# 2012

# RAJYA SABHA REPLIES

**MONSOON SESSION, 2012**
**[226th SESSION OF RAJYA SABHA] [8th August, 2012 to 7th September, 2012]**

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GOVERNMENT OF INDIA
MINISTRY OF LAW AND JUSTICE
DEPARTMENT OF JUSTICE

Justice Sec'

**RAJYA SABHA**

**UNSTARRED QUESTION NO.400**

TO BE ANSWERED ON MONDAY, THE 13TH AUGUST, 2012

**Conference of judicial officers**

400. SHRI MOHD. ALI KHAN:

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

(a) whether a conference of judicial officers of southern States of the country was held recently; and

(b) if so, the details thereof and the outcome thereof?

**ANSWER**

MINISTER OF LAW & JUSTICE
(SHRI SALMAN KHURSHID)

(a) : The Central Government has not held any conference of judicial officers of southern States.

(b) : Does not arise.

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GOVERNMENT OF INDIA
MINISTRY OF LAW AND JUSTICE
DEPARTMENT OF JUSTICE

JR Desk

RAJYA SABHA

UNSTARRED QUESTION No. 403

TO BE ANSWERED ON MONDAY, THE 13TH AUGUST, 2012

**Mobile Courts**

403. DR. T. SUBBARAMI REDDY

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

(a) whether Government has taken any steps to establish mobile courts in backward regions of the country, especially in Andhra Pradesh;

(b) if so, the details thereof and the places where such courts have been established; and

(c) the steps taken/being taken to establish more such courts in the country?

**ANSWER**
**MINISTER OF LAW AND JUSTICE**
**(SHRI SALMAN KHURSHID)**

(a) to (c): As per the constitutional provisions, primary responsibility to set up Subordinate Courts rests with the respective State Government. With a view to make judicial system accessible to remote and backward regions, several State Governments including the Government of Andhra Pradesh, have set up mobile courts for handling certain categories of cases. Besides, the Gram Nyayalayas Act, 2008 was enacted by Parliament for establishment of Gram Nyayalayas at the intermediate Panchayat level with a view to providing access to justice to citizens at their

Contd...2/-

doorsteps. The Act has come into force with effect from 2nd October, 2009. In terms of Section 3(1) of the Act, it is for the State Governments to establish Gram Nyayalayas in consultation with the respective High Courts. The Act authorizes the Gram Nyayalaya to hold mobile court outside its headquarters. The Central Government has been encouraging the States in this regard by providing financial assistance within the prescribed norms 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, 166 Gram Nyayalayas have been notified by various State Governments. Out of which 151 Gram Nyayalayas have started functioning. However, no Gram Nyayalaya is reported to have been notified in the State of Andhra Pradesh. State-wise progress is as under:

| Sl. No | State | Gram Nyayalayas notified | Gram Nyayalayas operationalized |
|---|---|---|---|
| 1 | Madhya Pradesh | 89 | 89 |
| 2 | Rajasthan | 45 | 45 |
| 3 | Orissa | 14 | 8 |
| 4 | Karnataka | 2 | 0 |
| 5 | Maharashtra | 10 | 9 |
| 6 | Jharkhand | 6 | - |
| | Total | 166 | 151 |

-/-

GOVERNMENT OF INDIA
MINISTRY OF LAW AND JUSTICE
DEPARTMENT OF JUSTICE

Justice Sec.

RAJYA SABHA

UNSTARRED QUESTION No. 405

TO BE ANSWERED ON MONDAY, THE 13TH AUGUST, 2012

Training to public prosecuters and judicial officers

405. SHRI PALVAI GOVARDHAN REDDY

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

a) whether any public prosecutors and judicial officers have been trained since the 13th Finance Commission approved funds for improvement of justice delivery system;

b) whether any Lok Adalats have been constituted in this regard;

c) if so, the details thereof with special reference to Andhra Pradesh ; and

d) the legal aid provided to the poor in that State under the above initiative?

ANSWER

MINISTER OF LAW AND JUSTICE

(SHRI SALMAN KHURSHID)

(a) & (b): Yes, Sir.

(c) & (d): As per the information provided by the States, the details of the public prosecutors & judicial officers trained, Lok Adalats held and the legal aid provided so far under the Thirteenth Finance Commission grant in all the States including Andhra Pradesh are at Annex.

