Sikkim	69
19	Uttarakhand	20,507
20	Chhattisgarh	52,264
21	Jharkhand	58,511
	Total	**43,40,867**

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GOVERNMENT OF INDIA
MINISTRY OF LAW & JUSTICE
(DEPARTMENT OF JUSTICE)

RAJYA SABHA
UNSTARRED QUESTION NO. 1185
TO BE ANSWERED ON FRIDAY, THE 16th AUGUST, 2013

Pending court cases and strength of Judges

1185: SHRI PARIMAL NATHWANI:

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

(a) the number of court cases pending in different high courts of the country, State-wise;
(b) how many of the pending cases are Criminal and Civil ones, State-wise;
(c) the actual strength *Vs.* sanctioned strength of high Court Judges across the country, State-wise and steps taken to fill the vacant posts; and
(d) the steps Government has taken to clear the backlog of pending cases?

ANSWER
MINISTER OF LAW & JUSTICE & COMMUNICATIONS AND INFORMATION TECHNOLOGY)
(SHRI KAPIL SIBAL)

(a) & (b): The data on pendency of cases is maintained by the Supreme Court and High Courts. As per the available information, the details of pending Criminal and Civil cases in the High Courts as on 31.03.2012 are given in a Statement at *Annex–I.*

(c): The details of actual strength and sanctioned strength of High Court Judges as on 01.08.2013 are given in a Statement at *Annex – II.* Pursuant to the Supreme Court Judgment of October 6, 1993 read with their Advisory Opinion of October, 28, 1998, the process of initiation of proposal for appointment of a Judge of a High Court rests with the Chief Justice of the concerned High Court. Filling up of the vacancies in the High Courts is a continuous consultative process among Constitutional authorities to select suitable candidates for higher judiciary.

(d) : Disposal of cases in courts falls within the domain of the judiciary. In order to expedite the trial of court cases, a number of legislative changes have been made in procedural laws which include provisions for limiting adjournments of court proceedings in criminal and civil matters as contained in Section 309 of the Code of Criminal Procedure, 1973 and Order XVII of the Code of Civil Procedure, 1908.

Further, in order to assist the judiciary, the Government has set up a National Mission for Justice Delivery and Legal Reforms to achieve twin goals of (i) increasing access to justice by reducing delays and arrears; and (ii) enhancing accountability through structural changes and by setting performance standards and improving capacities. The Mission has adopted a coordinated approach for phased liquidation of arrears and pendency in judicial administration by providing support for better court infrastructure including computerisation, encouraging increase in the strength of subordinate judiciary and recommending policy and legislative measures in the areas prone to excessive litigation and suggesting re-engineering of court procedures for quick disposal of cases.

The challenges posed by huge backlog and pendency of cases in our judicial system cannot be met without active involvement of judiciary. The Chief Justice of India, after consulting the Minister of Law and Justice established the National Court Management Systems (NCMS) in May, 2012. The 'Policy and Action Plan' document to implement NCMS was released by the Chief Justice of India on 27.9.2012. NCMS is responsible for preparing a policy guideline for developing a National Framework of Court Excellence (NFCE) to set measurable performance standards for Indian courts to address issues of quality, responsiveness and timeliness to facilitate timely delivery of justice.

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Annex-I

Pendency Position of Civil and Criminal Cases in the High Courts as on 31.03.2012

Sr. No.	Name of High Courts	Pending Civil Cases	Pending Criminal Cases	Total
1	Allahabad	670471	338062	1008533
2	Andhra Pradesh	172356	26873	199229
3	Bombay	315988	46960	362948
4	Calcutta	306067	44193	350260
5	Chhattisgarh	35045	17219	52264
6	Delhi	48905	14107	63012
7	Gujarat	52970	26559	79529
8	Gauhati	43369	8530	51899
9	Himachal Pradesh	42782	5961	48743
10	Jammu & Kashmir	80445	4853	85298
11	Jharkhand	30717	27794	58511
12	Karnataka	155690	15773	171463
13	Kerala	92342	31095	123437
14	Madhya Pradesh	158950	76200	235150
15	Madras	422106	61742	483848
16	Orissa	276520	31008	307528
17	Patna	67975	47354	115329
18	Punjab & Haryana	191350	52383	243733
19	Rajasthan	223099	56478	279577
20	Sikkim	54	15	69
21	Uttarakhand	13992	6515	20507
	TOTAL	**3401193**	**939674**	**4340867**

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Annex – II

Approved Strength and Working Strength of High Courts' Judges as on 01.08.2013

Sl. No.	Name of the High Court	Approved Strength			Working Strength		
		Pmt.	Addl.	Total	Pmt.	Addl.	Total
1	Allahabad	76	84	160	54	38	92
2	Andhra Pradesh	33	16	49	20	07	27
3	Bombay	48	27	75	41	18	59
4	Calcutta	45	13	58	35	02	37
5	Chhattisgarh	06	12	18	05	05	10
6	Delhi	29	19	48	26	15	41
7	Gauhati	17	07	24	12	05	17
8	Gujarat	29	13	42	20	11	31
9	Himachal Pradesh	07	04	11	06	02	08
10	Jammu & Kashmir	09	05	14	08	03	11
11	Jharkhand	10	10	20	09	02	11
12	Karnataka	33	17	50	32	04	36
13	Kerala	27	11	38	24	06	30
14	Madhya Pradesh	32	11	43	28	05	33
15	Madras	45	15	60	35	08	43
16	Manipur	04	-	04	02	-	02
17	Meghalaya	03	-	03	02	01	03
18	Orissa	17	05	22	15	-	15
19	Patna	29	14	43	27	06	33
20	Punjab& Haryana	38	30	68	33	14	47
21	Rajasthan	32	08	40	22	09	31
22	Sikkim	03	0	03	02	0	02
23	Tripura	04	-	04	02	02	04
24	Uttarakhand	09	0	09	08	0	08
Total		**585**	**321**	**906**	**468**	**163**	**631**

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GOVERNMENT OF INDIA
MINISTRY OF LAW & JUSTICE
DEPARTMENT OF JUSTICE

Desk Side

RAJYA SABHA

UNSTARRED QUESTION NO.1186

TO BE ANSWERED ON FRIDAY, the 16.08.2013

Judicial Appointment Commission

1186. DR. CHANDAN MITRA:

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

(a) whether Government proposes to replace the 20 years' old Collegium system to choose judges;

(b) if so, the details thereof along with the reasons therefor;

(c) the salient features of the proposed Judicial Appointment Commission; and

(d) the steps taken by Government to ensure that the best people are chosen as judges with complete transparency and objectivity based on broad based consultations?

ANSWER
MINISTER OF LAW AND JUSTICE AND COMMUNICATIONS & INFORMATION TECHNOLOGY
(SHRI KAPIL SIBAL)

(a) to (d) : The appointment of Judges to High Courts and Supreme Court is based on a Memorandum of Procedure for Appointment of Judges of Supreme Court and High Courts prepared in 1998 pursuant to the Supreme Court Judgement of October 6, 1993 read with their Advisory Opinion of October 28, 1998. Recommendations have been made in the past by the National Commission to Review the Working of the Constitution (2002), 2nd Administrative Reforms Commission (2007-08) and the Law Commission of India (214th Report-2008) for changing the existing procedure for appointment of Judges to the Supreme Court and High Courts. Representations have also been made by various agencies and expert bodies to review/change the present procedure of appointment of judges. Based on the suggestions received, there is a proposal to establish a broad based Judicial Appointments Commission. However, no decision has been taken by the Government so far.

