2012

RAJYA SABHA REPLIES

BUDGET SESSION, 2012 [225th SESSION OF RAJYA SABHA]

[12th March, 2012 to 22nd May, 2012]

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Jus - Sec.

GOVERNMENT OF INDIA
MINISTRY OF LAW AND JUSTICE
DEPARTMENT OF JUSTICE

RAJYA SABHA

STARRED QUESTION NO.71

TO BE ANSWERED ON MONDAY, THE 19th MARCH, 2012

All India Judicial Service

*71. SHRI BHARATSINH PRABHATSINH PARMAR:

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

(a) the action taken by the Ministry to recruit highly talented and experienced Judges as it has been observed that eminent and experienced lawyers are not interested in the posts of Judges, which is a very serious matter for our judiciary;

(b) whether the Ministry is considering to set up a separate cadre of All India Judicial Service, similar to IAS and IPS; and

(c) if not, the reasons therefor?

ANSWER

MINISTER OF LAW & JUSTICE
(SHRI SALMAN KHURSHID)

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

STATEMENT WITH REGARD TO THE RAJYA SABHA STARRED QUESTION NO.71 TO BE ANSWERED ON MONDAY, THE 19TH MARCH, 2012

The Government is conscious of the need to recruit talented and experienced persons including lawyers as Judges. The Constitution was amended in 1977 to provide for an All India Judicial Service (AIJS) under Article 312 of the Constitution. There has been overwhelming support in favour of AIJS later also by the Law Commission in its Reports, the First National Judicial Pay Commission, Committee on Centre State Relations and Department Related Parliamentary Standing Committee.

The State Governments and the State High Courts have been consulted on this subject. The consensus on having an AIJS has not been possible as 7 out of 20 States and 11 out of 17 State High Courts from whom comments were received, have not supported the proposal. This has delayed the execution of the decision. But the Government intends to pursue it by offering a more plausible and acceptable formulation of AIJS.

GOVERNMENT OF INDIA
MINISTRY OF LAW AND JUSTICE
DEPARTMENT OF JUSTICE

US(JR)

RAJYA SABHA

UNSTARRED QUESTION NO. 522

TO BE ANSWERED ON MONDAY, THE 19th March, 2012

Psychological impact of pendency on judges

522. SHRI SANJAY RAUT:

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

(a) whether it is a fact that for overall improvement of justice delivery system it had been felt that heavy work load for a long period of time could cause psychological pressure on the judicial officers in the country;

(b) whether Government has agreed to conduct a study to find out how the 14000 odd trial court judges have been psychologically impacted by the continuous struggle to fight off 2.77 crore pending cases; and

(c) if so, whether it would reduce the backlog cases?

ANSWER
MINISTER OF LAW AND JUSTICE
(SHRI SALMAN KHURSHID)

(a) to (c): Huge backlog of cases and high pendency in courts is one of the major problem affecting both the judicial administration and justice delivery in India. The Ministry of Law and Justice had held a National Consultation for strengthening the judiciary towards reducing the pendency and delays in October, 2009. The Consultation considered and deliberated upon the Vision Document which was endorsed by a Resolution at the end of the Consultation. To realise the objectives set out in the Vision Document, a National Mission for Justice Delivery and Legal Reforms with the objective of pursuing several strategic initiatives which will include (i) policy changes (ii) re-engineering of procedures (iii) measures for human resource development (iv) leveraging of information and communication technology for better justice delivery has been set up.

The Mission will pursue a co-ordinated approach for phased liquidation arrears and pendency in the judicial administration. The National Missi has also a budget provision under the head 'Action Research and Studies on Judicial Reforms' to undertake research studies. No study has been undertaken to determine the psychological impact of pendency on judges.

Several steps have been taken by the Government to reduce the pendency which inter-alia includes measures for strengthening the judicial system, reviewing the strength of the judges from time to time and setting up of part time/special courts, improving infrastructure in the courts and increasing use of ICT for court management as well as for providing citizen centric services at all levels starting from Supreme Court/High Courts to the district and subordinate courts. Some of these initiatives are detailed further as under:-

i) Increasing access by reducing delays and arrears in the system has been the constant endeavor of the Government. For this, several steps have been taken in the past both for making structural changes as well as for monitoring the performance of the courts in so far as their disposal are concerned. The disposal has been accelerated by undertaking special drives, the recent one being from 1st July, 2011 to 31st December, 2011.

ii) The 11th Finance Commission had recommended setting up of fast track courts for which a provision of Rs. 502.90 crores was made for 2000-05. This was extended later till 2010-11. As per the reports received, 1192 fast track courts were functional in the country as on 31.3.2011. Nearly 33 lakh cases were disposed of by the fast track courts over a period of 11 years of central assistance from 2000-01 to 2010-11. The 13th Finance Commission has recommended a grant of Rs.5000 crores for the states over a period of 5 years between 2010-2015. The amount will be provided as a grant to the States for various initiatives such as (i) Increasing the number of court working hours using the existing infrastructure by holding morning / evening / shift courts; (ii) Enhancing support to Lok Adalats to reduce the pressure on regular courts; (iii) Providing additional funds to

GOVERNMENT OF INDIA
MINISTRY OF LAW & JUSTICE
DEPARTMENT OF JUSTICE

Desk Side

RAJYA SABHA

UNSTARRED QUESTION NO.524

TO BE ANSWERED ON MONDAY, the 19.03.2012

Strength of judges

524. SHRI PARIMAL NATHWANI:

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

(a) the current sanctioned/filled/vacant posts of judges in the Supreme Court and High Courts in the country;
(b) the steps taken and proposed to be taken to fill the existing vacancies and create more posts;
(c) the per head load in terms of average number of cases per judge in the Supreme Court and High Courts and whether it is justified;
(d) whether there is any study undertaken to find out State-wise need of judges for High Courts and lower courts; and
(e) if so, what is the scene in Jharkhand and Gujarat?

ANSWER

MINISTER OF LAW AND JUSTICE
(SHRI SALMAN KHURSHID)

(a): The statement showing the sanctioned strength, working strength and the vacant posts of Judges in the Supreme Court and the High Courts as on 15.03.2012, is at Annexe.

(b): 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 in time for filling the existing vacancies as well as the vacancies anticipated in next six months in the High Courts.

...2/-

(c) to (d): The Judge strength of High Courts is reviewed periodically through a Triennial Review, taking into account both the institution of cases and past pendency. The required strength of Permanent Judges is determined by taking into account the average institution of main cases in the last five years as well as the average rate of disposal of main cases per Judge per year in each High Court. The required strength of Additional Judges is decided by taking into account the number of main cases pending over two years and the average rate of disposal of main cases per Judge per year in each High Court. The last strength review was made in 2006. The national average for disposal of main cases per Judge per year in the High Court, was determined at 2324.

The administrative control over the members of the subordinate judiciary in the States vests with the concerned High Court and State Government under Article 235 of the Constitution of India. They review the required strength of Judges and maintain the data.

(e) : As per the Triennial Review of 2006, average rate of disposal per Judge per year in respect of main cases for Gujarat and Jharkhand High Courts, was 1346 and 1444 respectively.

Annexe

Annexure referred to in reply to part (a) of Rajya Sabha Unstarred Question No.524 for answer on 19.03.2012.

Sl. No.	Name of the Court	Sanctioned strength as on 15.03.2012	Working strength as on 15.03.2012	Vacancy of Judges as on 15.03.2012
A.	Supreme Court of India	31	25	6
B.	High Court			
1	Allahabad	160	75	85
2	Andhra Pradesh	49	32	17
3	Bombay	75	61	14
4	Calcutta	58	37	21
5	Chhattisgarh	18	12	06
6	Delhi	48	36	12
7	Gauhati	24	23	01
8	Gujarat	42	28	14
9	Himachal Pradesh	11	11	0
10	Jammu & Kashmir	14	07	07
11	Jharkhand	20	12	08
12	Karnataka	50	40	10
13	Kerala	38	34	04
14	Madhya Pradesh	43	34	09
15	Madras	60	53	07
16	Orissa	22	15	07
17	Patna	43	36	07
18	Punjab& Haryana	68	42	26
19	Rajasthan	40	27	13
20	Sikkim	3	02	01
21	Uttarakhand	9	08	01
	Total	895	625	270

GOVERNMENT OF INDIA
MINISTRY OF LAW AND JUSTICE
DEPARTMENT OF JUSTICE

US(JR)

RAJYA SABHA

UNSTARRED QUESTION No. 525

TO BE ANSWERED ON MONDAY, THE 19TH MARCH, 2012

Working of Gram Nyayalayas

525. SHRI MANI SHANKAR AIYAR:

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

(a) the progress of operationalising Gram Nyayalayas under the Gram Nyayalayas Act, 2008, State-wise; and

(b) whether Government is pursuing former Prime Minister Rajiv Gandhi's vision for Nyaya Panchayats to complement Gram Nyayalayas to promote grassroot justice using Nyaya Panchayats for alternative dispute resolution?

ANSWER

MINISTER OF LAW AND JUSTICE

(SH. SALMAN KHURSHID)

(a) The Gram Nyayalayas Act, 2008 for establishment of Gram Nyayalayas at the grass roots level with a view to providing access to justice to citizens at their doorstep was made effective from 2nd October, 2009. The Central Government has been providing one time assistance to States both for non-recurring expenses for setting up of Gram Nyayalayas and for meeting the cost of recurring expenses for running these Gram Nyayalayas for the first three years.

As per information available, 153 Gram Nyayalayas have been notified so far. Out of these 151 Gram Nyayalayas have started functioning. ₹ 25.39 crores has been released to the State Governments for establishment of Gram Nyayalayas in last three years.

State-wise progress is as under:

States	Notified	Operationalised	Amount released (in ₹ lakh)
Madhya Pradesh	89	89	1534.20
Rajasthan	45	45	711.00
Orissa	8	8	126.4
Maharashtra	9	9	142.20
Karnataka	2	0	25.20
Total	153	151	2539.00

contd...2

(b): The Ministry of Panchayati Raj has a proposal to establish Nyaya Panchayats at the level of each Village Panchayat or a cluster of Village Panchayats. However, pending consultation on this proposal, the Ministry of Panchayati Raj has advised the States/UTs to undertake Dispute Free Village Scheme on the pattern of Mahatma Gandhi Dispute Free Village Campaign of Government of Maharashtra. This is an Alternate Dispute Resolution Mechanism at the village level which can prevent occurrence of disputes, resolve present and future disputes amicably through a Panch Panel comprising village elders, police and respected citizens.

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Justice Sec.

GOVERNMENT OF INDIA
MINISTRY OF LAW AND JUSTICE
DEPARTMENT OF JUSTICE

RAJYA SABHA

UNSTARRED QUESTION NO.526

TO BE ANSWERED ON MONDAY, THE 19th MARCH, 2012

Retirement age of Judges

526. SHRI T.M. SELVAGANAPATHI:

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

(a) whether it is a fact that a demand has been received by Government to increase the retirement age of Judges;

(b) if so, the details thereof;

(c) whether it is also a fact that there has been a demand not to appoint Judges after their retirement to any commissions; and

(d) if so, the views of Government in this regard?

ANSWER

MINISTER OF LAW & JUSTICE
(SHRI SALMAN KHURSHID)

(a) & (b): The Department-Related Parliamentary Standing Committee on Personnel, Public Grievances, Law and Justice had, in its 26th Report on Demands for Grants of the Ministry of Law & Justice, *inter-alia*, recommended that Government should immediately bring forward a Constitutional Amendment Bill to raise the retirement age of Judges of High Courts from 62 to 65 *i.e.* at par with the retirement age of Judges of the Supreme Court without any further delay. Pursuant to this recommendation, the Constitution (One Hundred and Fourteenth Amendment) Bill, 2010 was introduced in the Lok Sabha on 25th August 2010.

(c) No, Sir.

(d) Does not arise.

GOVERNMENT OF INDIA
MINISTRY OF LAW AND JUSTICE
DEPARTMENT OF JUSTICE

M-Cell

RAJYA SABHA

UNSTARRED QUESTION NO. 527
TO BE ANSWERED ON MONDAY, THE 19th March, 2012

Restoring faith in judiciary

527. SHRI NANDI YELLAIAH:

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

(a) whether the Supreme Court has stated during January 2012, that the people's faith in Judiciary was dwindling at an alarming rate, posing a very grave threat to Constitutional and democratic governance of the country;
(b) if so, the details of action taken in this regard;
(c) the number of judgments delivered in the Supreme Court but kept pending for delivery to the respective States and Union Territories during 2009; 2010 and 2011;
(d) the reasons for this gap between delivery and implementation of judgments; and
(e) the details of measures to be undertaken by the Ministry to put an end to this miserable situation?

ANSWER

MINISTER OF LAW AND JUSTICE
(SHRI SALMAN KHURSHID)

(a) to (c): All the judgments and orders of the Hon'ble Supreme Court are reported in various Law Reports and are also available on the Supreme Court websites i.e. www.supremecourtofindia.nic.in and www.sci.nic.in and can be accessed therefrom.

(d) & (e): Implementation of judgments is the responsibility of concerned parties involved in the case. In the event of non-compliance of any of the judgements, the aggrieved party has the remedy and can file a contempt petition in the Court of Law for implementation of the decision.

GOVERNMENT OF INDIA

MINISTRY OF LAW AND JUSTICE
DEPARTMENT OF JUSTICE

W(JR)

RAJYA SABHA
UNSTARRED QUESTION NO. 529

TO BE ANSWERED ON MONDAY, THE 19th March, 2012

Pending cases

529. SHRI KAPTAN SINGH SOLANKI:
SHRI PARIMAL NATHWANI:
SHRI DILIPBHAI PANDYA:
SHRI T.M. SELVAGANAPATHI:

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

(a) the number of cases pending in the Supreme Court, High Courts and subordinate Courts;

(b) how many of these are less than five years old;

(c) the steps taken by Government to reduce the pendency;

(d) whether Government has launched a National Mission aimed at harnessing Information and Communication Technology for disposal of cases;

(e) if so, the details thereof;

(f) whether Government proposes to set up a National Commission on Justice; and

(g) if so, the details thereof?

ANSWER

MINISTER OF LAW AND JUSTICE
(SHRI SALMAN KHURSHID)

(a) & (b): The data on institution, disposal and pendency of cases is maintained by the Supreme Court and High Courts. As per the information received from the Supreme Court, 59,368 matters have been pending in the Supreme Court as on 14.03.2012. Out of them, 17680 matters are less than one year old and are not in arrears. Out of the total pending matters 53,174 matters are less than five years old

As per available Information, 37,35,204 cases in High Courts and 2,21,20,882 cases in the subordinate courts were pending as on 31.12.2010. Out of these, 21,98,925 cases in High Courts and 1,67,38,451 cases in the subordinate courts have been pending for less than five years as on 31.12.2010

(c) to (e): Huge backlog of cases and high pendency in courts is one of the major problem affecting the judicial administration and justice delivery in India. The Ministry of Law and Justice held a National Consultation for strengthening the judiciary towards reducing the pendency and delays in October, 2009. The Consultation considered and deliberated upon the Vision Document which was endorsed by a resolution at the end of the Consultation. To realise the objectives set out in the Vision Document, a National Mission for Justice Delivery and Legal Reforms with the objective of pursuing several strategic initiatives which will include (i) policy changes (ii) re-engineering of procedures (iii) measures for human resource development (iv) leveraging of information and communication technology for better justice delivery has been set up. The Mission will pursue a co-ordinated approach for phased liquidation of arrears and pendency in the judicial administration.

However, several steps have been taken by the Government to reduce the pendency which inter-alia includes measures for strengthening the judicial system, reviewing the strength of the judges from time to time and setting up of part time/special courts, improving infrastructure in the courts and increasing use of ICT for court management as well as for providing citizen centric services at all levels starting from Supreme Court/High Courts to the district and subordinate courts. Some of these initiatives are detailed further as under:-

i) Increasing access by reducing delays and arrears in the system has been the constant endeavor of the Government. For this, several steps have been taken in the past both for making structural changes as

well as for monitoring the performance of the courts in so far as their disposal are concerned. The disposal has been accelerated by undertaking special drives, the recent one being from 1st July, 2011 to 31st December, 2011.

ii) The 11th Finance Commission had recommended setting up of fast track courts for which a provision of Rs. 502.90 crores was made for 2000-05. This was extended later till 2010-11. As per the reports received, 1192 fast track courts were functional in the country as on 31.3.2011. Nearly 33 lakh cases were disposed of by the fast track courts over a period of 11 years of central assistance from 2000-01 to 2010-11. The 13th Finance Commission has recommended a grant of Rs.5000 crores for the states over a period of 5 years between 2010-2015. The amount will be provided as a grant to the States for various initiatives such as (i) Increasing the number of court working hours using the existing infrastructure by holding morning / evening / shift courts; (ii) Enhancing support to Lok Adalats to reduce the pressure on regular courts; (iii) Providing additional funds to State Legal Services Authorities to enable them to enhance legal aid to the marginalized and empower them to access justice; (iv) Promoting the Alternate Dispute Resolution (ADR) mechanism to resolve part of the disputes outside the court system; (v) Enhancing capacity of judicial officers and public prosecutors through training programmes; (vi) Supporting creation or strengthening of a judicial academy in each State to facilitate such training; (vii) Creation of the post of Court Managers in every judicial district and High Courts to assist the judiciary in their administrative functions and (viii) Maintenance of heritage court buildings. An amount of ₹ 1353.623 crores has already been released to the States on this account.

iii) Under the Central Sector Scheme for computerization of the District and Subordinate Courts (e-Courts project) in the country and for upgradation of the ICT infrastructure of the Supreme Court and the High Courts, a 9501 courts out of 14,229 courts as on 25.02.2012 in the country have been computerized. The balance courts would be computerized by 31.3.2014.