**Annex.**

Training of Public Prosecutors and Judicial Officer, Lok Adalats and Legal Aid under Thirteenth Finance Commission approved funds for improvement of justice delivery.

| SL. No. | State | Training to Judicial Officers | Training of Public Prosecutors (Nos.) | No. of Lok Adalats held | Legal Aid provided (No. of persons benefited) |
|---|---|---|---|---|---|
| 1 | Andhra Pradesh | 3600* | 342 | 71 | 3934 |
| 2 | Arunachal Pradesh | - | - | - | - |
| 3 | Assam | - | 14 | 267 | 226 |
| 4 | Bihar | - | - | 5537 | 33112 |
| 5 | Chhattisgarh | - | - | - | - |
| 6 | Goa | - | - | 41 | 287 |
| 7 | Gujarat | - | 400 | 2043 | 642 |
| 8 | Haryana | 26 | 296 | 713 | 31428 |
| 9 | Himachal Pradesh | 17 | 30 | 141 | 211 |
| 10 | Jammu & Kashmir | 35 | 100 | 133 | 181 |
| 11 | Jharkhand | - | - | - | - |
| 12 | Karnataka | 872 | 50 | 29692 | 1150 |
| 13 | Kerala | 449 | 141 | 974 | 2185 |
| 14 | Madhya Pradesh | - | - | 11845 | - |
| 15 | Maharashtra | 984 | 157 | 3228 | 245734 |
| 16 | Manipur | 33 | 6 | 3 | 9 |
| 17 | Meghalaya | - | - | - | - |
| 18 | Mizoram | 11 | 17 | 96 | 157 |
| 19 | Nagaland | 15 | 8 | 24 | 1421 |
| 20 | Orissa | 450 | 41 | 558 | 2963 |
| 21 | Punjab | 486 | 243 | 472 | 3773 |
| 22 | Rajasthan | 255 | 79 | 1300 | 4224 |
| 23 | Sikkim | 4 | 6 | 147 | 365 |
| 24 | Tamil Nadu | 165 | 30 | 1110 | 12773 |
| 25 | Tripura | 24 | 189 | 297 | 1345 |
| 26 | Uttar Pradesh | 405 | 152 | - | 25949 |
| 27 | Uttarakhand | 52 | 9 | 11 | 51 |
| 28 | West Bengal | 129 | 205 | 1679 | 6567 |
| | Total | 8012 | 2515 | 60382 | 378687 |

* Training of Judicial officer and Ministerial Staff

GOVERNMENT OF INDIA
MINISTRY OF LAW AND JUSTICE
DEPARTMENT OF JUSTICE

Justice Sec.

**RAJYA SABHA**

**STARRED QUESTION NO.214**

TO BE ANSWERED ON MONDAY, THE 27th AUGUST, 2012

**Use of Gujarati in Gujarat High Court**

*214. SHRI MANSUKH L. MANDAVIYA:

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

(a) the action taken by Government in connection with the proposal of Gujarat Government for use of Gujarati language in the Gujarat High Court;

(b) by when Government's consent would be accorded;

(c) whether the State Government has also made representation before the Ministry of Home Affairs in this regard; and

(d) if so, what is the latest position?

**ANSWER**

MINISTER OF LAW & JUSTICE
(SHRI SALMAN KHURSHID)

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

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STATEMENT REFERRED TO IN REPLY TO THE RAJYA SABHA STARRED QUESTION NO.214 TO BE ANSWERED ON MONDAY, THE 27TH AUGUST, 2012

(a) to (d) : The Government of Gujarat has written on 13.05.2011 to the Government of India in Ministry of Home Affairs, requesting to obtain consent of the President of India to allow the use of Gujarati language in addition to the English language for the purpose of any judgment, decree or order passed by or made by the High Court of Gujarat. As per the decision of the Government, consultation with the Chief Justice of India is necessary before granting the consent of the President to such a proposal under Article 348(2) of the Constitution.

That being the position, proposal of the Government of Gujarat has been referred to Supreme Court on 18.11.2011 for obtaining the advice of Chief Justice of India. The proposal shall be submitted to the President of India after the receipt of the advice of the Chief Justice of India.

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

**RAJYA SABHA**

**UNSTARRED QUESTION NO. 1632**
**TO BE ANSWERED ON MONDAY, THE 27th August, 2012**

Improvement in justice delivery and legal reforms

1632 SHRI BHUPENDER YADAV :

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

(a) whether it is a fact that the pendency of cases in Supreme Court, High Courts and Subordinate Courts is increasing tremendously and if so, the details thereof as on 31 December, 2011;

(b) whether Government has decided to set up a National Mission for Justice Delivery and Legal Reforms and if so, when; and

(c) the details/outcome of judiciary-related measures examined, so far, particularly pertaining to reduction of delays and arrears in the system indicating the target set for reducing the pendency?