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GOVERNMENT OF INDIA
MINISTRY OF LAW & JUSTICE
(DEPARTMENT OF JUSTICE)

NM

RAJYA SABHA
UNSTARRED QUESTION NO.1188
TO BE ANSWERED ON FRIDAY, THE 16th AUGUST, 2013

Strengthening justice delivery system

1188: DR. JANARDHAN WAGHMARE:

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

(a) whether the justice delivery system in the country is in mess and on the verge of a collapse;
(b) whether Government has taken any concrete step to strengthen the justice delivery system and to direct judiciary to clear the long pending cases;
(c) if so, the details thereof; and
(d) the other steps Government proposes to take to expedite justice delivery system in the country?

ANSWER
MINISTER OF LAW & JUSTICE & COMMUNICATIONS AND INFORMATION TECHNOLOGY)
(SHRI KAPIL SIBAL)

(a) to (d) : Law Commission of India, its 230th Report, has expressed concern on delays in the dispensation of justice.

Disposal of cases in courts falls within the domain of the judiciary. In order to expedite the trial of court cases, a number of legislative changes have been made in procedural laws which include provisions for limiting adjournments of court proceedings in criminal and civil matters as contained in Section 309 of the Code of Criminal Procedure, 1973 and Order XVII of the Code of Civil Procedure, 1908.

Further, in order to assist the judiciary, the Government has set up a National Mission for Justice Delivery and Legal Reforms to achieve twin goals of (i) increasing access to justice by reducing delays and arrears; and (ii) enhancing accountability through structural changes and by setting performance standards and improving capacities. The Mission has adopted a coordinated approach for phased liquidation of arrears and pendency in judicial administration by providing support for better court infrastructure including computerisation, encouraging increase in the strength of subordinate judiciary and recommending policy and legislative measures in the areas

prone to excessive litigation and suggesting re-engineering of court procedures for quick disposal of cases.

The challenges posed by huge backlog and pendency of cases in our judicial system cannot be met without active involvement of judiciary. The Chief Justice of India, after consulting the Minister of Law and Justice established the National Court Management Systems (NCMS) in May, 2012. The 'Policy and Action Plan' document to implement NCMS was released by the Chief Justice of India on 27.9.2012. NCMS is responsible for preparing a policy guideline for developing a National Framework of Court Excellence (NFCE) to set measurable performance standards for Indian courts to address issues of quality, responsiveness and timeliness to facilitate timely delivery of justice.

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GOVERNMENT OF INDIA
MINISTRY OF LAW & JUSTICE
(DEPARTMENT OF JUSTICE)

RAJYA SABHA
UNSTARRED QUESTION NO. 1189
TO BE ANSWERED ON FRIDAY, THE 16th AUGUST, 2013

Cases pending in courts since long

1189: SHRI MOHD. ALI KHAN:
SHRIMATI T. RATNA BAI:

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

(a) whether it is a fact that a number of cases are stuck up in various courts since long resulting in the misuse of loopholes of many court case order and leaving the common man to suffer at the end;
(b) if so, the details thereof and reasons therefor;
(c) the losses incurred by Government so far; and
(d) the steps being taken to chalk out any action plan in this regard by convening a meeting with all the State Governments and other experts in the field of law?

ANSWER
MINISTER OF LAW & JUSTICE & COMMUNICATIONS AND INFORMATION TECHNOLOGY)
(SHRI KAPIL SIBAL)

(a) to (d): Law Commission of India, its 230th Report, *inter-alia* has observed that speedy justice is the right of every litigating person, and there is no denying the fact that delay frustrates justice. The reasons for delay in dispensation of justice, *inter-alia,* includes increase in the volume of litigation, accumulation of first appeals, continuation of ordinary civil jurisdiction in some of the High Courts, vacancies of Judges, appeals against orders of quasi-judicial forums going to High Courts, number of revisions / appeals, adjournments, indiscriminate use of writ jurisdiction in High Courts and lack of adequate arrangement to monitor, track and bunch cases for hearing. 268 lakh cases were pending in subordinate courts of the country as on 31.03.2012. Out of these, 189.96 lakh were criminal cases and 78.55 lakh were civil cases.

No time frame has been prescribed for disposal of various kinds of cases in court and it is not feasible to estimate the losses on this account.

Disposal of cases in courts falls within the domain of the judiciary. In order to expedite the trial of court cases, a number of legislative changes have been made in

procedural laws which include provisions for limiting adjournments of court proceedings in criminal and civil matters as contained in Section 309 of the Code of Criminal Procedure, 1973 and Order XVII of the Code of Civil Procedure, 1908.

Further, in order to assist the judiciary, the Government has set up a National Mission for Justice Delivery and Legal Reforms to achieve twin goals of (i) increasing access to justice by reducing delays and arrears; and (ii) enhancing accountability through structural changes and by setting performance standards and improving capacities. The Mission has adopted a coordinated approach for phased liquidation of arrears and pendency in judicial administration by providing support for better court infrastructure including computerisation, encouraging increase in the strength of subordinate judiciary and recommending policy and legislative measures in the areas prone to excessive litigation and suggesting re-engineering of court procedures for quick disposal of cases.

The challenges posed by huge backlog and pendency of cases in our judicial system cannot be met without active involvement of judiciary. The Chief Justice of India, after consulting the Minister of Law and Justice established the National Court Management Systems (NCMS) in May, 2012. The 'Policy and Action Plan' document to implement NCMS was released by the Chief Justice of India on 27.9.2012. NCMS is responsible for preparing a policy guideline for developing a National Framework of Court Excellence (NFCE) to set measurable performance standards for Indian courts to address issues of quality, responsiveness and timeliness to facilitate timely delivery of justice.

A Conference of Chief Ministers of States and Chief Justices of High Courts was convened at New Delhi on 07th April, 2013. During the Conference, *inter-alia*, the steps being taken to tackle the problem of pendency and arrears in the courts were reviewed and a roadmap was laid for further course of action.

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Jus. Sec.

GOVERNMENT OF INDIA
MINISTRY OF LAW AND JUSTICE
DEPARTMENT OF JUSTICE

RAJYA SABHA

STARRED QUESTION NO. 220

TO BE ANSWERED ON FRIDAY, THE 23RD AUGUST, 2013

Revamping Justice Delivery System

*220. SHRI VIJAY JAWAHARLAL DARDA:

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

(a) the results of release of Rs. 1000 crore out of Rs. 5000 crore by the Thirteenth Finance Commission for improvement of Justice Delivery, including operation of morning and evening courts, establishment of alternate dispute resolution centres, Lok Adalats, providing free legal aid and training of judicial officers and setting up fast-track courts for trying heinous crimes;

(b) whether Government is contemplating fixing maximum duration by which civil and criminal cases in subordinate and district courts are to be finally settled; and

(c) whether delaying provisions, as present in our existing Acts, would be curtailed keeping in view the accepted international standards?