In the second phase, digitization, library management, e-filing and establishment of data warehouse are expected to be added to the ongoing computerization and performing of citizen centric services.

iv) The Gram Nyayalayas Act, 2008 has been enacted for establishment of Gram Nyayalayas at the grass roots level for providing access to justice to citizens at their doorstep. The Central Government is providing assistance to States towards non-recurring expenses for setting up of Gram Nyayalayas subject to a ceiling of ₹ 18.00 lakhs per Gram Nyayalaya. The Central Government also provides assistance towards recurring expenses for running these Gram Nyayalayas subject to a ceiling of ₹ 3.20 lakhs per Gram Nyayalaya per year for the first three years. As informed by the State Governments, 153 Gram Nyayalayas have been notified so far. Out of which 151Gram Nyayalayas have started functioning. An amount of ₹ 25.39 crores has been released to the State Governments for establishment of Gram Nyayalayas during last three years.

v) A Centrally Sponsored Scheme for development of infrastructure facilities for the judiciary is being implemented since 1993-94 under which central assistance for construction of court buildings and residential quarters for judicial officers is released to augment the resources of the State Governments. An expenditure of ₹ 1810.33 crore has been incurred by the Central Government on this scheme so far.

(f) No, Sir.

(g) Does not arise.

State Legal Services Authorities to enable them to enhance legal aid to the marginalized and empower them to access justice; (iv) Promoting the Alternate Dispute Resolution (ADR) mechanism to resolve part of the disputes outside the court system; (v) Enhancing capacity of judicial officers and public prosecutors through training programmes; (vi) Supporting creation or strengthening of a judicial academy in each State to facilitate such training; (vii) Creation of the post of Court Managers in every judicial district and High Courts to assist the judiciary in their administrative functions and (viii) Maintenance of heritage court buildings. An amount of ₹ 1353.623 crores has already been released to the States on this account.

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US(MD)/AM

GOVERNMENT OF INDIA
MINISTRY OF LAW AND JUSTICE
DEPARTMENT OF JUSTICE

RAJYA SABHA

UNSTARRED QUESTION NO. 530

TO BE ANSWERED ON MONDAY, THE 19th MARCH, 2012

Disposal of pending cases

530. SHRI VIJAY JAWAHARLAL DARDA:

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

(a) whether the increase in Central Government's contribution for infrastructure development of district and subordinate courts to States from 50 per cent to 75 per cent and even 90 per cent for North-Eastern States, has resulted in envisaged percentage liquidation of nearly three crore arrears of civil and criminal cases;

(b) whether any model customized schemes for phased liquidation of arrears has been prepared by Government which can be adopted by the State Governments to effectively achieve quicker results; and

(c) what are the suggestions of the legal luminaries from the Bar for liquidation of existing arrears and non-accumulation of the same in future?

ANSWER

MINISTER OF LAW AND JUSTICE
(SHRI SALMAN KHURSHID)

(a) to (c) Inadequacy of infrastructure facilities in the district and subordinate courts has been a major bottleneck in the judicial system and has contributed to the accumulation of arrears. In order to augment the resources of the State Governments for development of infrastructure facilities for the judiciary a Centrally Sponsored Scheme (CSS) has been in operation since 1993-94. An amount of ₹ 1245.36 crore was released to the States / UTs as central assistance for this purpose till 31.3.2011. Fresh assessment of requirement of infrastructure for subordinate courts

has led to enhancement of increase in Central Government's contribution for infrastructure facilities of district and subordinate courts from 50% to 75% except for States in North Eastern region where the Central Government's contribution has been enhanced to 90%. The enhanced sharing by the Central Government has come into effect from 1.4.2011. It is being implemented as an important component of National Mission for Justice Delivery and Legal Reforms. ₹ 564.97 crore has been released as central assistance to States and UT's during the current financial year i.e. 2011-12.

Huge backlog of cases and high pendency in courts is one of the major problems for long in the country. The Ministry of Law and Justice held a National Consultation for strengthening the judiciary towards reducing the pendency and delays in October, 2009. The Consultation considered and deliberated upon the Vision Document which was endorsed by a resolution at the end of the Consultation. To realise the objectives set out in the Vision Document, a National Mission for Justice Delivery and Legal Reforms has been formed with the objective of pursuing several strategic initiatives which will include (i) policy changes (ii) re-engineering procedures (iii) measures for human resource development and (iv) leveraging of information and communication technology has been set up. Thus, the Mission will pursue a coordinated approach for phased liquidation of arrears and pendency in the judicial administration. However, the Department of Justice has taken several other initiatives to tackle the problem of arrears and pendency through following schemes and programmes:

(i) Fast Track Courts were set up on the recommendation of the 11th Finance Commission for expeditious disposal of long pending sessions cases and the cases involving under trial prisoners for a period of 5 year first from 2000 to 2005 for which a provision of Rs. 502.90 crores was made. This was extended later till 2010-11. As per the reports received, 1192 fast track courts were functional in the country as on 31.3.2011.

Justice Sec.

GOVERNMENT OF INDIA
MINISTRY OF LAW AND JUSTICE
DEPARTMENT OF JUSTICE

RAJYA SABHA

UNSTARRED QUESTION NO.531

TO BE ANSWERED ON MONDAY, THE 19th MARCH, 2012

Corruption in judiciary

+ 531. SHRI ISHWARLAL SHANKARLAL JAIN:

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

(a) whether there has been an increase in corruption cases in the lower and higher judiciary of the country during the last three years;

(b) if so, the details of corruption cases in judiciary, State-wise and whether Government has identified the reasons therefor;

(c) whether Government has taken appropriate steps to check corruption in judiciary; and

(d) if so, the details thereof?

ANSWER

MINISTER OF LAW & JUSTICE
(SHRI SALMAN KHURSHID)

(a) to (d) : Allegations of corruption in the judiciary have come to the notice of the Government and have been reported in the media also from time to time. 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 Justices of the High Courts. Similarly, the Chief Justices of the High Courts are competent to receive complaints against the conduct of the Judges of their Courts. The administrative control over the members of the subordinate judiciary in the States, vests fully with the concerned State High Court and the State Government. In view of this, the Central Government does not maintain records of complaints and has no mechanism to monitor the action taken on them.

....2/-

There is a proposal to change the existing system for investigation into the complaints of misbehavior or incapacity of a Judge of the Supreme Court or High Court as well as to enforce greater accountability. A comprehensive Bill titled "The Judicial Standards and Accountability Bill, 2010" has been introduced in the Parliament with this objective. The Bill, besides providing for a comprehensive system for looking into the complaints as well as the penalties which can be imposed on the completion of the enquiry, lays down the judicial standards and also make it incumbent on the Judges to declare their assets/liabilities.

Desk Side

GOVERNMENT OF INDIA
MINISTRY OF LAW AND JUSTICE
DEPARTMENT OF JUSTICE

RAJYA SABHA
UNSTARRED QUESTION NO.533

TO BE ANSWERED ON 19.03.2012

Strength of Judges in Courts

533. SHRI TARUN VIJAY:

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

(a) the sanctioned strength of Judges in various High Courts and the Supreme Court and how many posts are lying vacant, State-wise;
(b) whether it is a fact that none of the constitutional courts of the country with an exception to Himachal Pradesh are working at their full strength;
(c) whether Government proposes to change the Memorandum of Procedure of appointing High Court and Supreme Court Judges evolved out of Supreme Court decisions of 1993 and 1998; and
(d) by when Government proposes to work on the goals enshrined in the Vision Statement of the Ministry issued on 24 October, 2010?

ANSWER
MINISTER OF LAW AND JUSTICE
(SHRI SALMAN KHURSHID)

(a) and (b): A Statement showing the sanctioned strength and the vacancies of Judges in the Supreme Court and various High Courts as on 15.03.2012 is annexed.

(c): The existing procedure for appointment of Judges of the Supreme Court of India and the High Courts is based on the Supreme Court Judgment of October 6, 1993 in the case of Supreme Court Advocates on Record & Anr. *Vs* Union of India

and the Advisory Opinion dated October 28, 1998. This has been in vogue though this has been largely debated in various fora and there have been demands to change the existing procedure. However, no decision has been made in regard to an alternative to the present system of selection and appointment of judges.

(d): As envisaged in the Vision Document, every effort is made to fill up the vacancies, including through periodically reminding the Chief Justices of the High Courts. However, vacancies keep on arising on account of retirement, resignation or elevation of Judges.

Huge backlog of cases and high pendency in courts is one of the major problems for long in the country. The Ministry of Law and Justice held a National Consultation for strengthening the judiciary towards reducing the pendency and delays in October, 2009. The Consultation considered and deliberated upon the Vision Document which was endorsed by a Resolution at the end of the Consultation. To realize the objectives set out in the Vision Document, a National Mission for Justice Delivery and Legal Reforms has been formed with the objective of pursuing several strategic initiatives which will include (i) policy changes (ii) re-engineering procedures (iii) measures for human resource development and (iv) leveraging of information and communication technology has been set up. Thus, the Mission will pursue a coordinated approach for phased liquidation of arrears and pendency in the judicial administration.

Annexure referred to in reply to part (a) of Rajya Sabha Unstarred Question No.533 for answer on 19.03.2012

Sl. No.	Name of the Court	Sanctioned strength as on 15.03.2012	Vacancy of Judges as on 15.03.2012
A.	Supreme Court of India	31	6
B.	High Court		
1	Allahabad	160	85
2	Andhra Pradesh	49	17
3	Bombay	75	14
4	Calcutta	58	21
5	Chhattisgarh	18	06
6	Delhi	48	12
7	Gauhati	24	01
8	Gujarat	42	14
9	Himachal Pradesh	11	0
10	Jammu & Kashmir	14	07
11	Jharkhand	20	08
12	Karnataka	50	10
13	Kerala	38	04
14	Madhya Pradesh	43	09
15	Madras	60	07
16	Orissa	22	07
17	Patna	43	07
18	Punjab& Haryana	68	26
19	Rajasthan	40	13
20	Sikkim	3	01
21	Uttarakhand	9	01
	Total	895	270

providing assistance to States towards non-recurring expenses for setting up of Gram Nyayalayas subject to a ceiling of Rs. 18.00 lakhs per Gram Nyayalaya. The Central Government also provides assistance towards recurring expenses for running these Gram Nyayalayas subject to a ceiling of Rs. 3.20 lakhs per Gram Nyayalaya per year for the first three years. As informed by the State Governments, 153 Gram Nyayalayas have been notified so far. Out of which 151Gram Nyayalayas have started functioning. An amount of Rs. 25.39 crores has been released to the State Governments for establishment of Gram Nyayalayas during last three years.

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Nearly 33 lakh cases were disposed of by the fast track courts over a period of 11 years of central assistance from 2000-01 to 2010-11.

(ii) The 13th Finance Commission has recommended a grant of Rs.5000 crores for the states over a period of 5 years between 2010-2015. The amount is being provided as a grant to the States for various initiatives such as (a) Increasing the number of court working hours using the existing infrastructure by holding morning / evening / shift courts; (b) Enhancing support to Lok Adalats to reduce the pressure on regular courts; (c) Providing additional funds to State Legal Services Authorities to enable them to enhance legal aid to the marginalized and empower them to access justice; (d) Promoting the Alternate Dispute Resolution (ADR) mechanism to resolve part of the disputes outside the court system; (e) Enhancing capacity of judicial officers and public prosecutors through training programmes; (f) Supporting creation or strengthening of a judicial academy in each State to facilitate such training; (g) Creation of the post of Court Managers in every judicial district and High Courts to assist the judiciary in their administrative functions and (h) Maintenance of heritage court buildings. An amount of Rs. 1353.623 crores has already been released to the States on this account.

(iii) In order to computerize the justice delivery system, Government is implementing e-Courts Project for the District and Subordinate Courts in the country and for up gradation of ICT infrastructure in superior courts. 9501 courts out of 14,229 courts as on 25.02.2012 in the country have been computerized. The balance courts would be computerized by 31.3.2014. In the second phase, digitization, library management, e-filing and establishment of data warehouse are expected to be added to the ongoing computerization and performing of citizen centric services.

(iv) The Gram Nyayalayas Act, 2008 has been enacted for establishment of Gram Nyayalayas at the grass roots level for providing access to justice to Citizens at their doorstep. The Central Government is

GOVERNMENT OF INDIA
MINISTRY OF LAW & JUSTICE
DEPARTMENT OF JUSTICE

Desk Sec

RAJYA SABHA

UNSTARRED QUESTION NO.537

TO BE ANSWERED ON MONDAY, the 19.03.2012

Change in name of High Courts

+537. **SHRI BALAVANT ALIAS BAL APTE:**
SHRI RAJKUMAR DHOOT:

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

(a) whether Government proposes to change the names of Bombay, Madras and Calcutta High Courts into Mumbai, Chennai and Kolkata High courts respectively;
(b) if so, whether a recommendation of Parliamentary Committee regarding Mumbai High Court has been received;
(c) if so, the details thereof;
(d) whether a proposal of name-change has been received from the Maharashtra Government in this regard; and
(e) if so, by when it is likely to be done?

ANSWER

MINISTER OF LAW AND JUSTICE

(SHRI SALMAN KHURSHID)

(a) to (e) : The proposals to change the names of 'Bombay High Court' as the 'Mumbai High Court', the 'Calcutta High Court' as the 'Kolkata High Court', the 'Madras High Court' as the 'Chennai High Court' have been received. They are all under consideration of the Government.

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GOVERNMENT OF INDIA
MINISTRY OF LAW AND JUSTICE
DEPARTMENT OF JUSTICE

RAJYA SABHA

STARRED QUESTION NO. 164
TO BE ANSWERED ON MONDAY, THE 26th March, 2012

Mission mode programme for disposal of cases

+*164.SHRI SHREEGOPAL VYAS:

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

(a) the progress made in the mission mode programme for early disposal of cases;

(b) whether there is any action plan for maximum use of Hindi and regional languages for success of Gram Nyayalayas; and

(c) if so, the details thereof?

ANSWER

MINISTER OF LAW AND JUSTICE
(SHRI SALMAN KHURSHID)

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

Statement referred to in reply to parts (a) to (c) of the Rajya Sabha Starred Question No. 164 for 26.03.2012 regarding Mission mode programme for disposal of cases

(a): Huge backlog of cases and high pendency in courts is one of the major problem affecting both the judicial administration and justice delivery in India. Several measures are taken by the Governement in close cooperation with the State High Courts for expeditious disposal of cases. As a part of that Government of India undertook a pendency reduction drive from July 2011 to Dec 2011. The Chief Justices of the High Courts were requested to initiate in a campaign mode clearance of petty cases and long pending cases and utilization of 13th Finance Commission grant for pendency reduction. All the High Courts participated in the campaign and went on to set their own targets for reduction of pendency and pursued them with vigour. The High Courts adopted a variety of methods, which are summerised at Annex. The result has been an improvement in disposal of cases and reduction in sizeable number of under trials.

(b) & (c): Generally, Hindi and regional languages are used in the proceedings of the lower courts in the States. Under Section 29 of the Gram Nyayalayas Act,2008, the proceedings before the Gram Nyayalayas and its judgement shall as far as practicable be in one of the official languages of the State other than the English language.

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Annex

Mission Mode Programme for reduction of pendency in courts

Bombay

- All cases pending for more than 10 years to be disposed of. Special courts appointed to tackle pendency of cases under section 138 of Negotiable Instrument Act.
- Special Courts to be established for dealing with cases involving atrocities against women and persons belonging to SCs and STs.
- An amendment proposal to Section 258 of Cr.P.C. has been moved by the High Courts in order to reduce the pendency.

Calcutta

- Constituted a Special Committee for reduction/elimination of barriers and ensuring speedy trial of cases.
- All criminal cases numbering 9,29,193 as on 31.12.2010 which are compoundable in nature, instead of being decided by the regular court, would be sent to Lok Adalat for disposal under the provisions of Legal Services Authorities Act, 1987.
- Special measures to be taken for dealing with old cases for all Courts including High Court.
- Lok Adalats to be held on every working day at least for one hour either before or after court hours on regular basis and on every non working Saturday and Sunday in every month for whole of the day.
- High Court of Calcutta has fixed at least 2 days in a week for disposal of old cases, giving priority hearing of old cases involving senior citizens , women, backward class people.

Delhi

- Delhi High Court has fixed the target of atleast 20% in reduction of pendency of cases as on 01.07.2011 by December, 2011.
- Amended Delhi High Court (original side) Rules, 1967 by notification dated 18.8.2009 and conferred additional powers on the Registrar. The said powers can be delegated to Joint Registrar/ Dy. Registrars by the Court.
- Introduction of case Flow Management System in Delhi High Court.
- Chief Justice earmarked every 'Thursday' as an "Old Matters Day".

- Delhi High Court emphasized on petty and long pending cases (more than 5 years) in subordinate Courts, cases pertaining to senior citizens, minors, disabled and other marginalised groups and under trials (atleast 2/3rd of numbers released on bail/discharged).

Gujarat

- All pending civil suits and appeals upto the year 2005 to be disposed of.
- Under " operation justice – 2011 initiated by Gujarat High Court, Public Notices through news papers have been issued to draw attention of litigants and advocates to speed up the process in pending cases.

Himachal Pradesh

- Targets set for disposal of cases upto the year 2005 in High Court and upto the year 2008 for petty cases and upto 2005 in Subordinate Courts.

Karnataka

- Target set for 3240 cases and 45863 cases which are more than 7 years old in the High Court and subordinate courts respectively. For petty cases the target set for 11728 cases in the subordinate courts.

Kerala

- Case flow management Rules framed for Subordinate Courts for reducing pendency.
- High Court is also taking the initiative to incorporate a new rule as 97A in the rules of the High Court of Kerala providing for faster service of process, hearing on day to day basis, automatic termination of stay after the expiry of 2 months in cases seeking to challenge/stay/transfer the lower court proceedings.

Orissa

- Target has been fixed for disposal of cases upto the year 1995. For petty case a target has been fixed for disposal of atleast 2/3rd of pending cases by the end of December, 2011

Madhya Pradesh

- High Court of MP kept a constant vigil over the pendency of Subordinate Courts and issues directions from time to time.
  - Directed Subordinate Courts to decide cases pending for four years or more by 31st December, 2011.
  - Fresh directions issued to all the subordinate courts to take up cases pending over five to fifteen years in a mission mode and decide maximum number of cases in a period of 6 month beginning from July 2011.
  - specific directions issued with regards to cases related to women, senior citizens, untrials, juveniles, corruption and narcotic drugs.
- Periodical Mega Adalats are being held at High Court level at Main Seat and its two Benches, Indore and Gwalior to reduce pendency substantially.