ANSWER
MINISTER OF LAW AND JUSTICE
(SHRI SALMAN KHURSHID)

(a) The data on pendency of cases is maintained by the Supreme Court and High Courts. As per data published by the Supreme Court in the Court News (Vol. VI, Issue No.4), there were a total of 58,519 cases pending in the Supreme Court as on 31.12.2011. Out of them, 21,134 matters were upto one year old and were not in arrears. If connected matters were excluded, the

pendency was only 33,892 cases as on 31.12.2011. In comparison 54,561 cases were pending in Supreme Court as on 31.12.2010, as per Court News (Vol. V, Issue No.4). Out of them, 19,279 matters were upto one year old and were not in arrears. If connected matters were excluded, the pendency was only 33,745 cases as on 31.12.2010. .

A total of 43.22 lakhs cases were pending in all High Courts as on 31.12.2011 compared to 42.54 lakhs pending cases as on 31.12.2010. In the district/subordinate courts, a total of 2.69 crore cases were pending as on 31.12.2011 compared to 2.77 crore cases as on 31.12.2010. If the overall pendency of cases in considered in various courts, it has declined by over 6 lakh cases as on 31.12.2011 if compared to 31.12.2010.

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

During the short span of its existence, the Mission has taken several steps in the strategic areas towards fulfillment of its objectives. A Constitution Amendment Bill for raising the retirement age of High Court Judges is before the Parliament. A comprehensive proposal has been formulated for constitution of All India Judicial Service. An Inter-Ministerial Group (IMG) has been constituted to suggest necessary amendments to the Negotiable Instruments Act along with other policy and administrative measures to check increasing litigation relating to cheque bounce cases.

An important aspect of the judicial reforms relates to re-engineering court procedures and court processes for early disposal of cases. A National Court Management System has been recently notified by the Hon'ble Supreme Court for addressing the issues of case management, court management, setting measurable standards for performance of the courts and the National System of Judicial Statistics in the country. A Sub Group on improving the court procedure and court processes for better criminal justice system has been constituted under the Chairman, Law Commission to suggest necessary changes in this regard.

Infrastructure development for the subordinate judiciary is a major thrust area for the National Mission. With a view to enhancing the resources of the State Governments, the Government has increased the central share by revising the funding pattern from 50:50 to 75:25 (for States other than North Eastern States) under modified Centrally Sponsored Scheme for development of infrastructure facilities for the judiciary from the year 2011-12 onwards. The funding pattern for North-Eastern States has been kept as 90:10 w.e.f 2010-11.

An amount of Rs.595 crore was released as central assistance to States / UTs for infrastructure development of subordinate judiciary during 2011-12. A budget provision of Rs. 660 crore has been made for this scheme during the current financial year. An amount of Rs.206 crore has already been released to States / UTs till 31st July, 2012.

Besides, a drive has been undertaken this year from July, 2012 to December, 2012, to make our judicial system 'five plus' free. Simultaneously, emphasis is being laid on increasing the number of judges in subordinate judiciary by filling the existing vacancies and by creating additional posts so that disposal of cases is expedited.

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GOVERNMENT OF INDIA
MINISTRY OF LAW AND JUSTICE
DEPARTMENT OF JUSTICE

NM

RAJYA SABHA

UNSTARRED QUESTION NO. 1633

TO BE ANSWERED ON MONDAY, THE 27th August, 2012

**Pending cases in Uttar Pradesh**

+1633. **SHRI NARESH AGRAWAL:**

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

(a) the number of cases pending in the High Court and district courts in Uttar Pradesh, at present;

(b) whether Government is formulating any policy for speedy disposal of these cases; and

(c) if so, by when and if not, the reasons therefor?

ANSWER

MINISTER OF LAW AND JUSTICE

(SHRI SALMAN KHURSHID)

(a) to (c): The data on pendency of cases in High Courts and district and subordinate Courts falling under their jurisdiction is maintained by the High Courts. Based on the information available 10,05,527 cases were pending in Allahabad High Court and 57,98,048 cases were pending in district and subordinate Courts of Uttar Pradesh as on 31.12.2011.