ANSWER

MINISTER OF LAW & JUSTICE AND
COMMUNICATIONS AND INFORMATION TECHNOLOGY
(SHRI KAPIL SIBAL)

(a) to (c): A Statement is laid on the Table of the House

STATEMENT REFERRED TO IN REPLY TO PARTS (a) TO (c) OF RAJYA SABHA STARRED QUESTION NO. 220 FOR ANSWER ON 23RD AUGUST, 2013

(a) Under the Thirteenth Finance Commission (13th FC) a provision of Rs. 5000 crores has been made for a period of five years (2010-15) for improving justice delivery. The first installment of Rs. 1000 crore was released to States on commencement of the award. Subsequent installments have been released to states which have submitted utilization certificates and fulfilled other pre-conditions. Rs. 1426.47 crore has been released to States as on 31st July, 2013. Since the commencement of the 13th FC till 31st July, 2013, the following number of cases are reported to have been disposed off:

(i)	Morning /Evening/Shift Court	: 20,25,415
(ii)	Lok Adalats	: 48,75,073
(iii)	Alternate Dispute Resolution Centers	: 7,43,853

In addition 2,47,150 persons have reportedly benefited from legal awareness camps, and over 22,000 Judicial Officers and Public Prosecutors have participated in training programmes.

Under the Eleventh Finance Commission, a grant was sanctioned for the period 2000-2005 for creation of Fast Track Courts (FTCs) for disposing of long pending cases. The scheme was extended up to 31st March, 2011. A total grant of Rs. 870 crore was provided to the States during this entire period. As per reports received, as on 31st March, 2011, 1190 Fast Track Courts were functional in the country, and out of 38.99 lakh cases transferred to FTCs since inception of the scheme, 32.93 lakhs cases were disposed off.

(b & c) The rules and procedures for court proceedings, including adjournment, are in the purview of the respective High Courts. However, in order to expedite the trial of court cases, a number of legislative changes in procedural laws have been made by the Parliament which include provisions limiting adjournments of court proceedings in criminal and civil matters as contained in Section 309 of the Code of Criminal Procedure, 1973 and Order XVII of the Code of Civil Procedure, 1908. In order to assist the judiciary, the Government has set up a National Mission for Justice Delivery and Legal Reforms to achieve the twin goals of (i) increasing access to justice by reducing delays and arrears; and (ii) enhancing accountability through structural changes and by setting performance standards and improving capacities. Further, the Chief Justice of India has established the National Court Management System (NCMS). NCMS is responsible for preparing policy guidelines for developing a National Framework of Court Excellence (NFCE) to set measurable performance standards for courts to address issues of quality, responsiveness and timeliness in delivery of justice.

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GOVERNMENT OF INDIA
MINISTRY OF LAW & JUSTICE
DEPARTMENT OF JUSTICE

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RAJYA SABHA

UNSTARRED QUESTION NO.1588

TO BE ANSWERED ON FRIDAY, the 23.08.2013

PE against Judicial Member of ITAT,

Kolkata

1588. SHRI JAI PRAKASH NARAYAN SINGH:
SHRI SALIM ANSARI:

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

(a) whether it is a fact that according to prevalent convention investigations into allegations levelled against any Judge should be treated as confidential and discrete so that the image of judiciary is not tarnished;

(b) if so, the reasons that CBI is publicizing the vague and motivated charges of Judicial Member of Income-Tax Appellate Tribunal (ITAT), Kolkata by seeking permission to register Preliminary Enquiry (PE); and

(c) whether Government would refuse permission to register PE against Judicial Members of ITAT, Kolkata on the ground of inadequate evidence and if not, the reasons therefor?

ANSWER
MINISTER OF LAW AND JUSTICE AND COMMUNICATIONS & INFORMATION TECHNOLOGY
(SHRI KAPIL SIBAL)

(a) to (c): The information is being collected and will be laid on the Table of the House.

GOVERNMENT OF INDIA
MINISTRY OF LAW AND JUSTICE
DEPARTMENT OF JUSTICE

Jus. Sec.

RAJYA SABHA

UNSTARRED QUESTION NO.1649

TO BE ANSWERED ON FRIDAY, THE 23rd AUGUST, 2013

Use of Hindi and regional languages in higher judiciary

+1649. DR. RAM PRAKASH:

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

(a) whether Hindi and other regional languages are permissible for filing cases, pleading and making an argument in Supreme Court and various High Courts;

(b) if not, whether giving such permission would be considered; and

(c) whether it is not justifiable that the litigation should be in the language of litigant?

ANSWER

MINISTER OF LAW AND JUSTICE AND COMMUNICATIONS AND INFORMATION TECHNOLOGY
(SHRI KAPIL SIBAL)

(a) to (c): Article 348(1) of the Constitution of India provides that all proceedings in the Supreme Court and in every High Court shall be in English language until Parliament by law otherwise provides. No law has since been made in this regard by the Parliament.

Article 348(2) provides that the Governor of the State may, with the previous consent of the President, authorize the use of Hindi language or any other language used for any official purpose of the State, in the proceedings of the High Court having its principal seat in that State, provided that decrees, judgements or orders passed by such High Courts shall be in English.

....2/-

So far, the Governors of four States namely; Bihar, Madhya Pradesh, Rajasthan and Uttar Pradesh have authorized the use of Hindi in addition to English language in the proceedings of the High Courts in their States.

Proposals have been received for use of regional languages in the High Courts of Madras and Gujarat and for the use of Hindi in the High Court of Chhattisgarh.

The Law Commission of India, in its 216th report had recommended that "the higher judiciary should not be subjected to any kind of persuasive change in the present societal context." The Full Court of the Supreme Court considered the proposals for use of Hindi and regional languages in the High Courts in its meeting held on 11th October, 2012 and reiterated the earlier similar resolutions of the Full Court adopted in 1997 and 1999 to not accept the proposals. The Government has accepted the stand of the Law Commission and the Supreme Court.

GOVERNMENT OF INDIA
MINISTRY OF LAW & JUSTICE
DEPARTMENT OF JUSTICE

Desk Side

RAJYA SABHA

UNSTARRED QUESTION NO.1650

TO BE ANSWERED ON FRIDAY, the 23.08.2013

Vacant posts of Judges

1650. SHRI RAM KRIPAL YADAV:

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

(a) whether it is a fact that Hon'ble Supreme Court is short of 6 Judges and there are 275 vacancy of judges in different High Courts all over the country;

(b) if so, whether this is a major reason for delay in pending cases in Hon'ble Supreme Court and High Courts all over the country;

(c) whether Government has any plan to fill the vacancies of Judges in a time-bound manner; and

(d) if not, the reasons therefor?

ANSWER
MINISTER OF LAW AND JUSTICE AND COMMUNICATIONS & INFORMATION TECHNOLOGY
(SHRI KAPIL SIBAL)

(a) There are 03 vacancies in the Supreme Court and 275 vacancies in the High Courts, as on 01.08.2013.

(b) Vacancies of Judges is one of the several reasons for pending cases in Hon'ble Supreme Court and High Courts which inter-alia also include increase in the volume of litigation, accumulation of first appeals, continuation of ordinary civil jurisdiction in some of the High Courts, appeals against orders of quasi-judicial forums going to High Courts, number of revisions/appeals, adjournments, indiscriminate use of writ jurisdiction in High Courts and lack of adequate arrangements to monitor, track and bunch cases for hearing.

...2/-

(c) & (d): Pursuant to the Supreme Court Judgment of October 6, 1993 read with their Advisory Opinion of October 28, 1998, the process of initiation of proposal for appointment of a Judge of a High Court rests with the Chief Justice of the concerned High Court and for appointment of a Judge in the Supreme Court, rests with the Chief Justice of India. In this arrangement, number of posts have remained vacant for want of proposals to fill the positions. The Government has been periodically reminding the Chief Justices of the High Courts to initiate proposals well in time for filling the existing vacancies as well as the vacancies anticipated in next six months in the High Courts.

Filling up of the vacancies in the High Courts is a continuous consultative process among Constitutional authorities to select suitable candidates for higher judiciary. It is time consuming process, as it requires consultation and approval from various Constitutional authorities. While every effort is made to fill up the existing vacancies expeditiously, vacancies do keep on arising on account of retirement, resignation or elevation of Judges.