Punjab & Haryana

- Addional District and Session Judges declared as Special Courts under NDPS Act

Madras

- High Court motivated Judicial Officers towards concentrating on long pending cases for 15 to 20 years through awarding triple norms (internal assessment) method.

GOVERNMENT OF INDIA
MINISTRY OF LAW & JUSTICE
DEPARTMENT OF JUSTICE

Desk Side

RAJYA SABHA

STARRED QUESTION NO.165

TO BE ANSWERED ON MONDAY, the 26.03.2012

Shortage of judges and pending cases

+*165. SHRIMATI HEMA MALINI:

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

(a) whether it is a fact that a large number of posts of judges at all levels of judiciary are lying vacant in the country;
(b) if so, the details thereof;
(c) the reasons therefor and the manner in which these vacancies would be filled up and by when;
(d) whether it is also a fact that a large number of cases are pending in various courts of the country;
(e) if so, the details thereof and the reasons therefor; and
(f) Government's action plan to dispose of these cases?

ANSWER

MINISTER OF LAW AND JUSTICE

(SHRI SALMAN KHURSHID)

(a) to (f) : A statement is laid on the Table of the House.

STATEMENT REFERRED TO IN REPLY TO THE RAJYA SABHA STARRRED QUESTION NO.165 TO BE ANSWERED ON 26.03.2012 REGARDING SHORTAGE OF JUDGES AND PENDING CASES.

(a) &(b) : There were 269 vacancies of Judges in the State High Courts as on 20.03.2012 and 3634 of Judges in the district and subordinate Courts as on 30.06.2011. High Court-wise and State-wise details are given in the Statements at Annex I and II respectively.

(c) : Under the existing procedure for appointment of Judges of the Supreme Court and State High Courts, the Government processes appointments upon receipt of proposals from the Chief Justice of India for Supreme Court and for High Court upon receipt of proposals from the respective Chief Justice of the High Court. The Government periodically reminds the Chief Justices of High Courts to send proposals for filling the vacancies in High Courts as per the timelines prescribed in the Memorandum showing the Procedure for Appointment and Transfer of Chief Justices and Judges of High Courts. Additionally, the Government had written to the Chief Justices of High Courts in April and June 2011 to fill the vacancies in the High Courts and subordinate courts in a campaign mode from 01st July 2011 onwards for six months. As a result of this, 85 vacancies of High Courts have been filled in the calendar year 2011 against 43 vacancies filled in the calendar year 2010.

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Under Article 235 of the Constitution of India, administrative control over the members of subordinate judiciary in the States vests with the respective High Court and the State Government. Therefore, the responsibility for filling the vacancies also vests with them. The Supreme Court in its judgment dated 3.4.2006 in C.A. No. 1867 of 2006 (Arising out of SLP(C) No.22523 of 2005) – in the matter of Malik Mazhar Sultan & Anr. Vs U.P. Public Service Commission & Ors. has directed all the States/UTs to strictly adhere to time schedule for ensuring timely filling of vacancies. The Supreme Court has also given instruction to all the State Governments/UTs and High Courts to provide the schedule so that vacancies are filled timely every year. Since then, filling up of vacancies in subordinate courts is monitored by the Supreme Court or a quarterly basis.

(d) (e) & (f) : The data on institution, disposal and pendency of cases is maintained by the Supreme Court and High Courts. As per the information received from the Supreme Court, 59368 matters are pending in the Supreme Court as on 14.03.2012. Out of them, 17680 matters are less than one year old and are not in arrears.

As per the information published by the Supreme Court in the Court News (Vol. VI, issue No.1), 42,49,344 cases in High Courts and 2,77,51,181 cases in the subordinate court were pending as on 31.12.2010.

...3/-

Huge backlog of cases and high pendency courts is one of the major problem affecting both the judicial administration and justice delivery in India. The Ministry of Law and Justice had held a National Consultation for strengthening the judiciary towards reducing the pendency and delays in October, 2009. The consultation considered and deliberated upon the Vision Document which was endorsed by a Resolution at the end of the Consultation. To realize the objectives set out in the Vision Document, a National Mission for Justice Delivery and Legal Reforms has been set up with the objective of pursuing several strategic initiatives which will include (i) policy & Legislative changes (ii) re-engineering of procedures (iii) measures for human resource development (iv) leveraging of information and communication technology for better justice delivery. The Mission will pursue a co-ordinated approach for phased liquidation of arrears and pendency in the judicial administration.

Several other steps have also been taken by the Government to reduce the pendency which inter-alia include measures for strengthening the judicial system by reviewing the strength of the judges in High Courts, expeditious filling up of vacancies as per laid down procedure, setting up of part time/special courts, improving infrastructure in the courts and increasing use of ICT for court management as well as for providing citizen centric services. The Thirteenth Finance Commission has allocated a grant of Rs. 2500 crore to the States for morning/evening/shift courts. These courts will try petty cases so as to clear backlog of cases and relieve pressure on judicial time. These courts may either

...4/-

utlize the services of retired judicial officers or of regular judicial officers on payment of additional compensation. Rs.681.66 crore have been released to the State Governments for morning/evening/shift courts. So far, 4537 morning/evening/shift courts have been established.

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Annexure - I

Annexure referred to in reply to parts (a) & (b) of Rajya Sabha Starred Question No.165 for answer on 26.03.2012

Sl. No.	Name of the Court	Vacancy of Judges as on 20.03.2012.
A.	Supreme Court of India	6
B.	**High Court**	
1	Allahabad	85
2	Andhra Pradesh	17
3	Bombay	14
4	Calcutta	21
5	Chhattisgarh	06
6	Delhi	12
7	Gauhati	01
8	Gujarat	14
9	Himachal Pradesh	0
10	Jammu & Kashmir	07
11	Jharkhand	08
12	Karnataka	10
13	Kerala	04
14	Madhya Pradesh	09
15	Madras	06
16	Orissa	07
17	Patna	07
18	Punjab& Haryana	26
19	Rajasthan	13
20	Sikkim	01
21	Uttarakhand	01
Total		**269**

Annexure -II

Annexure referred to in reply to parts (a) & (b) of Rajya Sabha Starred Question No.165 for answer on 26.03.2012.

Sl. No.	State/Union Territory	Vacancies as on 30.06.2011
1	Uttar Pradesh	207
2	Andhra Pradesh	114
3	Maharashtra	194
4	Goa	7
5	Diu Daman & Dadra and Nagar Haveli	2
6	West Bengal	146
7	Chhattisgarh	21
8	Delhi	153
9	Gujarat	816
10	Assam	94
11	Meghalaya	30
12	Tripura	29
13	Manipur	7
14	Nagaland	5
15	Mizoram	34
16	Arunachal Pradesh	0
17	Himachal Pradesh	13
18	Jammu and Kashmir	20
19	Jharkhand	79
20	Karnataka	155
21	Kerala	36
22	Lakshadweep	1
23	Tamil Nadu	74
24	Puducherry	7
25	Madhya Pradesh	149
26	Orissa	103
27	Bihar	681
28	Punjab	46
29	Haryana	112
30	Chandigarh	0
31	Rajasthan	169
32	Sikkim	4
33	Uttarakhand	126
	Total	**3634**

US(JR)

GOVERNMENT OF INDIA
MINISTRY OF LAW AND JUSTICE
DEPARTMENT OF JUSTICE

RAJYA SABHA

STARRED QUESTION NO. 175

TO BE ANSWERED ON MONDAY, THE 26TH MARCH, 2012

Affordable and easy justice to common man

*175. SHRI ISHWAR SINGH:

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

(a) whether Government proposes to make affordable and easy justice available to common man in the country;

(b) If so, the details thereof;

(c) whether the Government has evolved any scheme in this regard; and

(d) if so, the details thereof?

ANSWER
MINISTER OF LAW AND JUSTICE
(SHRI SALMAN KHURSHID)

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

STATEMENT REFERRED TO IN REPLY TO PARTS (a) to (d) OF RAJYA SABHA STARRED QUESTION NO. 175 FOR REPLY ON 26-3-2012

(a) to (d): The Government has been taking several initiatives from time to time to improve the justice delivery system and for making it affordable and accessible to the common man. These initiatives inter-alia include measures for strengthening the judicial system, reviewing the strength of the judges from time to time and setting up of part time/special courts, undertaking special drives for speedier disposal of cases, improving infrastructure in the courts and increasing use of ICT for court management as well as for providing citizen centric services at all levels starting from Supreme Court/High Courts to the district and subordinate courts. Some of these initiatives are as under:-

(i) Increasing access by reducing delays and arrears in the system has been the constant endeavor of the Government. For this, several steps have been taken both for making structural changes as well as for monitoring the performance of the courts in so far as their disposal are concerned. The disposal has been accelerated by undertaking a special drive from 1st July, 2011 to 31st December, 2011. At the same time, the Government has recently set up a National Mission for Justice Delivery and Legal Reforms which will be addressing the issues of delays and arrears in the judicial system as well enforcing better accountability at all levels through a variety of strategic initiatives which will include setting and monitoring of performance standards for courts and judges, judicial accountability, enhancement of capacity through training at various levels etc.

(ii) The 11th Finance Commission had recommended setting up of fast track courts for which a provision of Rs. 502.90 crores was made for 2000-05. This was extended later till 2010-11. As per the reports received, 1192 fast track courts were functional in the country as on 31.3.2011. Nearly 33 lakh cases were disposed of by the fast track courts over a period of 11 years of central assistance from 2000-01 to 2010-11.

Contd.....2/-

The 13th Finance Commission has recommended a grant of Rs. 5000 crores for the states over a period of 5 years between 2010-2015. The amount is being provided as grant to the States for various initiatives such as (i) Increasing the number of court working hours using the existing infrastructure by holding morning / evening / shift courts; (ii) Enhancing support to Lok Adalats to reduce the pressure on regular courts; (iii) Providing additional funds to State Legal Services Authorities to enable them to enhance legal aid to the marginalized and empower them to access justice; (iv) Promoting the Alternate Dispute Resolution (ADR) mechanism to resolve part of the disputes outside the court system; (v) Enhancing capacity of judicial officers and public prosecutors through training programmes; (vi) Supporting creation or strengthening of a judicial academy in each State to facilitate such training; (vii) Creation of the post of Court Managers in every judicial district and High Courts to assist the judiciary in their administrative functions and (viii) Maintenance of heritage court buildings.

An amount of ₹ 1353.62 crores has already been released to the States on this account.

(iii) Under the central sector scheme for computerization of the District and Subordinate Courts (e-Courts project) in the country and for upgradation of the ICT infrastructure of the Supreme Court and the High Courts, a 9434 courts out of 14,229 courts have been computerized in the country as on 29.2.2012. The balance courts are targeted to be computerized by 31.3.2014.

(iv) The Gram Nyayalayas Act, 2008 has been enacted for establishment of Gram Nyayalayas at the grass roots level for providing access to justice to citizens at their doorstep. The Central Government is providing assistance to States towards non-recurring expenses for setting up of Gram Nyayalayas subject to a ceiling of

Cont...3/-

₹ 18.00 lakhs per Gram Nyayalaya. 153 Gram Nyayalayas have been notified so far, out of which 151Gram Nyayalayas have started functioning.

An amount of ₹ 25.39 crores has been released to the State Governments for establishment of Gram Nyayalayas during last three years.

(v) A Centrally Sponsored Scheme for development of infrastructure facilities for the judiciary is being implemented since 1993-94 under which central assistance for construction of court buildings and residential quarters for judicial officers is released to augment the resources of the State Governments. The expenditure on the scheme is shared w.e.f. 2011-12, by the Centre and the State Governments on 75:25 basis, except for States in North East Region, which is on 90:10 basis.

₹ 1812.01 crores have been released under this scheme to the States / UTs of which ₹566.65 crores are released during 2011-12.

(vi) For legal empowerment of the marginalized people in India an externally aided project 'Access to Justice for Marginalized People in India' is being implemented, in the selected 07 States.

(vii) Legal Services are being provided by National Legal Services Authority (NALSA) to the common man through a scheme of trained Para-Legal Volunteers (PLVs) selected from the community. The PLVs act as bridge between the legal services institution and the common man. In case of need the assistance of professional lawyers is also provided to weaker and marginalised sections of society

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GOVERNMENT OF INDIA
MINISTRY OF LAW AND JUSTICE
DEPARTMENT OF JUSTICE

US (Jus.)

RAJYA SABHA

UNSTARRED QUESTION NO.1320

TO BE ANSWERED ON MONDAY, THE 26th MARCH, 2012.

Right to justice

1320. SHRI N.K. SINGH:

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

(a) whether Government is working to enact a law to make the right to justice a fundamental right for Indian citizens;

(b) if so, the details thereof;

(c) if not, the reasons therefor;

(d) by when this would be enforced; and

(e) the manner in which Government would make the legal aid programme more effective and efficient so that all sections of society could have better access to justice?

ANSWER

MINISTER OF LAW & JUSTICE
(SHRI SALMAN KHURSHID)

(a) to (d) : The Preamble to the Constitution of India provides justice – social, economic and political to Indian citizens regardless of their affiliation to caste, creed, religion or sex. The Supreme Court has also held that Social Justice is a fundamental right. In this situation, no fresh law is required to make Right to Justice a fundamental right for citizens.

(e): The Government has taken various steps with the objective of improving justice delivery. This includes the following:-

...2/-

(i) The Thirteenth Finance Commission has, *inter-alia*, recommended a substantial grant of Rs. 200 crore for utilization in the five years from 2010-2015 by State Legal Services Authorities to provide legal aid to the marginalized groups and to empower them so that they can access justice.

(ii) The National Legal Services Authority has been setting up legal aid clinics in villages or for a cluster of villagers manned by trained Para-Legal Volunteers (PLVs). These legal aid clinics are required to be set up under the provisions of the National Legal Services Authority (Legal Aid Clinics) Regulations, 2011.

(iii) Under Section 12 of the Legal Services Authorities Act, the National Legal Services Authority has framed National Legal Services Authority (Free and Competent Legal Services) Regulation, 2010 to extend assistance of lawyers to those from the marginalized groups of the society. As per these regulations, panel of lawyers is maintained in all the Courts. Besides, retainer lawyers are selected out of the Panel Lawyers who are paid a monthly honorarium in addition to the fees for the cases handled by them. The number of retainer lawyers appointed are 20 in the Supreme Court Legal Services Committee, 15 in High Court Legal Services Committee, 10 in the District Legal Services Authority and 5 in the Taluk Legal Services Committee.

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GOVERNMENT OF INDIA
MINISTRY OF LAW & JUSTICE
DEPARTMENT OF JUSTICE

Desk

RAJYA SABHA

UNSTARRED QUESTION NO.1330

TO BE ANSWERED ON MONDAY, the 26.03.2012

Filling up of vacancies in mission mode

1330. SHRI PARIMAL NATHWANI:

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

(a) the number of vacancies of Judges in each High Court in the country occurred and how many were filled during the last five years;
(b) the details of plan to fill up 50 per cent vacancies in mission mode approach by December 2011; and
(c) whether any change is being contemplated in the procedure of appointment of mission mode approach to fill up the vacancies?

ANSWER

MINISTER OF LAW AND JUSTICE

(SHRI SALMAN KHURSHID)

(a): The Statement showing number of vacancies of Judges occurred as well as the appointments made in each State High Court for the calendar years from 2008 to 2011 and for the calendar year 2012 (01.01.2012 to 20.03.2012) is at Annex.

(b) & (c): The existing procedure for appointment of Judges of the Supreme Court of India and the High Courts is based on the Supreme Court Judgement of October 6, 1993 in the case of Supreme Court Advocates on Record & Anr. Vs Union of India and the Advisory Opinion dated October 28, 1998. This has been in vogue though this has been largely debated in various fora and there have been demands to change the existing procedure. However, no decision has been made in regard to an alternative to the present system of selection and appointment of judges.

...2/-

In April 2011 and June 2011, the Government of India suggested to Chief Justices of all High Courts and the State Governments to launch in a mission mode programme for reduction of pendency in Courts from 1st July, 2011. Under that, it was suggested inter-alia that at least 50% of the vacancies be filled up in subordinate courts by December, 2011.

As for vacancies in the High Courts, Chief Justices are requested from time to time to send their recommendations for appointment of judges who meet the professional standards and have impeccable integrity for both the existing as well as anticipated vacancies. It was conveyed in April 2011 and June 2011 that if this was also taken up in a campaign mode for six months by the High Courts, better results could be achieved. The State High Courts and State Governments have responded to it. Against 43 vacancies which were filled in 2010 in High Courts, 85 vacancies have been filled in 2011.

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Annexure referred to in reply to part (a) of Rajya Sabha Unstarred Question No.1330 for answer on 26.03.2012

S. No.	Name of the High Court	No. of vacancies occurred during 1.1.2008 to 31.12.2008	No. of vacancies filled during 1.1.2008 to 31.12.2008	No. of vacancies occurred during 1.1.2009 to 31.12.2009	No. of vacancies filled during 1.1.2009 to 31.12.2009	No. of vacancies occurred during 1.1.2010 to 31.12.2010	No. of vacancies filled during 1.1.2010 to 31.12.2010	No. of vacancies occurred during 1.1.2011 to 31.12.2011	No. of vacancies filled during 1.1.2011 to 31.12.2011	No. of vacancies occurred during 1.1.2012 to 20.03.2012	No. of vacancies filled during 1.1.2012 to 20.03.2012
1	Allahabad	12	13	12	18	8		11	17	2	-
2	Andhra Pradesh	4	3	1	4	1	5	7	2	-	-
3	Bombay	8	12	4	9	6	1	7	7	1	5
4	Calcutta	2	-	7	6	8	9	5	2	2	-
5	Chhattisgarh	1	1	1	6	1	-	2	2	-	-
6	Delhi	3	10	4	7	1	2	6	3	1	-
7	Gauhati	4	2	-	-	1	-	4	6	1	2
8	Gujarat	1	-	2	-	4	-	4	10	-	-
9	Himachal Pradesh	-	-	-	-	-	1	1	-	-	1
10	Jammu & Kashmir	1	3	6	1	1	-	2	-	-	-
11	Jharkhand	1	2	1	2	2	-	3	2	-	1
12	Karnataka	3	5	1	1	1	4	2	-	-	1
13	Kerala	2	6	3	5	2	1	3	4	-	2
14	Madhya Pradesh	5	3	7	3	6	6	4	3	-	-
15	Madras	1	3	4	14	4	3	2	4	-	1
16	Orissa	3	2	4	3	2	-	1	1	-	-
17	Patna	5	1	4	4	2	6	3	6	-	-
18	Punjab& Haryana	2	7	4	3	5	1	5	7	1	-
19	Rajasthan	5	3	3	1	9	2	1	5	-	-
20	Sikkim	-	-	-	1	1	-	-	-	-	-
21	Uttarakhand	2	2	-	1	2		1	2	-	-
	Total	63	78	69	89	64	43	73	35	8	13

GOVERNMENT OF INDIA
MINISTRY OF LAW & JUSTICE
DEPARTMENT OF JUSTICE

Desk Side

RAJYA SABHA

UNSTARRED QUESTION NO.1333

TO BE ANSWERED ON MONDAY, the 26.03.2012

Vacancies of Judges in High Courts

1333. SHRI P. RAJEEVE:

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

(a) the total sanctioned strength of Judges in each of the High Courts;

(b) the number of vacant posts of Judges in each of the High Courts;

(c) the reasons for not filling up the vacant posts; and

(d) the steps being taken to ensure that each High Court has its full sanctioned strength of Judges?