Disposal of pending cases in various courts is within the domain of the judiciary and pendency of cases and their disposal, is reviewed by the respective High Court from time to time. However, with a view to assist judiciary in addressing the problem of pendency of cases, the Government has set up a National Mission for Justice Delivery and Legal Reforms in August 2011. The Mission has twin objectives of increasing access by reducing delays and arrears in the system and enhancing accountability through structural changes and by setting performance standards and capacities. The Mission will pursue a coordinated approach for phased liquidation of arrears and pendency in judicial administration which would, *inter alia*, involve better infrastructure for courts including computerisation, increase in strength of subordinate judiciary, policy and legislative measures in the areas prone to excessive litigation, re-engineering of court procedure for quick disposal of cases and emphasis on human resource development. The National Mission has a time frame of five years (2011-16) to pursue them.

**GOVERNMENT OF INDIA**
**MINISTRY OF LAW & JUSTICE**
**DEPARTMENT OF JUSTICE**

DESK-I

**RAJYA SABHA**

**UNSTARRED QUESTION NO.1635**

**TO BE ANSWERED ON MONDAY, the 27.08.2012**

**Vacancies and pending cases**

**1635. SHRI UPENDRA KUSHWAHA:**

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

(a) whether 268 posts of judges are lying vacant in the High Courts;
(b) if so, the steps taken to fill up the vacancies;
(c) the number of cases lying pending in the High Courts and Supreme Court as on 31 July, 2012, court-wise;
(d) the measures taken to bring down the pendency; and
(e) whether there is any proposal to fix a time-limit for disposal of cases to check pendency?

**ANSWER**

**MINISTER OF LAW AND JUSTICE**

**(SHRI SALMAN KHURSHID)**

(a): The approved strength of the judges of High Courts is 895. Against this, 625 Judges are in position as on 22.08.2012, leaving 270 vacancies to be filled up.

(b): Pursuant to the Supreme Court Judgment of October 6, 1993 read with their Advisory Opinion of October 28, 1998, the entire process of initiation of proposal for appointment of Judges of High Courts rests with the Chief Justice of that High Court. The Government is periodically reminding the Chief Justices of the High Courts to initiate proposals in time for filling up the existing vacancies as well as the vacancies anticipated in next six months in the High Courts. 121 proposals have been received as a result between January, 2012 to August, 2012.

(c) The data on pendency of cases is maintained by the Supreme Court and High Courts. As per data published by the Supreme Court in the Court News (Vol. VI, Issue No.4), there were a total of 58,519 cases pending in the Supreme Court as on 31.12.2011. Out of them, 21,134 matters were upto one year old and were not in arrears. If connected matters were excluded, the pendency was only 33,892 cases as on 31.12.2011.

..2/-

A total of 43.22 lakhs cases were pending in all High Courts as on 31.12.2011 compared to 42.54 lakhs pending cases as on 31.12.2010. Statement showing High Court-wise pendency of cases as on 31.12.2011 is enclosed as Annex.

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

During the short span of its existence, the Mission has taken several steps in the strategic areas towards fulfillment of its objectives. A Constitution Amendment Bill for raising the retirement age of High Court Judges is before the Parliament. A comprehensive proposal has been formulated for constitution of All India Judicial Service. An Inter-Ministerial Group (IMG) has been constituted to suggest necessary amendments to the Negotiable Instruments Act along with other policy and administrative measures to check increasing litigation relating to cheque bounce cases.

An important aspect of the judicial reforms relates to re-engineering court procedures and court processes for early disposal of cases. A National Court Management System has been recently notified by the Hon'ble Supreme Court for addressing the issues of case management, court management, setting measurable standards for performance of the courts and the National System of Judicial Statistics in the country. A Sub Group on improving the court procedure and court processes for better criminal justice system has been constituted under the Chairman, Law Commission to suggest necessary changes in this regard.

..3/-

Infrastructure development for the subordinate judiciary is a major thrust area for the National Mission. With a view to enhancing the resources of the State Governments, the Government has increased the central share by revising the funding pattern from 50:50 to 75:25 (for States other than North Eastern States) under modified Centrally Sponsored Scheme for development of infrastructure facilities for the judiciary from the year 2011-12 onwards. The funding pattern for North-Eastern States has been kept as 90:10 w.e.f 2010-11.

An amount of Rs.595 crore was released as central assistance to States / UTs for infrastructure development of subordinate judiciary during 2011-12. A budget provision of Rs. 660 crore has been made for this scheme during the current financial year. An amount of Rs.206 crore has already been released to States / UTs till 31st July, 2012.

Besides, a drive has been undertaken this year from July, 2012 to December, 2012, to make our judicial system 'five plus' free. Simultaneously, emphasis is being laid on increasing the number of judges in subordinate judiciary by filling the existing vacancies and by creating additional posts so that disposal of cases is expedited.