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GOVERNMENT OF INDIA
MINISTRY OF LAW AND JUSTICE
DEPARTMENT OF JUSTICE

JR Desk

RAJYA SABHA

UNSTARRED QUESTION NO. 1652

TO BE ANSWERED ON FRIDAY, THE 23RD AUGUST, 2013

Gram Nyayalayas

1652. SHRI BALWINDER SINGH BHUNDER:

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

(a) whether the Gram Nyayalayas scheme under the Gram Nyayalayas Act 2008 have not been popular amongst the States as a result of which there are only a handful of proposal for Gram Nyayalayas from the States;

(b) the reasons for luke warm response of the States for this scheme; and

(c) the efforts being made to make the Gram Nyayalayas scheme popular amongst States so that more Gram Nyayalayas can be established in the country?

ANSWER

MINISTER OF LAW AND JUSTICE AND COMMUNICATIONS AND INFORMATION TECHNOLOGY
(SHRI KAPIL SIBAL)

(a) to (c) : Central Government provides recurring and non-recurring assistance to States within the prescribed norms to encourage them to set up Gram Nyayalayas. As per the available information, 172 Gram Nyayalayas have been notified by nine State Governments in terms of Section 3 (1) of the Gram Nyayalayas Act, 2008. Of these 152 Gram Nyayalayas have become operational.

Cont...2/-

The major causes for slow progress of the Scheme are overlapping jurisdiction of Gram Nyayalayas with regular courts and shortage of First Class Judicial Magistrates to man the positions of Nyayadhikaris in Gram Nyayalayas. Besides, lukewarm response of Bar, reluctance of police officials and other State functionaries to invoke jurisdiction of Gram Nyayalayas and non-availability of notaries, stamp vendors are the other reasons for the Scheme not being popular.

Central Government has been making regular requests to the Chief Ministers of States and Chief Justices of High Courts for establishment of Gram Nyayalayas in the respective States. The issue affecting the implementation of the Gram Nyayalayas scheme were recently discussed in the Conference of Chief Justices of the High Courts and Chief Ministers of the States on 7th April, 2013. It has, inter-alia, been decided in the Conference that the State Governments and High Courts should decide the question of establishment of Gram Nyayalayas, wherever feasible, taking into account their local problems. It was also agreed that on account of overlapping of jurisdiction of the regular courts, the provisions of the Gram Nyayalayas Act, 2008, need to be re-visited.

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GOVERNMENT OF INDIA
MINISTRY OF LAW & JUSTICE
(DEPARTMENT OF JUSTICE)

RAJYA SABHA
UNSTARRED QUESTION NO. 1653
TO BE ANSWERED ON FRIDAY, THE 23rd AUGUST, 2013

Pendency of cases in courts

1653: SHRI RAJKUMAR DHOOT:

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

(a) whether Supreme Court has recently blamed Government for huge pendency of cases in various courts of the country;
(b) if so, the details thereof; and
(c) the reaction of Government thereto and the corrective measures Government proposes to take in the matter?

ANSWER
MINISTER OF LAW & JUSTICE & COMMUNICATIONS AND INFORMATION TECHNOLOGY)
(SHRI KAPIL SIBAL)

(a) to (c): The Supreme Court has expressed its concern on the huge pendency of cases in various courts of the country in some of its judgements in the recent past. Disposal of cases in courts falls within the domain of the judiciary. In order to expedite the trial of court cases, a number of legislative changes have been made in procedural laws which include provisions for limiting adjournments of court proceedings in criminal and civil matters as contained in Section 309 of the Code of Criminal Procedure, 1973 and Order XVII of the Code of Civil Procedure, 1908.

Further, in order to assist the judiciary, the Government has set up a National Mission for Justice Delivery and Legal Reforms to achieve twin goals of (i) increasing access to justice by reducing delays and arrears; and (ii) enhancing accountability through structural changes and by setting performance standards and improving capacities. The Mission has adopted a coordinated approach for phased liquidation of arrears and pendency in judicial administration by providing support for better court infrastructure including computerisation, encouraging increase in the strength of subordinate judiciary and recommending policy and legislative measures in the areas prone to excessive litigation and suggesting re-engineering of court procedures for quick disposal of cases.

The challenges posed by huge backlog and pendency of cases in our judicial system cannot be met without active involvement of judiciary. The Chief Justice of India, after consulting the Minister of Law and Justice established the National Court Management Systems (NCMS) in May, 2012. The 'Policy and Action Plan' document to implement NCMS was released by the Chief Justice of India on 27.9.2012. NCMS is responsible for preparing a policy guideline for developing a National Framework of Court Excellence (NFCE) to set measurable performance standards for Indian courts to address issues of quality, responsiveness and timeliness to facilitate timely delivery of justice.

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GOVERNMENT OF INDIA
MINISTRY OF LAW & JUSTICE
(DEPARTMENT OF JUSTICE)

AM

RAJYA SABHA
UNSTARRED QUESTION NO. 1656
TO BE ANSWERED ON FRIDAY, THE 23rd AUGUST, 2013

Speeding up of trials

1656: SHRI PRABHAT JHA:
SHRIMATI KUSUM RAI:
SHRI ARVIND KUMAR SINGH:
SHRI ALOK TIWARI:

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

(a) whether Government has recently suggested to the higher judiciary to impose fines for frequent adjournments by lower judiciary and to speed up trial;
(b) if so, the details thereof;
(c) whether Supreme Court has taken steps to ensure that the guidelines under the amended section 309 of CrPC are followed by the lower judiciary;
(d) if so, the details thereof and if not, the reasons therefor; and
(e) by when three adjournments as per section 309 *ibid* would be strictly implemented and fine would be imposed for frequent adjournments by lower judiciary?

ANSWER
MINISTER OF LAW & JUSTICE & COMMUNICATIONS AND INFORMATION TECHNOLOGY)
(SHRI KAPIL SIBAL)

(a): No, Sir.

(b) : Does not arise.

(c) to (e): Trial of cases in courts and their ultimate disposal is within the domain of judiciary. In order to expedite the trial of criminal cases, Section 309 of the Code of Criminal Procedure, 1973, *inter alia*, provides that in every enquiry or trial, proceedings shall be held as expeditiously as possible, and in particular, when examination of witnesses has once begun, the same shall be continued from day-to-day until all the witnesses in attendance have been examined, and unless the court finds the adjournment of the same beyond the following day to be necessary for reasons to be recorded. This Section also provides that when the inquiry or trial relates to an offence under sections 376 to 376 D of the Indian Penal Code, the inquiry or trial shall, as far as possible, be completed within a period of two (2) months from the date of commencement of the examination of witnesses.

The Hon'ble Supreme Court in a recent judgement in case titled *Gurnaib Singh Versus State of Punjab* has expressed concern on the repetitive failure of subordinate judiciary to follow the mandate of law and the views expressed by the Court from time to time. Hon'ble Court referred to the conditions laid down by the legislature under section 309 of the Code of Criminal Procedure which deals with the power to postpone or adjourn proceedings. Hon'ble Court has directed that the trial courts shall keep in mind the statutory provisions.