ANSWER

MINISTER OF LAW AND JUSTICE

(SHRI SALMAN KHURSHID)

(a) & (b) : The Statement showing the sanctioned strength of Judges and vacancies of Judges in the State High Courts as on 20.03.2012 is at Annex.

(c) & (d) : The existing procedure for appointment of Judges of the Supreme Court of India and the High Courts is based on the Supreme Court Judgment of October 6,1993 in the case of Supreme Court Advocates on Record & Anr. Vs Union of India and the Advisory Opinion dated October 28, 1998. This has been in vogue though this has been largely debated in various fora and there have been demands to change the existing procedure. However, no decision has been made in regard to an alternative to the present system of selection and appointment of judges.

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Annexure

Annexure referred to in reply to parts (a) & (b) of Rajya Sabha Unstarred Question No.1333 for answer on 26.03.2012

Sl. No.	Name of the Court	Sanctioned strength as on 20.03.2012	Vacancy of Judges as on 20.03.2012
1	Allahabad	160	85
2	Andhra Pradesh	49	17
3	Bombay	75	14
4	Calcutta	58	21
5	Chhattisgarh	18	06
6	Delhi	48	12
7	Gauhati	24	01
8	Gujarat	42	14
9	Himachal Pradesh	11	0
10	Jammu & Kashmir	14	07
11	Jharkhand	20	08
12	Karnataka	50	10
13	Kerala	38	04
14	Madhya Pradesh	43	09
15	Madras	60	06
16	Orissa	22	07
17	Patna	43	07
18	Punjab& Haryana	68	26
19	Rajasthan	40	13
20	Sikkim	3	01
21	Uttarakhand	9	01
Total		**895**	**269**

GOVERNMENT OF INDIA

MINISTRY OF LAW AND JUSTICE

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US(JR)

RAJYA SABHA

UNSTARRED QUESTION NO. 1334

TO BE ANSWERED ON MONDAY, THE 26TH MARCH, 2012

Impact assessment of new laws

1334. SHRI BHARATSINH PRABHATSINH PARMAR:
SHRI PARSHOTTAM KHODABHAI RUPALA:

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

(a) the action taken by the Ministry to study for probable implication on our judiciary before making any laws and making various amendments in laws as it may be extremely helpful to bring more transparency in our judicial system;

(b) whether the Ministry has constituted any task force in this regard;

(c) whether the Ministry has sought opinion from State Governments and High Courts on this subject; and

(d) what further action has been taken by the Ministry as this subject requires urgent attention and action?

ANSWER

MINISTER OF LAW AND JUSTICE

(SHRI SALMAN KHURSHID)

(a) to (d): The Government had set-up a Task Force for examining the feasibility of Judicial Impact Assessment in India as follow up action on the directions of the Hon'ble Supreme Court in the case of Salem Advocates Bar Association Vs. Union of India. The Task Force has presented its Report on 16.06.2008. The Report has been forwarded to State Governments/High Courts for views/comments. 18 State Governments, 3 Union Territories and 13 High Courts have responded already. The National Mission for Justice Delivery and Legal Reforms will deliberate on the comments received and decide on the practicality of its implementation.

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GOVERNMENT OF INDIA

MINISTRY OF LAW AND JUSTICE

DEPARTMENT OF JUSTICE

US(JR)

RAJYA SABHA

UNSTARRED QUESTION NO. 1335

TO BE ANSWERED ON MONDAY, THE 26TH MARCH, 2012

Outcome of funds allocated for improving judicial system

1335. SHRI VIJAY JAWAHARLAL DARDA:

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

(a) the concrete results of release of ₹1,000 crores out of ₹5,000 crores given by 13th Finance Commission for improvement on justice delivery system including operation of morning and evening courts, establishment of alternate dispute resolution centres, lok Adalats, providing free legal aid and training of judicial officers, etc.;

(b) whether Government proposes to fix a maximum duration by which civil and criminal cases in the subordinate and district courts are to be finally settled; and

(c) whether built-in delaying practices in the existing Acts would be curtailed, keeping in view the accepted international standards?

ANSWER

MINISTER OF LAW AND JUSTICE

(SHRI SALMAN KHURSHID)

(a) : The 13th Finance Commission has allocated a grant of Rs. 5000 crores for the states over a period of 5 years between 2010-2015 for various initiatives such as : (i) Increasing the number of court working hours using the existing infrastructure by holding morning / evening / shift courts; (ii) Enhancing support to Lok Adalats to reduce the pressure on regular courts; (iii) Providing additional funds to State Legal Services Authorities to enable them to enhance legal aid to the marginalized and empower them to access justice; (iv) Promoting the Alternate Dispute Resolution (ADR) mechanism to resolve part of the disputes outside the court system;

Contd..2.

(v) Enhancing capacity of judicial officers and public prosecutors through training programmes; (vi) Supporting creation or strengthening of a judicial academy in each State to facilitate such training; (vii) Creation of the post of Court Managers in every judicial district and High Courts to assist the judiciary in their administrative functions and (viii) Maintenance of heritage court buildings.

The result of the release of grants allocated as on 15/03/2012 under 13th Finance Commission,are given below:

Sl. No.	Initiatives	Outcome
1	Lok Adalats	10.28 Lakh Cases disposed
2	Morning / Evening / Shifts Courts	12.37 Lakhs cases disposed
3	Legal Aid provided	in 3.76 Lakh cases
4	Alternative Dispute Resolution (ADR) Centres	139 Centres established
5	Number of Public Prosecutors trained	1195
6	Number of Judicial Officer trained	3866
7	Number Court Managers appointed	168

An amount of Rs. 1353. 62 crores have been released to States under Thirteenth Financial Commission.

(b) & (c): No such proposal is under consideration of the Government at present.

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GOVERNMENT OF INDIA
MINISTRY OF LAW AND JUSTICE
DEPARTMENT OF JUSTICE

RAJYA SABHA

UNSTARRED QUESTION NO. 1336

TO BE ANSWERED ON MONDAY, THE 26th MARCH, 2012

Modernisation of judicial infrastructure

1336. SHRI K.N. BALAGOPAL:

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

(a) whether Government has any scheme to modernize the infrastructure of judiciary in the country; and

(b) if so, the details thereof?

ANSWER

MINISTER OF LAW AND JUSTICE
(SHRI SALMAN KHURSHID)

(a) & (b) Recognising the inadequacy of infrastructure facilities in the district and subordinate courts, the Government of India has been providing on a sharing basis (50:50) resources to the State Governments for construction of court complexes and residential quarters for the judicial officers under a Centrally Sponsored Scheme (CSS). The Scheme has been in operation since 1993-94.

Rs. 1245.36 crores have been released to the States / UTs under this scheme till 31.3.2011. The Government has since then increased its share from 50% to 75% for States other than North Eastern States from the year 2011-12 onwards. The Central share for North-Eastern states is 90%.

During the current financial year, Rs. 566.658 crore has been released as central assistance to States and UTs under the scheme.

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VS (9M)

GOVERNMENT OF INDIA
MINISTRY OF LAW AND JUSTICE
DEPARTMENT OF JUSTICE

RAJYA SABHA

UNSTARRED QUESTION NO. 2702

TO BE ANSWERED ON MONDAY, THE 30th April, 2012

Shortcomings in judicial system

+2702. SHRI RAM JETHMALANI:

SHRI RAVI SHANKAR PRASAD:

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

(a) whether it is a fact that there is a delay in disposal of cases by courts due to the prevalent shortcomings in judicial system of the country;

(b) if so, Government's reaction thereto;

(c) whether Government has identified those shortcomings which cause delay in delivering justice; and

(d) if so, what are the shortcomings of judicial system and the proposal under consideration to remove them?

ANSWER

MINISTER OF LAW AND JUSTICE
(SHRI SALMAN KHURSHID)

(a) to (d): The Government has been constantly endeavouring and working towards improvement in judicial system in the country jointly with the judiciary. The Government has been undertaking computerization of courts since 2007 and has been investing on improving infrastructure in the judiciary since 1993-94. Of late, National Court Management System has been conceived by the Hon'ble Chief Justice of India for establishment. This would be addressing

issues of case management, court management, setting standards for measuring performance of the courts and a National System of Judicial Statistics in the country. Prior to that, the Government has in June 2011 set up a National Mission for Justice Delivery and Legal Reforms. The objective of the Mission is to look at the requirement for policy changes, re-engineering of court procedures, propose/undertake measures for human resource development and leverage information and communication technology for better justice delivery.

The delivery of justice in country is constrained by the fact that there is a huge backlog of cases. Of the 3 crore cases pending, 74 % of them are less than five years old. The Hon'ble Chief Justice of India has expressed the need of making the judicial system 5+ free by addressing 26 % of the old cases which are of more than 5 years vintage. In order to free the criminal justice system of clogging, which is taking place on account of cases under the Negotiable Instruments Act, 1881 and the Motor Vehicle Act, 1988 serious efforts are being made to dispose them of on priority through special courts, Lok Adalats, Alternate Dispute Resolution (ADR) mechanisms. Instructions have also been given the States to utilize funds under the Thirteenth Finance Commission for setting up special courts and morning / evening courts to dispose of such cases.

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Desk Side

GOVERNMENT OF INDIA
MINISTRY OF LAW AND JUSTICE
DEPARTMENT OF JUSTICE

RAJYA SABHA

UNSTARRED QUESTION NO.2704

TO BE ANSWERED ON MONDAY, THE 30th APRIL, 2012

Increase in retirement age of judges

2704. DR. E.M. SUDARSANA NATCHIAPPAN:

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

(a) whether the constitutional amendment enabling the superannuation of High Court judges at par with Supreme Court judges would be passed in this Budget Session; and

(b) whether National uniformity in the age of superannuation in subordinate judiciary would be achieved by increasing the age to 60 or 62 by consensus of the States, High Courts and Supreme Court?

ANSWER

MINISTER OF LAW & JUSTICE
(SHRI SALMAN KHURSHID)

(a) : The Constitution (One Hundred and Fourteenth Amendment) Bill, 2010 was taken up for discussion in the Lok Sabha on 28.12.2011. However, the discussion remained inconclusive due to adjournment of the Winter Session. Request for listing it for discussion in the Budget Session has been made by the Government.

(b) : The decision to raise the age of superannuation of judicial officers in the subordinate judiciary rests with the State Government and the respective High Court.

GOVERNMENT OF INDIA
MINISTRY OF LAW AND JUSTICE
DEPARTMENT OF JUSTICE

USQ(J)

RAJYA SABHA

UNSTARRED QUESTION NO.2705

TO BE ANSWERED ON MONDAY, THE 30TH APRIL, 2012

Working of tribunals

2705. SHRI A.A. JINNAH:

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

(a) how many tribunals/appellate tribunals have been established in the country;

(b) how many of them are under the Ministry;

(c) how many of them are under other Ministries, Ministry-wise; and

(d) whether Government has any proposal to bring them under one Ministry *i.e.* Ministry of Law and Justice?

ANSWER

MINISTER OF LAW & JUSTICE
(SHRI SALMAN KHURSHID)

(a) to (d) : As per the information available, 62 tribunals have been established in the country, including two in the Ministry of Law and Justice. Ministry/Department-wise list of Tribunals is annexed. Inter-ministerial consultations on bringing all tribunals under one Ministry have been held. But the consensus has remained elusive.

Annexe referred in reply to part (a) to (d) of the Rajya Sabha Unstarred Question No.2705 due for answer on 30.04.2012

MINISTRY-WISE LIST OF TRIBUNALS/AUTHORITIES

I Department of Revenue

1. The Customs and Central Excise Settlement Commission.
2. The Central Sales Tax Appellate Authority
3. The Income Tax Settlement Commission
4. The Authority for Advance Rulings (Income Tax)
5. The Authority for Advance Rulings (Central Excise, Customs & Service Tax)
6. The Customs, Excise and Service Tax Appellate Tribunal
7. The Appellate Tribunals for Forfeited Property (Smuggling and Foreign Exchange)
8. The Appellate Tribunals for Forfeited Property(Narcotic Drugs and Psychotropic Substance)
9. The Adjudicating Authorities under Prevention of Money laundering Act
10. The Appellate Tribunal under Prevention of Money laundering Act.

II Ministry of Labour & Employment

1. The Industrial Tribunal
2. The National Industrial Tribunal
3. The Employees Provident Funds Appellate Tribunal

III Ministry of Information & Broadcasting

1. The Appellate Tribunal for Certification of Films
2. Press Council of India

IV Ministry of Human Resources & Development

1. University Grants Commission
2. Copyright Board
3. All India Council for Technical Education
4. National Commission for Ministry Educational Institution

V Ministry of Corporate Affairs

1. National Company Law Board
2. National Company Law Appellate Tribunal
3. The Competition Commission of India
4. The Competition Appellate Tribunal

VI Ministry of Water Resources

1. Inter-States Water Disputes Tribunal

VII Ministry of Textiles

1. Tribunal under the Textile Committee Act

VIII Department of Personnel & Training

1. Central Administrative Tribunal
2. State Administrative Tribunal
3. Central Vigilance Commission
4. Central Information Commission
5. State Information Commission

IX Department of Consumer Affairs

1. State Consumer Commission
2. National Consumer Commission

X Ministry of Railways

1. Railways Claims Tribunal
2. Railway Rates Tribunal

XI Ministry of Road Transport and Highways

1. Motor Accident Claims Tribunal
2. National Highways Tribunal

XII Department of Economic Affairs

1. Securities and Exchange Board of India
2. Securities Appellate Tribunal
3. Debts Recovery Tribunal
4. Debts Recovery Appellate Tribunal
5. Appellate Tribunal for Foreign Exchange

XIII Ministry of Home Affairs

1. National Human Rights Commission
2. State Human Rights Commission

XIV Ministry of Environment & Forests

1. National Environment Tribunal
2. National Environment Appellate Authority

XV Department of Telecommunications

1. Telecom Regulatory Authority of India
2. Telecom Disputes Settlement & Appellate Tribunal

XVI Department of Financial Affairs

1. Insurance Regulatory and Appellate Authority

XVII Ministry of Commerce and Industry

1. Intellectual Property Appellate Board

XVIII Department of Information Technology

1. Cyber Regulations Appellate Tribunal

XIX Ministry of Power

1. Appellate Tribunal for Energy Conservation
2. Central Electricity Authority
3. Central Electricity Regulatory Commission
4. State Electricity Regulatory Commission
5. Appellate Tribunal for Electricity

XX Department of Legal Affairs

1. National Tax Tribunal
2. The Income Tax Appellate Tribunal

XXI Ministry of Agriculture

1. Coastal Aquaculture Authority

XXII Ministry of Petroleum and Natural Gas

1. Petroleum and Natural Gas Regulatory Board

XXIII Ministry of Defence

1. Armed Forces Tribunal

XXIV Ministry of Civil Aviation

1. Airports Economic Regulatory Authority
2. Airports Economic Regulatory Authority Appellate Tribunal

GOVERNMENT OF INDIA
MINISTRY OF LAW AND JUSTICE
DEPARTMENT OF JUSTICE

Desk Side.

RAJYA SABHA
UNSTARRED QUESTION NO.2707

TO BE ANSWERED ON 30.04.2012

High Court bench at Thiruvananthapuram

2707. SHRI K.E. ISMAIL:
SHRI M.P. ACHUTHAN:

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

(a) whether the Ministry has cleared the proposal to establish a High Court Bench in Thiruvananthapuram; and

(b) if so, the details thereof and if not, the details of hurdles in the way of establishing a High Court bench there?

ANSWER
MINISTER OF LAW AND JUSTICE
(SHRI SALMAN KHURSHID)

(a) and (b): In terms of Section 51(2) of the States' Reorganisation Act, 1956 setting up of Benches of a High Court is considered by the Government of India after receipt of a complete proposal from the State Government, which has to have the consent of the Chief Justice of the concerned High Court and the Governor of the State. This is essential also because the State Government is required to provide necessary infrastructural facilities for establishment of a Bench of the High Court away from its principal seat and meet the entire expenditure of the High Court and its Benches. The Chief Justice of the concerned High Court has to look after the day-today administration of the High Court and its Benches and depute Judges from the Principal Seat to its Benches from time to time.

The proposal of Government of Kerala for establishment of Kerala High Court Bench at Thiruvananthapuram has been concurred by the Governor of Kerala in the past. But, the proposal had not been agreed to by the then Chief Justice of the High Court of Kerala.

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USQ)

GOVERNMENT OF INDIA
MINISTRY OF LAW AND JUSTICE
DEPARTMENT OF JUSTICE

RAJYA SABHA

UNSTARRED QUESTION NO.2708

TO BE ANSWERED ON MONDAY, THE 30th APRIL, 2012

Use of Gujarati in High Court of Gujarat

2708. SHRI NATUJI HALAJI THAKOR:
SHRI DILIPBHAI PANDYA:

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

(a) whether Government has received any proposal from Gujarat Government to authorize the use of Gujarati language in the proceedings of High Court of the State;

(b) if so, what action has been taken on the proposal of the State Government; and

(c) by when Government is likely to give its consent to the proposal?

ANSWER

MINISTER OF LAW & JUSTICE
(SHRI SALMAN KHURSHID)

(a) & (b) : Yes, Sir. Advice of the Chief Justice of India has been sought on the proposal.

(c) : The proposal shall be processed for approval of the competent authority after the advice of the Chief Justice of India is received.

GOVERNMENT OF INDIA
MINISTR Y OF LAW AND JUSTICE
DEPARTMENT OF JUSTICE

USQ)

RAJYA SABHA

UNSTARRED QUESTION NO.2709

TO BE ANSWERED ON MONDAY, THE 30TH APRIL, 2012

Putting tribunals under one Ministry

2709. SHRI A.A. JINNAH:

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

(a) whether the Supreme Court of India had passed an order in 1997 to bring all tribunals/appellate tribunals under one Ministry *i.e.* Ministry of Law and Justice; and

(b) what action Government has taken, so far, to implement that order?

ANSWER

MINISTER OF LAW & JUSTICE
(SHRI SALMAN KHURSHID)

(a) & (b) : Following the Supreme Court judgement in 1997, inter-ministerial consultations have been held on this subject. But the consensus to bring all the Tribunals under one Ministry has remained elusive.

GOVERNMENT OF INDIA
MINISTRY OF LAW AND JUSTICE
DEPARTMENT OF JUSTICE

Desk Side

RAJYA SABHA
STARRED QUESTION NO.433

TO BE ANSWERED ON 07.05.2012

National Judicial Commission

***433. PROF.SAIF-UD-DINSOZ:**

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

(a) whether the appointment of a National Judicial Commission has remained on the anvil for a very long time;

(b) whether the non-existence of the Commission has stalled the reforms in the process of selection of judges; and

(c) if answers to parts (a) and (b) above be in the affirmative, the time-frame within which the Ministry would make a comprehensive legislative proposal on this issue?

ANSWER
MINISTER OF LAW AND JUSTICE
(SHRI SALMAN KHURSHID)

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

Statement referred to in reply to parts (a) to (c) of the Rajya Sabha S Question No.433 for answer on 07.05.2012

The proposal for setting up of National Judicial Commission has been the anvil since 1990. But despite the recommendations of various Commission including the 2nd Administrative Reforms Commission, the proposal has not reached a logical conclusion. The Constitution (Amendment) Bills moved in 1990 as well as 2003 lapsed on both the occasions due to dissolution of the House.

Currently, appointment of Judges to High Courts and Supreme Court is based on Memorandum of Procedure for appointment of Judges of Supreme Court and High Courts prepared in 1998. Representations have been made by various agencies and expert bodies to review / change the present procedure of appointment of judges. It is generally felt that this Procedure is not balanced and is one sided. It has at times been criticised also for lack of transparency and accountability. But there is no proposal made to change the existing system yet.

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eCourt Project.

GOVERNMENT ON INDIA
MINISTRY OF LAW AND JUSTICE
DEPARTMENT OF JUSTICE

RAJYA SABHA
STARRED QUESTION NO.437
TO BE ANSWERED ON 07.05.2012

E-court project

***437. Mohd. Ali Khan:**

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

(a) Whether the Ministry is implementing the eCourt project in the Country for upgradation of Information and Communication Technology infrastructure of the Supreme Court and High Courts including video conferencing facilities; and

(b) if so, the details thereof, State-wise and the funds spent, so far especially in Andhra Pradesh ?

ANSWER
MINISTER OF LAW AND JUSTICE
(SHRI SALMAN KHURSHID)

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

Statement referred to in reply to parts (a) to (b) of the Rajya Sabha Starred Question No. 437 for answer on 07.05.2012

The eCourt Mission Mode project is being implemented as part of the National eGovernance plan. The project envisages computerization of 14,249 district and subordinate courts and upgradation of the Information and Communication Technology (ICT) infrastructure of the Supreme Court and the State High Courts in the country except Delhi High Court which was already enabled with updated hardware. The ICT infrastructure existing in Supreme Court and 20 High Courts has been upgraded through provision of computers, printers, scanners, servers, networking equipments, network cabling and uninterrupted power supply. Connectivity to the Supreme Court and High Courts has been upgraded by providing 4/8 mbps bandwidth through a leased line. Out of the total amount of Rs. 46 crores allocated, nearly, Rs. 42 crore have been spent. Under the project High Courts of Jammu & Kashmir, Gauhati, Rajasthan and Calcutta have been provided with Video Conferencing facility (VC) on specific demand from these High Courts.

State-wise funds spent under the eCourt Project including State of Andhra Pradesh is enclosed in Annex I.

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Annex I

Details of Funds Spent for ICT Infrastructure Upgradation in Supreme Court & High Courts under e-Courts Project

In Rs. Crore

S. no.	Location	Fund utilized (provisional)
1	Supreme Court of India	3.06
2	Allahabad High Court	5.17
3	Andhra Pradesh HC	2.27
4	Bombay HC	7.53
5	Calcutta High Court	2.15
6	Chattisgarh HC	0.29
7	Guwahti HC	2.98
8	High Court of Gujarat	1.63
9	High Court of Himachal Pradesh	0.78
10	High Court of Karnataka	1.93
11	High Court of Madhya Pradesh	3.35
12	High Court of Patna (Bihar)	1.66
13	Jammu & Kashmir High Court	0.77
14	Jharkhand High Court	0.77
15	Kerala High Court	1.61
16	Madras High Court	1.16
17	Orissa High Court	1.22
18	Punjab & Haryana High Court	0.01
19	Rajasthan High Court	2.22
20	Sikkim High Court	0.33
21	Uttarakhand High Court	0.57
	Total (I)	**41.47**

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GOVERNMENT OF INDIA
MINISTRY OF LAW AND JUSTICE
DEPARTMENT OF JUSTICE

RajyaSabha

UNSTARRED QUESTION NO. 3327

TO BE ANSWERED MONDAY, THE 7th MAY, 2012

Required strength of judges

3327. SHRI PANKAJ BORA:

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

(a) whether Government is aware of Chief Justice of India's demand for creation of around 15,000 more courts which would not even be sufficient to tackle around 271 crore cases;
(b) whether, as per his estimate, at least 35,000 judges are required against the existing strength of 16,000 judges;
(c) whether Government is also aware that minimum 20,000 judges are required for the trial courts only then litigants right for speedier justice can be achieved; and
(d) the steps Government proposes to take in view of above for speedy justice for litigants?

ANSWER

MINISTER OF LAW AND JUSTICE
(SHRI SALMAN KHURSHID)

(a) to (d): No Sir: There is no such demand having been made nor an estimate provided in regard to the overall requirement of judges to address the pendency of nearly 3 crore cases in the country. However, in the Vision Statement which was prepared following a National Consultation for strengthening the judiciary towards reducing the pendency and delays in October 2009, it was proposed that 15,000 positions of judges may be created for two years' period in the trial courts on

contractual basis to address the issue of pendency in these courts. Earlier in 2002 in All India Judges' Association case, the Hon'ble Supreme Court had observed on a comparative assessment of position of judges existing in other comparable democracies, that there should be 50 judges for one million population as recommended by the Parliamentary Standing Committee of Rajya Sabha in its 85th Report as well as by the Law Commission of India in its 120th Report. At the present sanctioned strength of the judges, the judge-population ratio in the country is nearly15 per one million. No major increase in the strength of the judges at the district and subordinate judiciary has been made by many State Governments due to the reason of financial constraints. Recently, the Hon'ble Supreme Court has in its Judgement of 19th April, 2012 in the case of Brij Mohan Lal Vs. Union of India & others inter alia directed that the respective States and Central Government shall create 10% of the total regular cadre of the State as additional posts for the district and subordinate judiciary. The burden of these newly created posts shall be equally shared by the Central and State Governments. The Central Government can take recourse to funds provided under 13th Finance Commission for providing its share for the additional posts. The orders of the Supreme Court will be implemented in consultation with the States.

Further, on the direction of Hon'ble Supreme Court in the case of Imtiaz Ahmad Vs. State of Uttar Pradesh and others, Law Commission is separately making an assessment of the number of additional courts required to provide speedy and better access to justice.The Central Government will take a view on the requirement and creation of additional posts of Judges in consultation with the State Governments and State High Courts after the Report of Law Commission is

submitted to the Supreme Court and after the Supreme Court has given directions, if any, in this regard.

Pending that, the Government has been taken a number of measures for addressing the pendency and for speedy disposal of cases:-

(i) The 13th Finance Commission recommended a grant of Rs.5000 crore for improving justice delivery to the states over a period of 5 years between 2010-15. Out of this an amount of Rs.2,500 crore has been earmarked for morning/evening/shift/special courts to relieve the judicial system of the backlog of cases.

(ii) The Government has been constantly endeavouring and working towards improvement in judicial system in the country jointly with the judiciary. It has been implementing computerization of courts since 2007 and has been investing on improving infrastructure in the judiciary since 1993-94.

(iii) Of late, National Court Management System has been notified by the Hon'ble Chief Justice of India for establishment. This would be addressing issues of case management, court management, setting standards for measuring performance of the courts and a national system of judicial statistics in the country.

(iv) The Government has in June 2011 set up a National Mission for Justice Delivery and Legal Reforms. The objective of the Mission is to look at the requirement for policy changes, re-engineering of court procedures, propose/undertake measures for human resource development and leverage information and communication technology for better justice delivery.

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Desk Side

GOVERNMENT OF INDIA
MINISTRY OF LAW AND JUSTICE
DEPARTMENT OF JUSTICE

RAJYA SABHA
UNSTARRED QUESTION NO.3330

TO BE ANSWERED ON 07.05.2012

Independent recruitment mechanism for judges

3330. SHRI K.N. BALAGOPAL:

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

(a) whether Government is considering any proposal for independent recruitment mechanism for judges;

(b) if so, the details thereof;

(c) whether any report, proposal or recommendation is pending with Government; and

(d) if so, the details thereof and the action taken thereon?

ANSWER
MINISTER OF LAW AND JUSTICE
(SHRI SALMAN KHURSHID)

(a) to (d) : The appointment of Judges to higher judiciary is made under the Memorandum of Procedure for appointment of Judges of the Supreme Court and High Courts. This is based on the Supreme Court Judgment dated 6th October, 1993 in the case of Supreme Court Advocates on Record and ors vs. Union of India and ors. and their Advisory Opinion dated 28th October, 1998. The Law Commission in its 214th Report has suggested to change the appointment procedure of judges in the higher judiciary by doing away the present Collegium system which comprises of senior most Judges only, and has recommended that the Executive should be given equal role to play in the appointment process. The 2nd Administrative Reforms Commission (ARC) also recommended that a "National Judicial Council" should be constituted, in line with universally accepted principles where appointment of members of the judiciary should be by a Collegium having representation of the executive, legislature and the judiciary. However, no specific proposal has as yet been made for amendment of the present procedure.

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GOVERNMENT OF INDIA
MINISTRY OF LAW AND JUSTICE
DEPARTMENT OF JUSTICE

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RAJYA SABHA
UNSTARRED QUESTION NO.3332

TO BE ANSWERED ON 07.05.2012

Disposal of cases in High Courts

+3332. SHRIMATI KUSUM RAI:
SHRI PRABHAT JHA:

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

(a) whether it is a fact that the number of cases being disposed of in the High Courts of the country is about half of the national average;

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

(c) whether it is also a fact that Government is considering to make a binding provision for judges to dispose of a fixed number of cases in a year;

(d) if so, the details thereof;

(e) whether Government has made any allocations in the budget for 2012-13 for the fast disposal of pending cases in the courts of the country; and

(f) if so, the details thereof?

ANSWER
MINISTER OF LAW AND JUSTICE
(SHRI SALMAN KHURSHID)

(a) and (b) : The Judge Strength of High Courts is reviewed periodically through the system of Triennial Review which is undertaken once in three (3) years. The required strength of Permanent Judges is worked out by taking into account the average institution of main cases during the last 5 years vis-a-vis the national average or the average rate of disposal of main cases per Judge per year in that High Court, whichever is higher. The required strength of Additional Judges is decided by taking into account the number of main cases pending over two years vis-a-vis the national average or the average rate of disposal of main cases per Judge per year in that High Court, whichever is higher. As per the information available from 2006-10, national average of disposal of main cases per Judge per year in the High Court is determined as 2185. If compared with it, Gauhati, J&K and Sikkim High Courts have disposed of less than half number of cases of the national average due to institution of less number of cases, extreme weather conditions and hilly regions.

(c) : No, Sir.

(d): Does not arise.

(e) and (f): Reducing the delay and arrears in courts has been the constant endeavour of Government. For this, several steps have been taken in the past both for making structural changes as well as for monitoring the performance of the courts in so far as their disposal is concerned. The disposal has been accelerated by undertaking special drives, the recent one being from 1st July, 2011 to 31st December, 2011. Of late, the Government has set up a National Mission for Justice Delivery and Legal Reforms which will be addressing the issues of delays and arrears in the judicial system as well enforcing better accountability at all levels through a variety of methods which will include setting and monitoring of performance standard, enhancement of capacity through training at various levels etc.

The 13th Finance Commission has recommended a grant of Rs.5000 crores for the states over a period of 5 years between 2010-2015. The amount will be provided as a grant to the States for various initiatives such as (i) Increasing the number of court working hours using the existing infrastructure by holding morning / evening / shift courts; (ii) Enhancing support to Lok Adalats to reduce the pressure on regular courts; (iii) Providing additional funds to State Legal Services Authorities to enable them to enhance legal aid to the marginalized and empower them to access justice; (iv) Promoting the Alternate Dispute Resolution (ADR) mechanism to resolve part of the disputes outside the court system; (v) Enhancing capacity of judicial officers and public prosecutors through training programmes; (vi) Supporting creation or strengthening of a judicial academy in each State to facilitate such training; (vii) Creation of the post of Court Managers in every judicial district and High Courts to assist the judiciary in their administrative functions and (viii) Maintenance of heritage court buildings. An amount of Rs. 1353.62 crores has already been released to the States on this account.

Under the Central Sector Scheme, 100% funded by Central Government for computerization of the District and Subordinate Courts (e-Courts project) in the country and for upgradation of the ICT infrastructure of the Supreme Court and the High Courts, 9697 courts out of 14,229 courts, as on 31.03.2012 in the country, have been computerized. The balance courts would be computerized by 31.3.2014.

The Gram Nyayalayas Act, 2008 has been enacted for establishment of Gram Nyayalayas at the grass roots level for providing access to justice to citizens at their doorstep. The Central Government is providing assistance to States towards non-recurring expenses for setting up of Gram Nyayalayas subject to a ceiling of Rs. 18.00 lakhs per Gram Nyayalaya. The Central Government also provides assistance towards recurring expenses for running these Gram Nyayalayas subject to a ceiling of Rs 3.20 lakhs per Gram Nyayalaya per year for the first three years. As informed by the State Governments, 153 Gram Nyayalayas have been notified already. Out of these 151 Gram Nyayalayas have started functioning.

A Centrally Sponsored Scheme (CSS) for development of infrastructure facilities for the judiciary is being implemented since 1993-94 under which central assistance for construction of court buildings and residential quarters for judicial officers is released to augment the resources of the State Governments. The expenditure on the scheme is shared by the Centre and the State Governments on 75:25 basis, except for States in North East Region, which is on 90:10 basis. An expenditure of Rs.1841 Crore has been incurred on this scheme up to 31.03.2012 since inception.

For 2012-13, following budget provisions have been proposed under different plan schemes:-

(a) Central Sector Scheme for infrastructure: Rs.660.00 crore.

(b) Computerisation district & subordinate courts: Rs.233.66 crore.

(c) Assistance to State Governments for establishing and operating Gram Nayalayas: Rs. 114.00 crore.

(d) National Mission for Justice Delivery and Legal Reforms: Rs.37.50 crore.

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

R A J Y A S A B H A
UNSTARRED QUESTION NO. 3333

TO BE ANSWERED ON MONDAY, THE 7TH MAY, 2012

Review of pending corruption cases

3333. DR. JANARDHAN WAGHMARE:

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

(a) whether the Supreme Court has recently turned down Government's request seeking a panel of names of its recently retired judges to head a proposed committee for reviewing cases of corruption pending in courts across the country;

(b) if so, the details thereof;

(c) the exact number of cases of corruption pending in various courts in the country, as on 31 January, 2012; and

(d) the mechanism to be adopted by Government to clear such cases?

A N S W E R
MINISTER OF LAW & JUSTICE
(SHRI SALMAN KHURSHID)

(a)&(b) No, Sir.

(c) As per information available, there were 9926 CBI cases pending trial (as on 31-3-2012) in various courts including exclusive courts all over the country.

(d) On the recommendation of the Hon'ble Chief Justice of India, Central Government has decided to set up 71 additional special courts exclusively for the trial of CBI cases in different States. Of these, 62 CBI courts have started functioning.

GOVERNMENT OF INDIA
MINISTRY OF LAW AND JUSTICE
DEPARTMENT OF JUSTICE

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RAJYA SABHA
UNSTARRED QUESTION NO.3334

TO BE ANSWERED ON 07.05.2012

Status of 230th report of the Law Commission

3334. DR. GYAN PRAKASH PILANIA:

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

(a) the salient recommendations contained in the 230th report of the Law Commission;

(b) the follow up action taken by Central/State Governments; and

(c) the reason for non-action/delayed action?

ANSWER
MINISTER OF LAW AND JUSTICE
(SHRI SALMAN KHURSHID)

(a): The 230th Report of the Law Commission deals with the need to 'Reforms in Judiciary'. The Report contents are in two parts. The first part consists of the Theme and Thought on those areas where re-evaluation and, or reforms need to be taken up. The second part contains the recommendations for reform in the judiciary with a view to liquidate the huge backlog of cases. These are as under:

'[1] There must be full utilization of the court working hours. The judges must be punctual and lawyers must not be asking for adjournments, unless it is absolutely necessary. Grant of adjournment must be guided strictly by the provisions of Order 17 of the Civil Procedure Code.

[2] Many cases are filed on similar points and one judgment can decide a large number of cases. Such cases should be clubbed with the help of technology and used to dispose other such cases on a priority basis; this will substantially reduce the arrears. Similarly, old cases, many of which have become infructuous, can be separated and listed for hearing and their disposal normally will not take much time. Same is true for many interlocutory applications filed even after the main cases are disposed of. Such cases can be traced withthe help of technology and disposed of very quickly.