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M. Cell

GOVERNMENT OF INDIA
MINISTRY OF LAW & JUSTICE
(DEPARTMENT OF JUSTICE)

R A J Y A S A B H A
UNSTARRED QUESTION NO. 1657

TO BE ANSWERED ON FRIDAY, THE 23RD AUGUST 2013

Fast Track Courts

1657. SHRI DEVENDER GOUD T.:

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

(a) the details of Fast Track Courts (FTCs) running in the country, State-wise;
(b) whether it is a fact that no FTCs are currently functioning in Andhra Pradesh;
(c) if so, the reasons for discontinuation of FTCs in Andhra Pradesh;
(d) whether Supreme Court has asked States in Brij Mohan Lal case to continue with Fast Track Courts for speedy justice;
(e) whether Government is giving any special emphasis in Twelfth Five Year Plan with regard to FTCs; and
(f) if so, the details thereof and if not, the reasons therefor?

A N S W E R
MINISTER OF LAW AND JUSTICE AND
COMMUNICATIONS AND INFORMATION TECHNOLOGY
(SHRI KAPIL SIBAL)

(a): As per the information received, a statement indicating Fast Track Courts functional in various States is at Annex.

(b)&(c): As per the information received from the Registry of the High Court of Andhra Pradesh, 72 Fast Track Courts were functional in the State of Andhra Pradesh in the month of May 2013.

(d): In its Judgment in the case of Brij Mohan Lal given on 19th April 2012, Supreme Court has directed the States that they may decide to either bring the Fast Track Courts Scheme started in year 2000 to an end or to continue the same on a permanent basis.

(e)&(f): Government has written to the Chief Ministers of all States and Chief Justices of all High Courts to set up Fast Track Courts for concluding trial in rape cases. The States have been requested to utilize the additional positions of Judges being created in the Subordinate Judiciary in pursuance of the directions of the Supreme Court in Brij Mohan Lal case for this purpose. Government has approved making available to the State Governments 50% of the salary of these additional judges from the funds available under the 13th Finance Commission Award for morning/evening/shift courts up to 31st March 2015.

Further, in the Joint Conference of Chief Ministers of States and Chief Justices of the High Courts held on 7th April 2013, it was decided that the State Governments shall, in consultation with the Chief Justices of the respective High Courts, take necessary steps to establish suitable number of Fast Track Courts for offences against women, children, differently abled persons, senior citizens and marginalized sections of the society and provide adequate funds for the purpose.

Annex

Statement referred to in reply to part (a) of Rajya Sabha Unstarred Question No. 1657 for 23/8/2013

The number of Fast Track Courts functioning

Sl. No.	Name of the State	No. of FTCS functioning	As on
1	2	3	4
1	Andhra Pradesh	72	May 13
2	Arunachal Pradesh	3	Dec. 12
3	Assam	20	Oct. 12
4	Bihar	183	Dec. 12
5	Delhi	4	May 13
6	Goa	4	April 13
7	Haryana	7	Dec. 12
8	Himachal Pradesh	9	Dec. 12
9	Karnataka	93	Dec. 12
10	Kerala	38	May 13
11	Maharashtra	100	Dec. 12
12	Manipur	2	Oct. 12
13	Meghalaya	3	May 13
14	Mizoram	2	Dec. 12
15	Nagaland	2	Oct. 12
16	Odisha	35	Dec. 12
17	Punjab	15	Dec. 12
18	Uttarakhand	22	June 12
19	West Bengal	150	June 13
	Total	764	

GOVERNMENT OF INDIA
MINISTRY OF LAW AND JUSTICE
DEPARTMENT OF JUSTICE

Jus. Sec.

RAJYA SABHA

UNSTARRED QUESTION NO.1658

TO BE ANSWERED ON FRIDAY, THE 23rd AUGUST, 2013

Use of regional languages in High Courts

1658. SHRI PARSHOTTAM KHODABHAI RUPALA:

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

(a) whether Governent has received any representation for necessary amendment to Article 348 (2) of the Constitution to allow regional languages of concerned State in judicial proceedings of the concerned High Court; if so, the action taken in this regard;

(b) how many High Courts are permitted to use regional languages in judicial proceedings;

(c) how many such requests of State Governments are pending before Central Government; and

(d) whether Central Government will once again approach the Supreme Court to review its earlier views to allow Gujarati language in judicial proceedings of High Court of Gujarat?

ANSWER

MINISTER OF LAW AND JUSTICE AND COMMUNICATIONS AND INFORMATION TECHNOLOGY
(SHRI KAPIL SIBAL)

(a) to (d): Article 348(1) of the Constitution of India provides that all proceedings in the Supreme Court and in every High Court shall be in English language until Parliament by law otherwise provides. The Supreme Court in 1990 and 1996 resolved in Full Court that it was not practical to introduce Hindi in the proceedings of the Supreme Court.

....2/-

Article 348(2) provides that the Governor of the State may, with the previous consent of the President, authorize the use of Hindi language or any other language used for any official purpose of the State, in the proceedings of the High Court having its principal seat in that State, provided that decrees, judgements or orders passed by such High Courts shall be in English.

So far, the Governors of four States namely; Bihar, Madhya Pradesh, Rajasthan and Uttar Pradesh have authorized the use of Hindi in addition to English language in the proceedings of the High Courts in their States.

Proposals have been received for use of regional languages in the High Courts of Madras and Gujarat and for the use of Hindi in the High Court of Chhattisgarh. A representation has also been received by the Government for necessary amendment to Article 348 (2) of the Constitution.

The Law Commission of India, in its 216th report had recommended that "the higher judiciary should not be subjected to any kind of persuasive change in the present societal context." The Full Court of the Supreme Court considered the proposals for use of Hindi and regional languages in the High Courts in its meeting held on 11th October, 2012 and reiterated the earlier similar resolutions of the Full Court adopted in 1997 and 1999 to not accept the proposals. The Government has accepted the stand of the Law Commission and the Supreme Court.

GOVERNMENT OF INDIA
MINISTRY OF LAW AND JUSTICE
DEPARTMENT OF JUSTICE
RAJYA SABHA

JR Dox

UNSTARRED QUESTION NO. 1659

TO BE ANSWERED ON FRIDAY, THE 23RD AUGUST, 2013

Use of Information Technology in various courts

1659. SHRI MANSUKH L. MANDAVIYA:
SHRI PARSHOTTAM KHODABHAI RUPALA:

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

(a) whether Government intends to launch any Scheme for improvement of infrastructure facilities in various courts in consultation with State Governments;
(b) if so, the details thereof;
(c) how much fund has been spent in this regard during last three years and how much will be allocated for the coming three year period, State-wise details thereof; and
(d) whether Government, in consultation with State Governments, intends to establish any special mechanism by using information technology for updating judicial proceedings and judgements regularly so that it may bring transparency, expedite judicial process and minimise paper work resulting in reduced cost?

ANSWER

MINISTER OF LAW AND JUSTICE AND COMMUNICATIONS AND INFORMATION TECHNOLOGY
(SHRI KAPIL SIBAL)

(a) to (d): A Centrally Sponsored Scheme (CSS) for Development of Infrastructure Facilities for the Judiciary has been under implementation since 1993-1994. Under the Scheme, Central Government augments the resources of State Governments for improving the physical infrastructure of the Courts as well as for meeting the housing needs of judicial officers.

...2

The ratio of Central share vis-a-vis State share under the scheme has been altered from 50:50 to 75:25 and the Scheme has been modified to cover only district and subordinate courts, from 2011-12 onwards. For North-Eastern States, the sharing pattern between the Central and State Governments is in the 90:10 ratio w.e.f. 2010-11. Central assistance is restricted to the budgetary allocation made for the Scheme. However, States are free to spend additional amount. The State/UT-wise details of funds released under CSS during the last three years and current year are given in statement annexed. A plan outlay of Rs. 4867 crore has been provided for the scheme during the 12th Five Year Plan (2012-17). A budget provision of Rs. 911 crore has been made for the scheme in the current financial year. Allocation of funds to the States during the next three years shall be made, subject to utilisation of previous grants, and availability of budgetary provision for the scheme.