[3] Judges must deliver judgments within a reasonable time and in that matter, the guidelines given by the apex court in the case of Anil Rai v. State of Bihar, (2001) 7 SCC 318 must be scrupulously observed, both in civil and criminal cases.

[4] Considering the staggering arrears, 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.

[5] Lawyers must curtail prolix and repetitive arguments and should supplement it by written notes. The length of the oral argument in any case should not exceed one hour and thirty minutes, unless the case involves complicated questions of law or interpretation of Constitution.

[6] Judgments must be clear and decisive and free from ambiguity, and should not generate further litigation.

[7] Lawyers must not resort to strike under any circumstances and must follow the decision of the Constitution Bench of the Supreme Court in the case of Harish Uppal (Ex-Capt.) v. Union of India reported in (2003) 2 SCC 45.

(b) and (c): The Report has been forwarded to the Chief Justices of all the High Courts for action as several recommendations relate to case and court management and are within their control. On the part of the Central Government, amendments have been made in the past, to Section 309 of the Code of Criminal Procedure, 1973 and Order No.XVII of the Code of Civil Procedure, 1908 to ensure expeditious proceedings in the courts for both criminal and civil cases. To reduce the pendency of cases, special drive was also undertaken on the request of Central Government by the district/subordinate courts between 1st July, 2011 to 31st December, 2011. The results of this have been encouraging. Of late, National Court Management System has been notified by the Hon'ble Supreme Court to specially address issues of case and court management as well as for laying down standards for measuring the performance of judges. A draft Bill for regulation and maintenance of standards in legal profession, protecting the interest of clients and promoting the rule of law has been prepared by the Department of Legal Affairs.

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GOVERNMENT OF INDIA
MINISTRY OF LAW AND JUSTICE
DEPARTMENT OF JUSTICE

Rajya Sabha

UNSTARRED QUESTION NO. 3335

TO BE ANSWERED MONDAY, THE 7th MAY, 2012

Mission mode drive to reduce pending cases

3335. SHRI NAND KUMAR SAI:

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

(a) whether Government has requested all High Courts to launch a pendency reduction drive in a mission mode in the courts;
(b) if so, the details thereof;
(c) the number of long pending cases concerning the under privileged sections disposed of by various High Courts and the Supreme Court during the said drive; and
(d) the measures proposed to be taken by Government to ensure that the matters pertaining to under privileged persons are disposed of in a reasonable time-frame?

ANSWER

MINISTER OF LAW AND JUSTICE
(SHRI SALMAN KHURSHID)

(a) to (d): Government of India undertook a pendency reduction drive from 1st July, 2011 to 31st December, 2011. The Chief Justices of the High Courts were inter-alia requested to initiate in a campaign mode clearance of long pending cases and cases relating marginalised groups and utilize 13th Finance Commission grant for pendency reduction. The information received from State High Courts in regard to disposal of cases including those pertaining to marginalised groups is at Annex.

Besides, the Government has undertaken several measures for reducing pendency and for assisting marginalised sections of society which are as follows:

(i) A National Mission for Justice Delivery and Legal Reforms has been set up with the 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 will pursue a co-ordinated

approach for phased liquidation of arrears and pendency in the judicial administration.

(ii) In order to improve the infrastructure in courts, a Centrally Sponsored Scheme for development of infrastructure facilities for the judiciary is being implemented since 1993-94 under which central assistance for construction of court buildings and residential quarters for judicial officers is released to augment the resources of the State Governments.

(iii) The Central Government is providing assistance to States for setting up of Gram Nyayalayas for delivery of justice to rural masses at their door steps. Under the Gram Nyayalayas Act, 2008, the Gram Nyayalayas shall exercise both civil and criminal jurisdictions and follow summary trial procedure in the manner and to the extent provided under the Act.

(iv) Computerization of the District and Subordinate Courts (e-Courts project) has been taken up under a centrally sponsored scheme with the objective of enhancing judicial productivity and making justice delivery system more affordable and cost effective.

(v) The 13th Finance Commission has allocated a sum of Rs.5000 crores to be given as grants to the States for 5 years between 2010-15 for reducing pendencies and improving justice delivery.

(vi) For legal empowerment of the marginalized people in India, an externally aided project 'Access to Justice for Marginalized People in India' is being implemented, in the selected 07 States.

(vii) Legal Services are being provided by National Legal Services Authority (NALSA) to the common man through a scheme of trained Para-Legal Volunteers (PLVs) selected from the community. The PLVs act as bridge between the legal services institution and the common man. In case of need the assistance of professional lawyers is also provided to weaker and marginalised sections of society

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ANNEX

Information received uptill 30th April, 2012 from High Courts with regard to disposal of cases including those pertaining to marginalised groups during the pendency reduction drive from July, 2011 to December, 2011.

Sr. No.	Name of High Court	Senior Citizen	Minors	Disabled	Marginalised Groups	Total
1	Andhra Pradesh	1592	230	100	62	1984
2	Delhi	3706	1116	1241	2047	8110
3	Himachal Pradesh	984	172	40	487	1683
4	Madhya Pradesh	4354	398	62	117	4931
5	Uttarakhand	376	339	-	-	715
6	Jharkhand	180	126	04	757	1067
7	Orissa	3182	1008	402	2373	6965
8	Chhattisgarh	287	-	-	-	287
9	Kerala	4634	2117	960	235	7946
10	Punjab, Haryana	417	1251	129	-	1797
11	Gujarat	1177	1614	2192	-	4983
12	Sikkim	13	07	01	34	55
	Total	20902	8378	5131	6112	40523

GOVERNMENT OF INDIA
MINISTRY OF LAW AND JUSTICE
DEPARTMENT OF JUSTICE

NM

RAJYA SABHA

UNSTARRED QUESTION NO. 3336
TO BE ANSWERED ON MONDAY, THE 7th May, 2012

Reasons for pending cases

3336. SHRI RAMCHANDRA PRASAD SINGH:
SHRI RAVI SHANKAR PRASAD:

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

(a) whether it is a fact that the Supreme Court has recently expressed deep concern over the delay in disposal of cases in the courts of the country;

(b) if so, Government's reaction in this regard;

(c) whether Government has identified the reasons for the delay in disposal of these cases; and

(d) if so, the details of those shortcomings in the system?

ANSWER

MINISTER OF LAW AND JUSTICE
(SHRI SALMAN KHURSHID)

(a) to (d): Huge backlog and pendency has been a matter of concern as it delays the disposal of cases. Of the 3 crore cases pending, 74% are less than 5 years old. The Hon'ble Chief Justice of India has expressed the need of making the judicial system 5+ free by addressing 26 % of the old cases which are of more than 5 years vintage.

The Government has been constantly endeavouring and working towards improvement in judicial system in the country jointly with the judiciary. The Government has been undertaking computerization of courts since 2007 and has been investing on improving infrastructure in the judiciary since 1993-94. Of late, National Court Management System has been notified by the Hon'ble Chief Justice of India for establishment. This would be addressing issues of case management, court management, setting standards for measuring performance of the courts and a

national system of judicial statistics in the country. Prior to that, the Government ha in June 2011 set up a National Mission for Justice Delivery and Legal Reforms. The objective of the Mission is to look at the requirement for policy changes, re-engineering of court procedures, propose/undertake measures for human resource development and leverage information and communication technology for better justice delivery.

In order to free the criminal justice system of clogging, which is taking place on account of cases under the Negotiable Instruments Act, 1881 and the Motor Vehicle Act, 1988 serious efforts are being made to dispose them of on priority through special courts, Lok Adalats, Alternate Dispute Resolution (ADR) mechanisms. Instructions have also been given to the States to utilize funds under the Thirteenth Finance Commission for this purpose as well as for setting up special courts and morning / evening courts to dispose of such cases.

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

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R A J Y A S A B H A
UNSTARRED QUESTION NO. 3337

TO BE ANSWERED ON MONDAY, THE 7TH MAY, 2012

Status of Fast Track Courts

3337. SHRIMATI MOHSINA KIDWAI:
SHRI N.K.SINGH:

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

(a) **whether it is a fact that Government has decided to discontinue Fast Track Courts in the country;**

(b) **If so, the details thereof and the reasons therefor;**

(c) **the total number of cases disposed of by these courts during the last three years, year-wise; and**

(d) **the steps being taken to expedite the disposal of cases in the judiciary?**

A N S W E R
MINISTER OF LAW & JUSTICE
(SHRI SALMAN KHURSHID)

(a) & (b): The Central Government had provided financial assistance to the State Governments for Fast Track Courts from 2000-01 to 2010-11. The scheme has not been extended beyond 31/03/2011. However, some of the State Governments have continued the Fast Track Courts beyond 31/03/2011 from their own funds.

In its judgement in Brij Mohan Lal vs Union of India & Others on 19.04.2012, the Supreme Court has directed the States that they shall not take a decision to continue the Fast Track Courts scheme on an adhoc and temporary basis. They (States) will need to decide either to bring the Fast Track Courts scheme to an end or to continue the same as a permanent feature in the State.

(c): The total number of cases disposed of by these courts the three calendar years from 2009 to 2011, year-wise is at Annex

(d): The Government has been taking several initiatives from time to time to expedite the disposal of cases in the judiciary. These initiatives inter-alia include measures for strengthening the judicial system, reviewing the strength of the judges from time to time and setting up of part time/special courts, improving infrastructure in the courts and increasing use of ICT for court management as well as for providing citizen centric services at all levels starting from Supreme Court/High Courts to the district and subordinate courts.

Annex-I

Statement referred to in reply to part (c) of Rajya Sabha Unstarred Question No. 3337 for 7/5/2012

Sl. No.	Name of the States	Number of cases disposed by the Fast Track Courts in the year		
		2009	2010	2011
1	Andhra Pradesh	17490	21087	22295
2	Arunachal Pradesh	247	178	162
3	Assam	6722	6482	7340
4	Bihar	17278	21442	4899 (upto March, 2011)
5	Chhattisgarh	8809	8465	2770 (upto March, 2011)
6	Goa	6968 (since inception till the end of December, 2011)		
7	Gujarat	46370	41820	5355 (upto Feb., 2011)
8	Haryana	29652 (since inception till Dec.2010)		Not available
9	Himachal Pradesh	6373	6691	8607
10	Jharkhand	87789 (since inception till the end of March, 2011)		
11	Karnataka	39512	29119 (upto Aug. 2010)	Not available
12	Kerala	11098	11277	9925
13	Madhya Pradesh	65888	64092	Not Available
14	Maharashtra	35137	35190	4198 (upto February, 2011)
15	Manipur	246	171	314
16	Meghalaya	192	79	52
17	Mizoram	119	102	82
18	Nagaland	81	79	48
19	Orissa	65860 (since inception till the end of December, 2011)		
20	Punjab	39157 (since inception till Dec. 2010)		Not Available
21	Rajasthan	12385	11747	4315 (upto March, 2011)
22	Tamil Nadu	Not Available	Not Available	Not Available
23	Tripura	424	408	278 (upto June, 2011)
24	Uttar Pradesh	41056	45512	8497 (upto March, 2011)
25	Uttarakhand	4426	13102	9912
26	West Bengal	14000	10336	10499

GOVERNMENT OF INDIA
MINISTRY OF LAW & JUSTICE
DEPARTMENT OF JUSTICE

DESK SIDE

RAJYA SABHA

STARRED QUESTION NO.532

TO BE ANSWERED ON MONDAY, the 14.05.2012

Delay in filling up of vacancies in higher judiciary

*532. SHRI ISHWAR SINGH:

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

(a) whether Government has recently admitted that vacancies of judges in High Courts across the country could not be filled up due to delay in submitting of proposals by the Chief Justices of High Courts;
(b) if so, whether Government proposes to direct the Chief Justices to send proposals to fill up the vacant posts of judges in a time bound manner;
(c) if so, the details thereof; and
(d) the steps Government proposes to take to fill up all the posts of judges in Supreme Court/High Courts in a time bound manner?

ANSWER

MINISTER OF LAW AND JUSTICE

(SHRI SALMAN KHURSHID)

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

Statement referred to in reply to parts (a) to (d) of the Rajya Sabh Starred Question No.532 to be answered on 14.05.2012 regarding 'Dela in filling up of vacancies in higher judiciary'

Under the existing procedure for appointment of Judges of the Supreme Court and State High Courts, the Government processes appointments upon receipt of proposals from the Chief Justice of India for Supreme Court and for High Court upon receipt of proposals from the respective Chief Justice of the High Court. 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 in the Supreme Court rests with the Chief Justice of India and for appointment of a Judge of a High Court, it rests with the Chief Justice of the concerned High Court.

As on 11.05.2012, 261 posts in High Courts are vacant. The vacancies keep arising on account of retirement, resignation or elevation of Judges of High Courts and Supreme Court, during each year.

The Government has been periodically reminding the Chief Justices of the concerned High Courts to initiate proposals in time for filling the existing vacancies of Judges as well as the vacancies anticipated in next six months in the High Courts. It (Government) had written to the Chief Justices of High Courts in April and June 2011 to fill the vacancies in the High Courts and subordinate courts in a campaign mode from 01st July 2011 onwards for six months. As a result, 85 vacancies of High Courts have been filled in the calendar year 2011 against 43 vacancies filled in the calendar year 2010. The Chief Justices of High Courts were again reminded on 28.02.2012. In response, recommendations for filling up 83 vacant posts in High Courts and one vacant post in Supreme Court have been received till 11.05.2012.

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GOVERNMENT OF INDIA
MINISTRY OF LAW AND JUSTICE
DEPARTMENT OF JUSTICE

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Rajya Sabha
UNSTARRED QUESTION NO. 4095

TO BE ANSWERED MONDAY, THE 14th MAY, 2012

Pending Cases

4095. SHRI SABIR ALI:

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

(a) the number of cases pending in various courts in the country, as on date;
(b) whether Government has received any proposal from the Chief Justice of India detailing out various steps needed to be taken to end the pendency; and
(c) if so, the details thereof and the steps proposed to be taken to deal with the situation?

ANSWER
MINISTER OF LAW AND JUSTICE
(SHRI SALMAN KHURSHID)

(a) to (c): The data on institution, disposal and pendency of cases is maintained by the Supreme Court and High Courts. As per the information received from the Supreme Court, 60,809 matters were pending in the Supreme Court as on 30.4.2012. Out of them, 20,872 matters were less than one year and are not in arrears

As per the information published by the Supreme Court in the Court News (Vol. VI Issue No. 3), there were 43,50,868 cases in High Courts and 2,76,70,417 cases in Subordinate Courts were pending as on 30.6.2011.

A proposal was received from Hon'ble Chief Justice of India for establishment of National Court management system. The Government has concurred with the proposal as it would be addressing issues of case management, court management, setting standards for measuring performance of the courts and a national system of judicial statistics in the country. It has since been notified.

Besides, the Government has taken several steps for reducing pend These are as follows:

(i) A National Mission for Justice Delivery and Legal Reforms has been set up with the 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 will pursue a co-ordinated approach for phased liquidation of arrears and pendency in the judicial administration.

(ii) In order to improve the infrastructure in courts, a Centrally Sponsored Scheme for development of infrastructure facilities for the judiciary is being implemented since 1993-94 under which central assistance for construction of court buildings and residential quarters for judicial officers is released to augment the resources of the State Governments.

(iii) The Central Government is providing assistance to States for setting up of Gram Nyayalayas for delivery of justice to citizens at their door steps. Under the Gram Nyayalayas Act, 2008, the Gram Nyayalayas shall exercise both civil and criminal jurisdictions and follow summary trial procedure in the manner and to the extent provided under the Act.

(iv) Computerization of the District and Subordinate Courts (e-Courts project) has been taken up under a centrally sponsored scheme with the objective of enhancing judicial productivity and making justice delivery system more affordable and cost effective.

(v) The 13th Finance Commission has allocated a grant of Rs. 5000 crores for the states over a period of 5 years between 2010-2015 for various initiatives such as increasing the number of court working hours using the existing infrastructure by holding morning / evening / shift courts; enhancing support to Lok Adalats to reduce the pressure on regular courts; providing additional funds to State Legal Services Authorities to enable them to enhance legal aid to the marginalized and empower them to access justice; promoting the Alternate Dispute Resolution (ADR) mechanism to resolve part of the disputes outside the court system.

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GOVERNMENT OF INDIA
MINISTRY OF LAW AND JUSTICE
DEPARTMENT OF JUSTICE

Desk Side

RAJYA SABHA
UNSTARRED QUESTION NO.4098

TO BE ANSWERED ON 14.05.2012

New High Court benches

4098. DR. T. SUBBARAMI REDDY:

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

(a) whether Government has received any proposal from any State Governments for the establishment of new High Court benches in their respective States;

(b) if so, the details thereof;

(c) the action taken by Government in this regard; and

(d) the current status thereof?

ANSWER
MINISTER OF LAW AND JUSTICE
(SHRI SALMAN KHURSHID)

(a) to (d) : In terms of Section 51(2) of the States' Reorganisation Act, 1956 setting up of Benches of a High Court is considered by the Government of India after receipt of a complete proposal from the State Government, which has to have the consent of the Chief Justice of the concerned High Court and the Governor of the State.

The Government of Karnataka has sent a proposal for making two Circuit Benches of the Karnataka High Court at Dharwad and Gulbarga as Permanent Benches, which is under consideration of the Government.

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The Government of West Bengal had sent a proposal for establishment of a Circuit Bench of the Calcutta High Court at Jalpaiguri. The Chief Justice of the Calcutta High Court had inspected the infrastructural facilities provided by the State Government at Jalpaiguri for establishment of the temporary Circuit Bench till the permanent building of the Circuit Bench is ready. However, in his opinion, the infrastructural facilities provided for establishment of the temporary Circuit Bench in the Jalpaiguri Zilla Parishad Dak Bungalow are neither satisfactory nor the premises suitable, even for temporary period. The space and accommodation provided is also insufficient.

The Chief Minister of Kerala had sent a request in the year 2005 for setting up a bench of Kerala High Court at Thiruvananthapuram. He was advised to seek consent of the Chief Justice of the High Court as envisaged in Supreme Court Judgment in case of Federation of Bar Association in Karnataka Vs. Union of India [AIR 2000 SC 2544]. No reply has been received from the Government of Kerala.

The Government of Himachal Pradesh has also requested for establishment of a Bench of Himachal Pradesh High Court at Dharamsala. The Chief Justice of Himachal Pradesh High Court has not given his consent to it.

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GOVERNMENT OF INDIA
MINISTRY OF LAW AND JUSTICE
DEPARTMENT OF JUSTICE

Desk Side

RAJYA SABHA
UNSTARRED QUESTION NO.4100

TO BE ANSWERED ON 14.05.2012

Supreme Court benches

4100. SHRI VIJAY JAWAHARLAL DARDA:

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

(a) whether the Law Commission's recommendations for setting up a Constitutional Court in New Delhi and four Supreme Courts in the Metros would be implemented primarily to ease present litigational pressure on the Supreme Court;

(b) if so, whether Central places like Nagpur would be considered while identifying locations for ensuring coverage of larger number of litigants; and

(c) when the relevant Bill would be introduced in Parliament so that an Act for the purpose is legislated early?

ANSWER
MINISTER OF LAW AND JUSTICE
(SHRI SALMAN KHURSHID)

(a) : The Law Commission, in its 229th Report, has recommended as under :

[1] A Constitution Bench be set up at Delhi to deal with constitutional and other allied issues.

[2] Four Cassation Benches be set up in the Northern region/zone at Delhi, the Southern region/zone at Chennai/Hyderabad, the Eastern region/zone at Kolkata and the Western region/zone at Mumbai to deal with all appellate work arising out of the orders/judgments of the High Courts of the particular region.

The opinion of the Attorney General was obtained and the matter was referred to the Chief Justice of India. He had informed that after consideration of the matter, the Full Court in its meeting held on 18th February, 2010 unanimously resolved that the recommendations of the Law Commission cannot be accepted.

(b) & (c): Don't arise.

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GOVERNMENT OF INDIA
MINISTRY OF LAW AND JUSTICE
DEPARTMENT OF JUSTICE

Desk Side

RAJYA SABHA
UNSTARRED QUESTION NO.4102

TO BE ANSWERED ON 14.05.2012

New High Courts

4102. SHRIMATI JHARNA DAS BAIDYA:

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

a) whether Government has any proposal to set up High Courts in the North Eastern States specially in Tripura, Meghalaya and Manipur;

(b) if so, the details thereof;

(c) whether Government has proposed any timeline for opening of High Courts in those States;

(d) if so, the details thereof; and

(e) if not, the reasons therefor?

ANSWER
MINISTER OF LAW AND JUSTICE
(SHRI SALMAN KHURSHID)

(a) to (e) : The Government has decided to set up separate High Courts for each of the North Eastern States. However, the setting up of separate High Courts is subject to creation of necessary infrastructural facilities by the respective State Government.

As the Governments of Manipur, Meghalaya and Tripura have separately created necessary infrastructural facilities for establishment of separate High Courts in their States, the Government in the Ministry of Home Affairs has moved The North-Eastern Areas (Reorganisation) and Other Related Laws (Amendment) Bill, 2012 in the Parliament, to facilitate the process of establishment of High Courts in these 3 States.

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

M-Cell

RAJYA SABHA
UNSTARRED QUESTION NO. 4104

TO BE ANSWERED ON MONDAY, THE 14TH MAY, 2012

Fast Track Courts

+4104. SHRIMATI KUSUM RAI:
SHRI PRABHAT JHA:

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

(a) whether it is a fact that the Fast Track Courts were set up for the speedy disposal of pending cases;

(b) If so, the details thereof;

(c) whether any target was fixed for these courts;

(d) If so, the details of the achievements, so far;

(e) whether Government has decided to discontinue the financial assistance to these courts; and

(f) If so, the reasons therefor?

ANSWER
MINISTER OF LAW & JUSTICE
(SHRI SALMAN KHURSHID)

(a) & (b): Yes, Sir; Fast Track Courts were set up on the recommendations of the 11th Finance Commission for expeditious disposal of long pending sessions cases and cases involving undertrial prisoners.

(c) & (d): The Finance Commission had recommended creation of 1734 new additional courts for five years upto 31.3.2005. Against that, 1562 Fast Track Courts were functional as on 31.3.2005. The Government had subsequently approved continuation of these 1562 Fast Track Courts for six years upto 31.3.2011. As on 31.3.2011, 1192

Fast Track Courts were functional in the country. Out of 38.99 lakh cases transferred to fast track courts, 32.93 lakh cases have been disposed of as on 31.03.2011. The average disposal per court has been 251 cases in one year.

(e) & (f): The Central Government had provided financial assistance to the State Governments for Fast Track Courts from 2000-01 to 2010-11. The scheme has not been extended beyond 31/03/2011. However, some of the State Governments have continued the Fast Track Courts beyond 31/03/2011 from their own funds.

In its judgement in Brij Mohan Lal vs Union of India & Others on 19.04.2012, the Supreme Court has directed the States that they shall not take a decision to continue the Fast Track Courts scheme on an adhoc and temporary basis. They (States) will need to decide either to bring the Fast Track Courts scheme to an end or to continue the same as a permanent feature in the State.

GOVERNMENT OF INDIA
MINISTRY OF LAW AND JUSTICE
DEPARTMENT OF JUSTICE

NM

Rajya Sabha

UNSTARRED QUESTION NO. 4105

TO BE ANSWERED MONDAY, THE 14th MAY, 2012

Speedy disposal of cases

4105. SHRI PARSHOTTAM KHODABHAI RUPALA:

SHRI BHARATSINH PRABHATSINH PARMAR:

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

(a) whether Government is considering for speedy disposal of pending cases before various courts as it has been observed that many courts are unnecessarily extending judicial process and there is no mechanism which ensures petitioner to get justice within the prescribed time limit;

(b) whether Government is considering to take strict action against petitioner who make unwanted petitions before courts and create burden on our judicial process; and

(c) whether Government is considering for quick disposal of long-pending cases as in many cases either petitioner or opponent remain absent continuously?

ANSWER

MINISTER OF LAW AND JUSTICE
(SHRI SALMAN KHURSHID)

(a) to (c): Disposal of pending cases in court is within the domain of the Judiciary. Under the Constitution, control over district and subordinate courts vests in the High Courts having jurisdiction over such courts. However, necessary amendments were made in Section 309 of the Code of Criminal Procedure, 1973 and Order XVII of the Code of Civil Procedure, 1908 inter- alia, to avoid frequent adjournments and ensure expeditious court proceedings both in criminal and civil cases.

The Law Commission in its 192nd Report on 'Prevention of Vexatious Litigation' has made suggestions for enactment of legislation to prevent filing of frivolous and vexatious litigations in courts. This has been circulated to all the State Governments/ Union Territory Administrations for comments. 22 State Governments and 7 UTs have responded already.

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GOVERNMENT OF INDIA
MINISTRY OF LAW AND JUSTICE
DEPARTMENT OF JUSTICE

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RAJYA SABHA

UNSTARRED QUESTION NO. 4106
TO BE ANSWERED ON MONDAY, THE 14th May, 2012

Working of family courts

+4106. DR. PRABHA THAKUR:

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

(a) whether family courts have been constituted to impart quick justice to women in the cases related with sex crimes, domestic violence and social exploitation;

(b) if so, whether any time-frame has been fixed for these family courts to impart quick justice in cases of such serious crimes;

(c) whether judges have been appointed in all such courts; and

(d) if so, the details thereof and if not, the reasons therefor?

ANSWER

MINISTER OF LAW AND JUSTICE
(SHRI SALMAN KHURSHID)

(a) & (b): No, Sir; Family Courts have been established with a view to promote conciliation and secure speedy settlement of, disputes relating to marriage and family affairs and for matters connected therewith. Following type of cases are heard in the Family Courts:

1. Decree for nullity of marriage
2. Restitution of Conjugal rights
3. Judicial Separation
4. Divorce
5. Declaration of marital status of any person
6. Matrimonial property matters
7. Claim of maintenance
8. Guardianship
9. Custody of children
10. Access of children
11. Application for injunction in matrimonial matters.

(c) & (d): As per the information received from State Governments/High Courts, 212 Family Courts are functional. The appointment of judges in Family Courts is within the domain of the respective State Governments and the State High Courts.

iv. Criminal revision against granting or refusing to grant interi maintenance under sub-section (3) of section 125 of the Code o Criminal Procedure, 1973 or maintenance under Section 125 of the Code of Criminal Procedure, 1973;

v. Petty offences such as:

(a) Section 320 of Code of Criminal Procedure, 1973 Table I and II excluding offence under Section 324, 325, 335, 344, 357, 379, 381, 406, 407, 408, 411, 414, 418, 419, 420, 429, 430, 451 and 494 of the Indian Penal Code

(b) Section 160, 279, 294 and 336 of the Indian Penal Code; and

(c) all offences under any Act which are punishable with upto 2 (two) years of imprisonment.

In addition to the cases mentioned above, the States may also assign cases, which are not usually contested and are compoundable in nature of these Courts.

On the recommendation of the Hon'ble Chief Justice of India, Central Government has decided to set up 71 additional special courts exclusively for the trial of CBI cases in different States. Of these, 62 CBI courts have started functioning.

(c): No, Sir. There is no such proposal.

(d): Does not arise.

GOVERNMENT OF INDIA
MINISTRY OF LAW & JUSTICE
RAJYA SABHA
QUESTION NO 4107
ANSWERED ON **14.05.2012**

M·Cell

Special courts to clear pending cases

4107 Shri Baishnab Parida

Will the Minister of LAW & JUSTICE be pleased to satate :-

(a) whether it is proposed to set up special courts in the country to speed up disposal of pending court cases with a focus on criminal cases;

(b) if so, the details thereof;

(c) whether it is also proposed to open special Fast Track Courts in the country to try rape cases; and

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(d) if so, the details thereof?

ANSWER

A N S W E R
MINISTER OF LAW & JUSTICE
(SHRI SALMAN KHURSHID)
(a)&(b): On the recommendations of 13th Finance Commission, a grant of Rs. 2500 crore has been allocated for setting up of Morning/Evening/Shift/Special Magistrates' Courts to try petty cases so as to clear backlog of cases. An amount of Rs. 681.66 crore has so far been released to the States for the purpose. The following types of cases can be inter-alia assigned to these courts:
i. Cases pertaining to offences under Indian Penal Code and any other Act or rules where the punishment prescribed is non-custodial;

ii. Cheque bouncing cases under Section 138 of the Negotiable Instruments Act, 1881 ;

iii. Petitions for maintenance under Section 125 of the Code of Criminal Procedure, 1973;

iv. Criminal revision against granting or refusing to grant interim maintenance under sub-section (3) of section 125 of the Code of Criminal Procedure, 1973 or maintenance under Section 125 of the Code of Criminal Procedure, 1973;

v. Petty offences such as:

(a) Section 320 of Code of Criminal Procedure, 1973 Table I and II excluding offence under Section 324, 325, 335, 344, 357, 379, 381, 406, 407, 408, 411, 414, 418, 419, 420, 429, 430, 451 and 494 of the Indian Penal Code

(b) Section 160, 279, 294 and 336 of the Indian Penal Code; and

) all offences under any Act which are punishable with upto 2 (two) years of imprisonment.
In addition to the cases mentioned above, the States may also assign cases, which are not usually contested and are compoundable in nature of these Courts.
On the recommendation of the Hon'ble Chief Justice of India, Central Government has decided to set up 71 additional special courts exclusively for the trial of CBI cases in different States. Of these, 62 CBI courts have started functioning.

(c): No, Sir. There is no such proposal.

(d): Does not arise.

Justice Sec.

GOVERNMENT OF INDIA
MINISTRY OF LAW AND JUSTICE
DEPARTMENT OF JUSTICE

RAJYA SABHA

UNSTARRED QUESTION NO.4874

TO BE ANSWERED ON MONDAY, THE 21ST MAY, 2012

Uniform recruitment policy for judges

4874. SHRI K.N. BALAGOPAL:

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

(a) whether the recruitment policy and agency for subordinate judicial officers are uniform in the country;

(b) the details thereof; and

(c) whether any recommendation is pending before Government to streamline the recruitment?

ANSWER

MINISTER OF LAW & JUSTICE
(SHRI SALMAN KHURSHID)

(a) to (c) : In exercise of powers conferred under proviso to Article 309 read with Articles 233 and 234 of the Constitution, the State Governments frame rules and regulations in consultation with the respective High Courts in respect of the members of the State Judicial Service. Thus, the recruitments, appointments, posting/transfers and other service conditions of judicial officers of the district/subordinate courts are all governed by the respective State Governments. In some States the process of selection is undertaken through State Public Service Commissions while in other States it is through the High Courts.

While accepting the recommendations of the First National Judicial Pay Commission regarding recruitment to Higher Judicial Service, the Hon'ble Supreme Court of India in its judgment dated 21.3.2002 in W.P. (C) No.1022 of 1989 - All India Judges Association & Others Vs UOI & Others had, inter-alia, laid down the quota for recruitment to Higher Judicial Services respectively of the Civil Judges (Senior Division)

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on the basis of seniority and through limited competitive examination, as well as of eligible advocates. The Apex Court had further directed that appropriate rules shall be framed by the High Courts as early as possible. The Supreme Court continues to monitor the implementation of its directions from time to time. All State Governments were party to this case.

GOVERNMENT OF INDIA
MINISTRY OF LAW AND JUSTICE
DEPARTMENT OF JUSTICE

Rajya Sabha

UNSTARRED QUESTION NO. 4875+

TO BE ANSWERED ON MONDAY, THE 21st MAY, 2012

Cases under stay orders

+4875. SHRI MOHAMMED ADEEB:

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

(a) the number of cases in the country which have been kept under stay orders for the last 10 to 40 years;
(b) whether Government has made any plan for the settlement of such cases;
(c) if so, the details thereof; and
(d) if not, the reasons therefor?

ANSWER

MINISTER OF LAW AND JUSTICE
(SHRI SALMAN KHURSHID)

(a) to (d): Grant of stay orders in civil and criminal cases is part of judicial proceedings and Courts have been vested with inherent powers in this regard under the relevant provisions of the Code of Civil Procedure, 1908 and the Code of Criminal Procedure, 1973. So also, hearing and disposal of Court cases under various laws fall within the domain of judiciary. No day-to-day records of court proceedings are possible to maintain at different stages centrally.

In a recent judgement in the case of Imtiyaz Ahmad Vs. State of Uttar Pradesh & Ors, the Hon'ble Supreme Court had the occasion to look in to the issue of grant of stay orders by the High Courts during investigation or trial in criminal matters. In this case, the Hon'ble Supreme Court has inter-alia

observed as follows:

(i) Such an extraordinary power has to be exercised with due caution and circumspection.

(ii) Once such a power is exercised, High Court should not lose sight of the case where it has exercised its extraordinary power of staying investigation and trial.

(iii) High Court should make it a point of finally disposing of such proceeding as early as possible but preferably within six months from the date the stay order is issued.

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GOVERNMENT OF INDIA
MINISTRY OF LAW AND JUSTICE
DEPARTMENT OF JUSTICE

Desk Side

RAJYA SABHA
UNSTARRED QUESTION NO.4877

TO BE ANSWERED ON 21.05.2012

Disclosure of complaints against judges

+4877. SHRI PRABHAT JHA:

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

(a) whether it is a fact that the Central Information Commission (CIC) has directed the Ministry to reveal the contents of the complaint letters against judges sent to the Supreme Court and High Courts;

(b) if so, the details thereof;

(c) whether the Ministry has sent the letters to CIC;

(d) if so, the details thereof; and

(e) if not, the reasons therefor?

ANSWER
MINISTER OF LAW AND JUSTICE
(SHRI SALMAN KHURSHID)

(a) & (b) : The office of Information Commissioner while deciding an RTI Appeal directed the Department of Justice to provide the applicant, copies of forwarding letters by which complaints received by it (Department), were sent to the Supreme Court and High Courts. Accordingly, copies of forwarding letters of last one year have been provided to the RTI applicant.

(c) : No, Sir.

(d) & (e): Don't arise.

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

M-Cell

R A J Y A S A B H A
UNSTARRED QUESTION NO. 4878

TO BE ANSWERED ON MONDAY, THE 21ST MAY, 2012

Speedy disposal of criminal cases

4878. SHRI PALVAI GOVARDHAN REDDY:

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

(a) whether it is a fact that, as per the Bureau of Police Research and Development, 96.8 per cent of the arrested criminals are not in jails and only 3.2 per cent are in jails;

(b) if so, the reasons therefor;

(c) how the Ministry looks at it and would ensure that cases are disposed of quickly and criminals are punished; and

(d) whether any consultations have been held to adopt the method of videoconferencing to expedite hearing of cases?

A N S W E R
MINISTER OF LAW & JUSTICE
(SHRI SALMAN KHURSHID)

(a)&(b): As per the latest report of Crime in India- 2010 published by the National Crime Records Bureau, a total of 7789937 persons were arrested under Indian Penal Code (IPC) and Special & Local Law (SLL) crimes during 2010 in the country. As per Prison Statistics India-2010, a total of 240098 undertrials were kept in various jails of the country at the end of 2010.

(c): Hearing and disposal of Court cases under various laws fall within the domain of judiciary. The Government has taken several steps for ensuring speedy disposal of cases. These are as follows:

(I) <u>Amendment to the Code of Criminal Procedure</u>

The Code of Criminal Procedure has been amended through the Code of Criminal Procedure (Amendment) Act 2005 which has the following provisions for speedy disposal of cases: -

(a) The proviso to section 223 Cr.P.C provides that the Magistrate on an application of the accused persons may direct their joint trial even if they do not fall in the categories specified, if he is satisfied that such persons would not be prejudicially affected thereby. In the interest of prompt disposal of cases, scope of this proviso was widened to enable the Court of Sessions also to hold such trials.

(b) Under sub-section (1) of section 260, a Magistrate has a discretion to try offences specified therein either summarily or in a regular way. This sub-section was amended to make summary trial of offences specified therein mandatory. It was also provided that the offence of theft and other cognate offences, namely, offences under sections 379, 380, 381,411 and 414 of the Indian Penal Code might be tried summarily where the value of the property involved does not exceed two thousand rupees instead of two hundred rupees.