Under the e-courts Integrated Mission Mode Project being implemented in the country, the Government has approved the ICT enablement (computerization) of the Supreme Court, High Courts and 14,249 district & subordinate courts by March 2014 with a budget of Rs. 935 crore. As of 31st July 2013, 12,189 district and subordinate courts have been computerised. National Informatics Centre (NIC) is the implementing agency for the Project.

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ANNEX

STATEMENT GIVING DETAILS OF STATE-WISE GRANTS RELEASED UNDER CENTRALLY SPONSORED SCHEME FOR DEVELOPMENT OF INFRASTRUCTURAL FACILITIES FOR JUDICIARY DURING LAST THREE YEARS AND CURRENT FINANCIAL YEAR UP TO 31.07.2013

(Rs. in Lakhs)

Sl. No.	State	Released in 2010-11	Released in 2011-12	Released in 2012-13	Released in 2013-14
1.	Andhra Pradesh	0.00	1888.00	6393.00	0.00
2.	Bihar	0.00	0.00	1524.00	0.00
3.	Chhattisgarh	400.00	2097.00	0.00	0.00
4.	Goa	0.00	172.00	0.00	0.00
5.	Gujarat	0.00	0.00	9893.00	10000.00
6.	Haryana	1320.00	2138.00	0.00	0.00
7.	Himachal Pradesh	547.00	0.00	0.00	806.00
8.	Jammu & Kashmir	140.00	1035.00	2572.00	0.00
9.	Jharkhand	0.00	0.00	1500.00	1693.00
10.	Karnataka	500.00	2961.00	7610.00	5100.00
11.	Kerala	606.00	1169.00	1499.00	0.00
12.	Madhya Pradesh	1738.20	4403.00	2046.00	6141.00
13.	Maharashtra	1458.52	12915.00	5920.24	10000.00
14.	Orissa	723.00	2416.00	1534.00	0.00
15.	Punjab	0.00	0.00	7902.00	5000.00
16.	Rajasthan	70.00	1172.00	1042.00	0.00
17.	Tamil Nadu	0.00	0.00	1953.00	0.00
18.	Uttarakhand	688.20	0.00	829.76	0.00
19.	UttarPradesh	2858.00	15659.00	9398.00	12530.00
20.	West Bengal	425.35	2518.00	0.00	0.00
	Total (A)	**11474.27**	**50543.00**	**61616.00**	**51270.00**
	NE States				
1.	Arunachal Pradesh	0.00	972.00	750.00	0.00
2.	Assam	500.00	2890.00	2954.90	0.00
3.	Manipur	209.71	0.00	0.00	0.00
4.	Meghalaya	200.00	0.00	0.00	0.00
5.	Mijoram	155.00	0.00	704.78	0.00
6.	Nagaland	415.29	169.00	750.00	0.00
7.	Sikkim	220.00	0.00	549.50	0.00
8.	Tripura	100.00	0.00	1495.60	2910.60
	Total (B)	**1800.00**	**4031.00**	**7204.78**	**2910.60**
	UTs				
1.	A&N Islands	0.00	500.00	0.00	0.00
2.	Chandigarh	400.00	500.00	0.00	0.00
3.	Dadra & Nagar Haveili	0.00	500.00	0.00	0.00
4.	Daman & Diu	0.00	0.00	0.00	0.00
5.	Delhi	0.00	2250.00	2000.00	0.00
6.	Lakshadweep	0.00	0.00	0.00	0.00
7.	Pondicherry	600.00	1250.00	0.00	0.00
	Total (C)	**1000.00**	**5000.00**	**2000.00**	**0.00**
	Grand Total (A+B+C)	**14274.27**	**59574.00**	**70820.78**	**54180.60**

GOVERNMENT OF INDIA
MINISTRY OF LAW & JUSTICE
(DEPARTMENT OF JUSTICE)

RAJYA SABHA
STARRED QUESTION NO.*283
TO BE ANSWERED ON FRIDAY, THE 30TH AUGUST, 2013

Pendency of court cases

***283: DR. CHANDAN MITRA:**

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

(a) the present number of cases pending in courts across the country *vis-a-vis* the number of judges / judicial officers;

(b) whether, as per a recent study of National Court Management System (NCMS), the number of pending cases in courts is likely to go upto 15 crore; and

(c) if so, the steps taken by Government for judicial reforms and also to improve the judge / population ratio?

ANSWER
MINISTER OF LAW & JUSTICE & COMMUNICATIONS AND INFORMATION TECHNOLOGY)
(SHRI KAPIL SIBAL)

(a) to (c): A Statement is laid on the Table of the House.

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STATEMENT REFERRED TO IN REPLY TO PARTS (a) TO (c) OF RAJYA SABHA STARRED QUESTION No. *283 FOR ANSWER ON 30TH AUGUST, 2013.

The 'Policy and Action Plan' document formulated under the National Court Management Systems (NCMS) has estimated that there are over three (3) crore cases pending in courts across the country vis-à-vis sanctioned strength of 18,871 judicial officers/judges as on 31-12-2011. It has also estimated that with increase in literacy, per capita income and population, the number of new cases filed each year may go upto fifteen (15) crore per annum over the next three decades. NCMS is responsible for preparing policy guidelines for developing a National Framework of Court Excellence (NFCE) to set measurable performance standards for Indian courts to address issues of quality, responsiveness and timeliness to facilitate delivery of justice. Supreme Court of India vide its order dated 01-02-2012 in the case of Imtiyaz Ahmed versus State of Uttar Pradesh & Others has, inter-alia, asked the Law Commission to evolve a scientific assessment for creation of additional courts.

In order to assist the judiciary, the Government has set up a National Mission for Justice Delivery and Legal Reforms to achieve the twin goals of (i) increasing access to justice by reducing delays and arrears; and (ii) enhancing accountability through structural changes and by setting performance standards and improving capacities. The Mission has adopted a coordinated approach for phased liquidation of arrears and pendency in judicial administration by providing support for better court infrastructure including computerisation, encouraging increase in the strength of subordinate judiciary and recommending policy and legislative measures in the areas prone to excessive litigation and suggesting re-engineering of court procedures for quick disposal of cases.

In the conference of Chief Ministers and Chief Justices of High Courts held in New Delhi on 07th April, 2013, it was *inter-alia* decided that the State Governments, in consultation with the Chief Justice of the concerned High Court, will take requisite steps for creation of new posts of Judicial Officers at all levels with support staff and requisite infrastructure.

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GOVERNMENT OF INDIA
MINISTRY OF LAW AND JUSTICE
DEPARTMENT OF JUSTICE

Jus. Sec.

RAJYA SABHA

UNSTARRED QUESTION NO.2263

TO BE ANSWERED ON FRIDAY, THE 30th AUGUST, 2013

Vacations in courts

2263. SHRI SANJAY RAUT:

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

(a) whether there are summer and winter vacations in courts every year in the country;

(b) whether this practice was started by the Britishers;

(c) whether before independence most of the judges who were Britishers used to visit England when the vacations start; and

(d) whether in view of acute shortage of judges in all the courts and given a huge backlog of cases, Government will discontinue this practice?

ANSWER

MINISTER OF LAW AND JUSTICE AND COMMUNICATIONS AND INFORMATION TECHNOLOGY
(SHRI KAPIL SIBAL)

(a) to (d): Yes, Sir. The practice of vacation in Courts is continuing since pre-independence. The duration of vacations in the Supreme Court and High Courts is governed by the Rules/Regulations framed by the concerned Courts. Considering the staggering arrears of cases pending in Courts, the Law Commission of India in its 230th Report submitted on 5th August, 2009 had, inter-alia, recommended that vacations in the higher judiciary must be curtailed by at least 10 to 15 days and the court working hours should be extended by at least half an hour. The Report has been forwarded to the Chief Justices of High Courts to consider the recommendations contained therein for adoption.

GOVERNMENT OF INDIA
MINISTRY OF LAW & JUSTICE
DEPARTMENT OF JUSTICE

Desk Side

RAJYA SABHA

UNSTARRED QUESTION NO.2264

TO BE ANSWERED ON FRIDAY, the 30.08.2013

SC/ST and women judges in higher judiciary

2264. SHRI P. RAJEEVE:

Will the Minister of LAW AND JUSTICE be pleased to state:
(a) whether vacancy exist in the Supreme Court and High Courts in our country;
(b) if so, the details thereof;
(c) the number of judges from SC and ST communities working in the Supreme Court and High Courts; and
(d) the number of women judges working in these courts?

ANSWER

MINISTER OF LAW AND JUSTICE AND COMMUNICATIONS & INFORMATION TECHNOLOGY

(SHRI KAPIL SIBAL)

(a)& (b): The Statement showing the vacancies of judges in the Supreme Court of India and the High Courts as on 26.08.2013, is at Annex.

(c) & (d): Appointment of Judges of the Supreme Court and High Courts is made under Articles 124 and 217 of the Constitution of India respectively. These Articles do not provide for reservation for any caste or class of persons. Therefore, no caste or class-wise data of Judges is maintained. The Government has, however, requested the Chief Justices of the High Courts that while sending proposals for appointment of Judges, due consideration be given to suitable candidates belonging to Scheduled Castes, Scheduled Tribes, Other Backward Classes, Minorities and from amongst women.

...

Annex referred to in reply to parts (a) & (b) of Rajya Sabha Unstarred Question No.2264 for answer on 30.08.2013.

Sl. No.	Name of the Court	Vacancies of Judges as on 26.08.2013
A.	Supreme Court of India	03
B.	High Court	
1	Allahabad	71
2	Andhra Pradesh	24
3	Bombay	17
4	Calcutta	21
5	Chhattisgarh	08
6	Delhi	07
7	Gauhati	08
8	Gujarat	11
9	Himachal Pradesh	03
10	Jammu & Kashmir	03
11	Jharkhand	11
12	Karnataka	14
13	Kerala	08
14	Madhya Pradesh	10
15	Madras	19
16	Manipur	02
17	Meghalaya	01
18	Orissa	07
19	Patna	10
20	Punjab& Haryana	21
21	Rajasthan	09
22	Sikkim	01
23	Tripura	0
24	Uttarakhand	01
Total		287

AM

GOVERNMENT OF INDIA
MINISTRY OF LAW & JUSTICE
(DEPARTMENT OF JUSTICE)

RAJYA SABHA
UNSTARRED QUESTION NO.2265
TO BE ANSWERED ON FRIDAY, THE 30th AUGUST, 2013

National Mission for Justice Delivery and Legal Reforms

2265: SHRI VIJAY JAWAHARLAL DARDA:

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

(a) whether a National Mission for Justice Delivery and Legal Reforms has been set up to streamline and quicken the disposal of more than three crore pending cases in judicial courts, including High Courts and Supreme Court;

(b) if so, its terms of reference and the period within which it will give its Report; and

(c) whether it is looking only into the infrastructural and manpower constraints or will also review the archaic laws of nineteenth and early part of twentieth century, which are mostly being followed by the courts of law?

ANSWER
MINISTER OF LAW & JUSTICE & COMMUNICATIONSAND INFORMATION TECHNOLOGY
(SHRI KAPIL SIBAL)

(a) to (c): Disposal of pending cases in various courts is within the domain of the judiciary. However, with a view to assist judiciary in addressing the problem of pendency of cases, the Central Government has set up a National Mission for Justice Delivery and Legal Reforms in August, 2011. The Mission has twin objectives of increasing access by reducing delays and arrears in the system and enhancing accountability through structural changes and by setting performance standards and capacities. The Mission has adopted a co-ordinated approach for phased liquidation of arrears and pendency in judicial administration by providing support for better court infrastructure including computerisation, encouraging increase in strength of subordinate judiciary, recommending policy and legislative measures in the areas prone to excessive litigation,suggesting re-engineering of court procedure for quick disposal of cases and laying emphasis on human resource development. The National Mission has a time frame of five years (2011-16).

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NM

GOVERNMENT OF INDIA
MINISTRY OF LAW & JUSTICE
(DEPARTMENT OF JUSTICE)

RAJYA SABHA
UNSTARRED QUESTION NO.2266
TO BE ANSWERED ON FRIDAY, THE 30th AUGUST, 2013

Judge-population ratio

2266. SHRI BALWINDER SINGH BHUNDER:

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

(a) whether the judge-population ratio in the country is sufficient to provide timely justice to the public at large;
(b) how the judge-population ratio of our country is comparable with other developing countries; and
(c) the efforts being made to increase this ratio and Government's plans in this regard?

ANSWER
MINISTER OF LAW & JUSTICE AND COMMUNICATIONS & INFORMATION TECHNOLOGY)
(SHRI KAPIL SIBAL)

(a) to (c): In All India Judges' Association case the Hon'ble Supreme Court in its judgement dated 21st March, 2002, on a comparative assessment of the position in other countries directed that there should be 50 judges for a million population in the country. Further, the Supreme Court in its order dated 1st February, 2012 in the case of Imtiyaz Ahmed Vs State of Uttar Pradesh & Ors. has, inter alia, asked the Law Commission to evolve a scientific assessment for creation of additional courts. Currently the judge population ratio in the country is around 15 judges / judicial officers per million population.

In the Conference of Chief Ministers of States and Chief Justices of High Courts held in New Delhi on 7th April, 2013, the State Governments were, inter alia, asked to create new posts of judicial officers at all levels with requisite staff and infrastructure in consultation with concerned High Courts.

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Desk Side

GOVERNMENT OF INDIA
MINISTRY OF LAW & JUSTICE
DEPARTMENT OF JUSTICE

RAJYA SABHA

UNSTARRED QUESTION NO.2267

TO BE ANSWERED ON FRIDAY, the 30.08.2013

Vacant posts of judges

†2267. SHRI MOTILAL VORA:

Will the Minister of LAW AND JUSTICE be pleased to state:
(a) whether Government feels that posts of judges in the courts are far less in number as compared to the population of the country;
(b) if so, whether Government has made its assessment;
(c) the number of posts of judges vacant in the Supreme Court and various High Courts of the country; and
(d) the steps being taken by the Government to fill these posts?

ANSWER

MINISTER OF LAW AND JUSTICE AND COMMUNICATIONS & INFORMATION TECHNOLOGY

(SHRI KAPIL SIBAL)

(a) & (b) : The Hon'ble Supreme Court had, in its judgement of 21st March, 2002, in All India Judges' Association & Ors Vs. Union of India & Ors, directed the States to increase the judge strength in subordinate judiciary from the existing 10 per million population to 50 Judges per million population in a period of five years. On this, a modification petition in the Supreme Court was filed praying that the increase in Judge strength in the Union Territories for which the Central Government is administratively responsible, be allowed based on workload and pendency of cases. Further the Supreme Court in its order dated 1st February, 2012 in the case of Imtiyaz Ahmed vs. State of Uttar Pradesh & Ors. has asked the Law Commission to evolve a scientific assessment for creation of additional courts.