(ii) To reduce the delay in the disposal of criminal trials and appeals and also to alleviate the suffering of under-trial prisoners, the concept of plea-bargaining was introduced in the Code of Criminal Procedure 1973.

(iii) Fast Track Courts were set up on the recommendations of the 11th Finance Commission for expeditious disposal of long pending sessions cases and cases involving undertrial prisoners. The Finance Commission had recommended creation of 1734 new additional courts for five years upto 31.3.2005. Against that, 1562 Fast Track Courts were functional as on 31.3.2005. The Government had subsequently approved continuation of these 1562 Fast Track Courts for six years upto 31.3.2011. As on 31.3.2011, 1192 Fast Track Courts were functional in the country. Out of 38.99 lakh cases transferred to fast track courts, 32.93 lakh cases have been disposed of as on 31.03.2011.

(iv) A National Mission for Justice Delivery and Legal Reforms has been set up with the 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 will pursue a co-ordinated approach for phased liquidation of arrears and pendency in the judicial administration.

(v) In order to improve the infrastructure in courts, a Centrally Sponsored Scheme for development of infrastructure facilities for

the judiciary is being implemented since 1993-94 under which central assistance for construction of court buildings and residential quarters for judicial officers is released to augment the resources of the State Governments.

(vi) The Central Government is providing assistance to States for setting up of Gram Nyayalayas for delivery of justice to citizens at their door steps. Under the Gram Nyayalayas Act, 2008, the Gram Nyayalayas shall exercise both civil and criminal jurisdictions and follow summary trial procedure in the manner and to the extent provided under the Act.

(vii) Computerization of the District and Subordinate Courts (e-Courts project) has been taken up under a centrally sponsored scheme with the objective of enhancing judicial productivity and making justice delivery system more affordable and cost effective.

(viii) The 13th Finance Commission has allocated a grant of Rs. 5000 crores for the states over a period of 5 years between 2010-2015 for various initiatives such as increasing the number of court working hours using the existing infrastructure by holding morning / evening / shift courts; enhancing support to Lok Adalats to reduce the pressure on regular courts; providing additional funds to State Legal Services Authorities to enable them to enhance legal aid to the marginalized and empower them to access justice; promoting the Alternate Dispute Resolution (ADR) mechanism to resolve part of the disputes outside the court system.

(d): No consultation has been held to adopt the method of Video-conferencing to expedite hearing of cases.

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GOVERNMENT OF INDIA
MINISTRY OF LAW AND JUSTICE
DEPARTMENT OF JUSTICE

RAJYA SABHA

UNSTARRED QUESTION NO. 4879

TO BE ANSWERED ON MONDAY, THE 21ST MAY, 2012

Performance of Gram Nyayalayas

4879. SHRI VIJAY JAWAHARLAL DARDA:

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

(a) the details of visible level of satisfaction after notification and working of 151 Gram Nyayalayas set up under the Gram Nyayalayas Act, 2008 to provide access to justice to the citizens at their doorsteps;

(b) whether any States have achieved phenomenal success and in others the experiment has not enthused the litigants; and

(c) whether active co-operation of Panchayats and Self-Help Groups have been solicited for willing adoption of this method?

ANSWER

MINISTER OF LAW AND JUSTICE
(SHRI SALMAN KHURSHID)

(a) to (c): The Gram Nyayalayas Act, 2008 has come into force w.e.f. 2/10/2009. It is for the State Governments to notify the Gram Nyayalayas in consultation with the respective High Courts.

As per the information available, six State Governments viz Madhya Pradesh, Rajasthan, Maharashtra, Odisha, Jharkhand and Karnataka have notified 159 Gram Nyayalayas. Out of these, 151 are operational. Some other States are seized of the matter but have not taken a final view in their regard. The State Governments of Tamil Nadu, Uttarakhand and Delhi have not felt the need to establish Gram Nyayalayas.

It is too early to give an assessment on the success or otherwise of the Gram Nyayalayas in terms of visible level of satisfaction. The problems faced by the States in making of Gram Nyayalayas a success were, however, discussed inter-alia in a meeting held at Delhi on 19th & 20th April, 2012 with the Law/Home Secretaries and Finance Secretaries of the States and Registrar Generals of the High Courts. It emerged during discussions that besides the financial constraints, lukewarm response of bar, reluctance of police officials and other state functionaries to invoke jurisdiction of Gram Nyayalayas, non-availability of notaries and stamp vendors, problem of concurrent jurisdiction of regular courts are some of the factors which are coming in the way of establishment of Gram Nyayalayas as well as their working wherever they have been established.

There is no provision in the Gram Nyayalayas Act for enlisting the cooperation of Panchayats and self-help groups.

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GOVERNMENT OF INDIA
MINISTRY OF LAW & JUSTICE
DEPARTMENT OF JUSTICE

Desk Sale

RAJYA SABHA

UNSTARRED QUESTION NO.4880

TO BE ANSWERED ON MONDAY, the 21.05.2012

Liquidation of court cases

4880. SHRI VIJAY JAWAHARLAL DARDA:

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

(a) whether, as on 31 December, 2011, there are 16,360 sanctioned posts of judges in courts including High Courts and the Supreme Court;
(b) if so, by when these posts are likely to be filled up so that huge arrears of 3.2 crore pending court cases could be liquidated;
(c) whether with the likely constitution of Lokpal, more cases would be filed in courts; and
(d) whether Government would ensure that to make functioning of the institution of Lokpal more effective, a mechanism of quicker disposal of corruption cases is simultaneously evolved?

ANSWER

MINISTER OF LAW AND JUSTICE

(SHRI SALMAN KHURSHID)

(a): Against the sanctioned strength of 31 Judges of the Supreme Court, including the Chief Justice of India, 26 Judges have been in position as on 15.05.2012. There are 5 vacancies to be filled. In the High Courts, against the sanctioned strength of 895 Judges, 632 were in position, leaving 263 vacancies to be filled.

As per the Supreme Court's Court News Report, against 18,008 sanctioned strength of the District & Subordinate Courts of the State Government/ Union Territory, 14374 were in position as on 30.06.2011, leaving 3634 vacancies to be filled.

(b): 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, posts have remained vacant for want of adequate proposals to fill them. The Government has been periodically reminding the Chief Justices of the High Courts to initiate proposals in time for filling the existing vacancies as well as the vacancies anticipated in next six months in the High Courts.

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The administrative control over the members of the district / subordinate judiciary in the States vests with the concerned High Court and State Government under Article 235 of the Constitution of India.

(c) & (d): Lokpal Bill has not been enacted so far. 56 courts are already functioning in the country for disposal of corruption cases. For quicker disposal of corruption cases, the Central Government has decided to set up 71 additional special CBI courts. Of these, 62 CBI courts have started functioning already.

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MINISTRY OF LAW AND JUSTICE
DEPARTMENT OF JUSTICE

Desk Side

RAJYA SABHA

UNSTARRED QUESTION NO. 4881

TO BE ANSWERED ON 21.05.2012

All India Judicial Service

4881. SHRI MOHD. ALI KHAN:

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

(a) Whether Government has any proposal to establish an All India Judicial Service; and
(b) If so, the details thereof and the view of each State Government especially Andhra Pradesh in this regard?

ANSWER
MINISTER OF LAW AND JUSTICE
(SHRI SALMAN KHURSHID)

(a) and (b): The Constitution was amended in 1977 to provide for an All India Judicial Service (AIJS) under Article 312 of the Constitution. There has been overwhelming 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 State High Courts.

Twenty (20) States have responded as per details at Annex-I. Of these, ten (10) State Governments have conveyed their agreement while seven (7) State Governments have not supported it. The remaining are non-committal. The State Government of Andhra Pradesh has conveyed that they have no further views in this regard as the matter has already been considered by the Hon'ble Supreme Court of India on judicial side. Despite the difficulties in having a consensus, the Government proposes to pursue it by offering a more plausible and acceptable formulation of AIJS.

ANNEXE – I

Annexed referred to in reply to Rajya Sabha Unstarred Question No.4881 to be answered on 21.05.2012

Comments/views of the State Governments on formation of All India Judicial Service

Sl. No	Name of the State	Comments/views
1.	Andhra Pradesh	Since the matter relating to establishment of AIJS has already been considered by the Hon'ble Supreme Court of India on judicial side, the Government of A.P. has no views to express in that regard.
2.	Arunachal Pradesh	The State is predominantly a tribal State with a number of different tribes having their own time tested customary laws and practices whereunder various disputes and differences of each tribe are settled without having to go to a court of law. Village Councils try & settle cases of both Civil & Criminal nature. A Member of AIJS cadre from other parts of the country would face language problems and more particularly in recording oral evidences. Besides, for other reasons, the State Government is not in favour of the proposal.
3.	Bihar	The State Government has no objection to the establishment of AIJS.
4.	Chhattisgarh	AIJS would be detrimental to the interest of the people of under-privileged and backward States like Chhattisgarh.
5.	Haryana	The State Government agrees with the proposal.
6.	Himachal Pradesh	The recommendations of States Re-organization Commission and of Law Commission of India may be accepted.
7.	Jharkhand	The State Government is in favour of formation of AIJS.
8.	J&K	Provisions of the Constitution of India for formation of AIJS have been incorporated in the Constitution by 42nd (Amendment) Act, 1976. The said provisions of Constitution are not applicable to State of J&K. Any other law on this subject made by the Parliament shall, therefore, not apply to our State.
9.	Karnataka	Government of Karnataka is not in favour of the proposal for formation of All India Judicial Service.

10.	Madhya Pradesh	The State Government has not sent any views on this matter but has forwarded the comments of M.P. High Court. The High Court is not in favour of formation of All India Judicial Service.
11.	Maharashtra	The Govt. of Maharashtra agrees, in principle, to the formation of All India Judicial Service, as recommended by the First National Judicial Pay Commission.
12.	Meghalaya	State of Meghalaya having regard to the historical background of the tribal areas within the State and being governed by the provisions of the Sixth Schedule to the Constitution, particularly in the Khasi States Areas, it would not at all be in the interest of the public at large to have an AIJS. It is apprehended that such service may create serious practical problems in implementation. As such, the present system of administration of justice should continue for some more time and an AIJS may await for a while.
13.	Mizoram	In the event of the cadre of All India Judicial Service being constituted, there should be no joint cadre for Mizoram like AGMUT in IAS, and that the State should be allowed to have its own separate cadre.
14.	Nagaland	It may be too early to be part of AIJS at this juncture.
15.	Orissa	State Government in favour of setting up of AIJS with certain terms and conditions.
16.	Punjab	State Govt. is in favour of the constitution of AIJS, as directed by the Hon'ble Supreme Court of India.
17.	Rajasthan	The State Government will endorse the recommendation of the Inter-State Council.
18.	Sikkim	The Central Government may take a decision in this matter.
19.	Tamil Nadu	The Govt. of Tamil Nadu is not in favour for creation of AIJS in view of the practical language difficulties, since the nature of the job of a District Judge requires appreciation of oral and documentary evidence in the local language of the State.
20.	Uttar Pradesh	State Government is in agreement with the formation of All India Judicial Service.

M. Cell

GOVERNMENT OF INDIA
MINISTRY OF LAW AND JUSTICE
DEPARTMENT OF JUSTICE

RAJYA SABHA

UNSTARRED QUESTION NO. 4883

TO BE ANSWERED ON MONDAY, THE 21st MAY, 2012

Mahila Courts

4883. SHRIMATI NAZNIN FARUQUE:

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

(a) the number of Mahila courts established in the country for disposal of various types of cases relating to women exploitation, especially in Assam;

(b) whether any proposal to increase the number of such courts is pending with Government;

(c) if so, the details thereof; and

(d) the steps being taken by Government to increase the number of such courts?

ANSWER

MINISTER OF LAW AND JUSTICE
(SHRI SALMAN KHURSHID)

(a) to (d): Under section 11 of the Cr.P.C. the State Governments may, after consultation with the respective High Court establish one or more special courts to try any particular case or particular class of cases. The information on number of Mahila Courts established in the country is not maintained centrally.

GOVERNMENT OF INDIA
MINISTRY OF LAW & JUSTICE
DEPARTMENT OF JUSTICE

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RAJYA SABHA

UNSTARRED QUESTION NO.4884

TO BE ANSWERED ON MONDAY, the 21.05.2012

Disposal of cases

4884. SHRI BHUPENDER YADAV:

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

(a) the current sanctioned/filled/vacant posts of judges in the Supreme Court and High Courts in the country, till date;
(b) the steps taken or proposed to be taken to fill the existing vacancies and create more posts;
(c) the per head load in terms of average number of cases per judge in the Supreme Court and High Courts and whether it is justified;
(d) whether there is any study undertaken to find out State-wise need of judges for High Courts and lower courts; and
(e) if so, what is the scene in Rajasthan and Haryana?

ANSWER

MINISTER OF LAW AND JUSTICE

(SHRI SALMAN KHURSHID)

(a) & (b) : A Statement showing the sanctioned strength, working strength and the vacant posts of Judges in the Supreme Court and the High Courts as on 15.05.2012, is annexed.

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, posts have remained vacant for want of adequate number of proposals to fill them. The Government has been periodically reminding the Chief Justices of the High Courts to initiate proposals in time for filling the existing vacancies as well as the vacancies anticipated in next six months in the High Courts.

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(c) to (e) : The Judge strength of High Courts is reviewed periodically through a system of Triennial Review, which takes into account both the institution of cases and past pendency. The required strength of Permanent Judges is determined by taking into account the average institution of main cases in the last five years as well as the average rate of disposal of main cases per Judge per year in each High Court. The required strength of Additional Judges is decided by taking into account the number of main cases pending over two years and the average rate of disposal of main cases per Judge per year in each High Court. The last Triennial review was made in 2006. The national average for disposal of main cases per Judge per year in the High Court was determined at 2324.

As per the Triennial Review of 2006, average rate of disposal per Judge per year in respect of main cases for Rajasthan and Punjab & Haryana High Courts, was 1565 and 2944 respectively.

The administrative control over the members of the subordinate judiciary vests with the concerned High Court and State Government under Article 235 of the Constitution of India. They review the strength of Judges required from time to time. The Central Government doesn't maintain the data.

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Annexe

Annexure referred to in reply to part (a) of Rajya Sabha Unstarred Question No.4884 for answer on 21.05.2012.

Sl. No.	Name of the Court	Sanctioned Strength as on 15.05.2012	Actual in position as on 15.05.2012	Vacancy of Judges as on 15.05.2012
A.	Supreme Court of India	31	26	5
B.	High Court			
1	Allahabad	160	86	74
2	Andhra Pradesh	49	31	18
3	Bombay	75	57	18
4	Calcutta	58	45	13
5	Chhattisgarh	18	13	05
6	Delhi	48	36	12
7	Gauhati	24	23	01
8	Gujarat	42	29	13
9	Himachal Pradesh	11	11	-
10	Jammu & Kashmir	14	06	08
11	Jharkhand	20	11	09
12	Karnataka	50	40	10
13	Kerala	38	31	07
14	Madhya Pradesh	43	34	09
15	Madras	60	54	06
16	Orissa	22	14	08
17	Patna	43	37	06
18	Punjab& Haryana	68	40	28
19	Rajasthan	40	24	16
20	Sikkim	03	02	01
21	Uttarakhand	09	08	01
Total		895	632	263

GOVERNMENT OF INDIA
MINISTRY OF LAW AND JUSTICE
DEPARTMENT OF JUSTICE

Desk Side

RAJYA SABHA
UNSTARRED QUESTION NO.4885

TO BE ANSWERED ON 21.05.2012

Complaints against judges

4885. DR. JANARDHAN WAGHMARE:

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

(a) whether the Central Government has received complaints of corruption and misconduct against serving judges of the Supreme Court and High Courts during the last five years;

(b) if so, the details and nature of complaints of corruption against serving judges received during the said period;

(c) whether Government has forwarded such complaints to the Chief Justice of Supreme Court and concerned High Courts for necessary action; and

(d) if so, the action taken by Government and Chief Justice of Supreme Court/concerned High Courts in this regard?

ANSWER
MINISTER OF LAW AND JUSTICE
(SHRI SALMAN KHURSHID)

(a) to (d): As per the 'in-house mechanism' of the higher judiciary, the Chief justice of India (CJI) is competent to receive complaints against the conduct of the Judges of the Supreme Court and the Chief Justices of the High Courts. Similarly, the Chief Justices of the High Courts (CJHs) are competent to receive complaints against the conduct of the Judges of their courts.

The Government does receive a variety of complaints against serving judges of the Supreme Court and High Courts from various quarters. These complaints which are often addressed to the CJI/CJHs, are forwarded as such to the Supreme Court or the concerned High Court for appropriate action. The Central Government does not maintain records of such complaints nor does it monitor the action taken on them.

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GOVERNMENT OF INDIA
MINISTRY OF LAW AND JUSTICE
DEPARTMENT OF JUSTICE

Desk Side

RAJYA SABHA
UNSTARRED QUESTION NO.4887

TO BE ANSWERED ON 21.05.2012

Complaint against judges

4887. SHRI T.M. SELVAGANAPATHI:

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

(a) whether it is a fact that Government has been asked to disclose complaints against judges;

(b) if so, the details thereof;

(c) whether it is also a fact that Government had sent 75 complaints against judges during the last year; and

(d) if so, the details thereof?

ANSWER
MINISTER OF LAW AND JUSTICE
(SHRI SALMAN KHURSHID)

(a) to (d) : As per the 'in-house mechanism' of the higher judiciary, the Chief justice of India is competent to receive complaints against the conduct of the Judges of the Supreme Court and the Chief Justices of the High Court. Similarly, the Chief Justices of the High Courts are competent to receive complaints against the conduct of the Judges of their courts. Complaints against Judges of the Supreme Court and High Courts received by the Government from time to time, are forwarded to the Supreme Court or the concerned High Court, as the case may be, for appropriate action. The Central Government does not maintain records of such complaints nor does it monitor the action taken on them.

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Recently, while deciding an RTI Appeal by the Information Commissioner, Department of Justice was directed to provide the applicant copies of forwarding letters by which complaints received by it (Department) were sent to the Supreme Court and High Courts. Accordingly, copies of forwarding letters of the last one year were provided to the RTI applicant in compliance. They have 98 representations/complaints cases.

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