...2/-

(c) : The Statement showing the vacancies of judges in the Supreme Court of India and the High Courts as on 26.08.2013, is at Annex.

(d) : Pursuant to the Supreme Court Judgement of October 6, 1993 read with their Advisory Opinion of October 28, 1998, the process of initiation of proposal for appointment of a Judge of the Supreme Court rests with Chief Justice of India and for the appointment of a Judge of the High Court rests with the Chief Justice of that High Court. Filling up of the vacancies in the High Courts is a continuous consultative process among Constitutional authorities to select suitable candidates for higher judiciary. It is time consuming process, as it requires consultation and approval from various Constitutional authorities. While every effort is made to fill up the existing vacancies expeditiously, vacancies do keep on arising on account of retirement, resignation or elevation of Judges.

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Annex referred to in reply to part (c) of Rajya Sabha Unstarred Question No.2267 for answer on 30.08.2013.

Sl. No.	Name of the Court	Vacancies of Judges as on 26.08.2013
A.	Supreme Court of India	03
B.	High Court	
1	Allahabad	71
2	Andhra Pradesh	24
3	Bombay	17
4	Calcutta	21
5	Chhattisgarh	08
6	Delhi	07
7	Gauhati	08
8	Gujarat	11
9	Himachal Pradesh	03
10	Jammu & Kashmir	03
11	Jharkhand	11
12	Karnataka	14
13	Kerala	08
14	Madhya Pradesh	10
15	Madras	19
16	Manipur	02
17	Meghalaya	01
18	Orissa	07
19	Patna	10
20	Punjab& Haryana	21
21	Rajasthan	09
22	Sikkim	01
23	Tripura	0
24	Uttarakhand	01
Total		287

GOVERNMENT OF INDIA
MINISTRY OF LAW & JUSTICE
DEPARTMENT OF JUSTICE

Desk Side

RAJYA SABHA

UNSTARRED QUESTION NO.2271

TO BE ANSWERED ON FRIDAY, the 30.08.2013

Bringing improvement in judicial system

†2271. SHRI RAGHUNANDAN SHARMA:

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

(a) the present status of the proposal of All India Judicial Service;
(b) whether Government intends to bring fairness and transparency in selection of judges of High Courts and to ensure accountability in judicial system;
(c) if so, the details thereof;
(d) whether Government is aware of the alleged corruption prevalent in judiciary; and
(e) if so, the steps taken/to be taken to remove the same and for structural improvement of judicial system?

ANSWER

MINISTER OF LAW AND JUSTICE AND COMMUNICATIONS & INFORMATION TECHNOLOGY

(SHRI KAPIL SIBAL)

(a): The Constitution was amended in 1977 to provide for an All India Judicial Service (AIJS) under Article 312 of the Constitution. There has been support in favour of AIJS by the Law Commission in its Reports, the First National Judicial Pay Commission, Committee on Centre State Relations and Department Related Parliamentary Standing Committee. However, consensus on having AIJS has not been possible in the consultations held with the State Governments and the High Courts. The proposal was placed for consideration in the Conference of Chief Ministers of the States and Chief Justices of the High Courts held on 07th April, 2013. It has been decided that further consultation on the matter would be required with States and High Courts.

...2/-

(b) & (c) : The Judges of the Supreme Court are appointed by the President under Article 124 (2) of the Constitution while the Judges of the High Courts are appointed under Article 217 (1) of the Constitution. The appointment of Judges is made as per the procedure laid down in the Memorandum of Procedure for Appointment of Judges of Supreme Court and High Courts prepared in 1998 pursuant to the Supreme Court Judgement of October 6, 1993 read with their Advisory Opinion of October 28, 1998. In order to make the mechanism for appointment of Judges more broad based and transparent, a proposal has been initiated by the Government to establish a Judicial Appointments Commission.

(d) & (e) : As per the "in-house mechanism" for the higher judiciary, Chief Justice of India is competent to receive complaints against the conduct of the Judges of the Supreme Court and the Chief Justice of the High Courts. Similarly, the Chief Justices of the High Courts are competent to receive complaints against the conduct of their Courts. Administrative control over the members of the subordinate judiciary in the States vests with the concerned High Court and State Government.

"The Judicial Standards and Accountability Bill" has been moved by the Government to provide for a comprehensive mechanism for handling complaints made by citizens on grounds of alleged misbehaviour and incapacity against judges of the Supreme Court and High Courts and for taking action against those found guilty after investigation. The Bill also lays down judicial standards and makes it incumbent on the Judges to declare their assets/liabilities.

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GOVERNMENT OF INDIA
MINISTRY OF LAW & JUSTICE
(DEPARTMENT OF JUSTICE)

RAJYA SABHA
UNSTARRED QUESTION NO. 2273

TO BE ANSWERED ON FRIDAY, THE 30TH AUGUST 2013

Financial assistance for setting up of Fast Track Courts

+2273. SHRI THAAWAR CHAND GEHLOT:

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

(a) whether Government is planning to expedite setting up of Fast Track Courts in view of large pendency of court cases in the country;
(b) whether it is a fact that the State Governments have requested for financial assistance from the Centre in this regard;
(c) if so, the details thereof; and
(d) the action taken by Government in this regard?

ANSWER
MINISTER OF LAW AND JUSTICE AND
COMMUNICATIONS AND INFORMATION TECHNOLOGY
(SHRI KAPIL SIBAL)

(a)to(d): Setting up of subordinate courts is the responsibility of the State Governments under the Constitution of India. Fast Track Courts (FTCs) were set-up to handle long pending cases on the recommendation of Eleventh Finance Commission (EFC) and grants were provided to States for FTCs for the eleven year period from 2000-01 to 2010-11. States were free to meet any expenditure in excess of the grant provided by the Central Government. The Central Scheme of grant to States for FTCs was discontinued after 31.3.2011. However, some States have continued FTCs beyond 31.3.2011 with their own resources.

After the gang rape incident in Delhi in December, 2012 Government requested the Chief Justices of High Courts to set-up Fast Track Courts for speedy trial of pending rape cases. The State Governments were requested to provide requisite financial support to the High Courts in this regard and utilize the 10% additional positions of Judges being created in the Subordinate Judiciary in compliance with the judgment of the Supreme Court on 19th April 2012 in Brij Mohan Lal case. Further, in the Conference of Chief Ministers and Chief Justices held in New Delhi on 7th April, 2013, it has been resolved that the State Governments shall, in consultation with the Chief Justices of the respective High Courts, take necessary steps to establish suitable number of Fast Track Courts relating to offences against women, children, differently abled persons, senior citizens and marginalized sections of the society and provide adequate funds for the purpose of creating and continuing Fast Track Courts.

A meeting of Law/Home and Finance Secretaries of State Governments and Registrar General of High Courts was convened on 31st May, 2013 to discuss, inter-alia, the setting up of Fast Track Courts and doubling of the number of existing district and subordinate courts in the country. Some of the States requested for additional funds for setting up the proposed Fast Track Courts and for doubling of courts. In response, it was emphasized that subordinate courts is a state subject and, thus, the funds will be provided by the States, as per the decision of the Joint Conference of Chief Ministers and Chief Justices on 7th April, 2013.