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Annex

## Pendency Position in the High Courts as on 31.12.2011

| Sl. No | Name of the High Court | Number of Pending Cases |
|---|---|---|
| 1 | Allahabad | 1005527 |
| 2 | Andhra Pradesh | 198214 |
| 3 | Bombay | 362885 |
| 4 | Calcutta | 347154 |
| 5 | Delhi | 61210 |
| 6 | Gujarat | 82232 |
| 7 | Gauhati | 53255 |
| 8 | Himachal Pradesh | 49541 |
| 9 | Jammu & Kashmir | 82223 |
| 10 | Karnataka | 172088 |
| 11 | Kerala | 128777 |
| 12 | Madras | 473736 |
| 13 | Madhya Pradesh | 229336 |
| 14 | Orissa | 301314 |
| 15 | Patna | 118964 |
| 16 | Punjab & Haryana | 243666 |
| 17 | Rajasthan | 281306 |
| 18 | Sikkim | 67 |
| 19 | Uttarakhand | 19263 |
| 20 | Chhattisgarh | 50163 |
| 21 | Jharkhand | 61277 |
| | **Total** | **4322198** |

GOVERNMENT OF INDIA
MINISTRY OF LAW AND JUSTICE
DEPARTMENT OF JUSTICE

Desk-I

**RAJYA SABHA**
**UNSTARRED QUESTION NO.1638**

**TO BE ANSWERED ON 27.08.2012**

**Increase in retirement age of judges**

**1638.DR.E.M. SUDARSANA NATCHIAPPAN:**

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

(a) whether Government is giving priority to move the Bill enhancing the retirement age of High Court judges from 62 to 65 on the basis of Parliamentary Standing Committee's report to benefit the Judges on the verge of retirement as per the present constitutional provision; and

(b) if so, how many judges would be benefited and the pending vacancies in High Courts will not further hurt the disposal of cases by enforcement of increase in age of retirement?

**ANSWER**
**MINISTER OF LAW AND JUSTICE**
**(SHRI SALMAN KHURSHID)**

(a) & (b) : The Constitution (One Hundred and Fourteenth Amendment) Bill, 2010 which provides for increasing the retirement age of Judges of High Courts from 62 to 65 years was taken up for discussion in the Lok Sabha on 28.12.2011. However, the discussion has remained inconclusive due to adjournment of the Winter Session. The Bill would bring the retirement age of High Court Judges at par with that of the Supreme Court Judges.

This will benefit the High Court Judges who will be in position when the decision is announced and made effective. At the same time, it will address the issue of vacancies and help in disposal of pending cases to an extent.

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

**RAJYA SABHA**

**UNSTARRED QUESTION NO. 1639**

**TO BE ANSWERED ON MONDAY, THE 27TH AUGUST, 2012**

Cases of crime against women

1639. DR. T.N. SEEMA:

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

(a) the number of cases of crime against women filed in various courts of the country during the last two years and the current year;
(b) the number of cases in which decisions have been pronounced by the courts and the number of cases still pending;
(c) whether the Government is considering to set up separate special fast track courts to deal with crime against women;
(d) if so, the details thereof; and
(e) if not, the legal reforms contemplated, if any, by Government to deal with the increasing number of cases of crimes against women?

ANSWER
MINISTER OF LAW AND JUSTICE
(SHRI SALMAN KHURSHID)

(a) to (e): As per National Crime Records Bureau (NCRB) data, a total of 203804, 213585 and 228650 cases of crime against women were registered during the years 2009, 2010 and 2011 respectively. The disposal and pendency of court cases on crime against women fall within the domain of judiciary. No separate data on the subject is available nor is being maintained by Government.

Police and Public Order being State subjects under the Constitution, primary responsibility of prevention, detection, registration, investigation and prosecution of crimes, including the crimes against women, lies with the State Governments/UT administrations. The Government of India has been advising them from time to time to give special attention to crimes against women. Ministry of Women and Child Development in Government of India has issued a detailed advisory dated 4th September, 2009 to all State Governments/UT Administrations which inter-alia includes setting up of Fast Track Courts.

Besides continuous efforts to bring down the pendency of cases, Government has enacted a number of legislations for the protection of women. The review of these laws is carried out from time to time for amendments to improve their effectiveness as well as to bring about new legislations, whenever required. The protection of Women from Domestic Violence Act was enacted in 2005. A Bill for Protection of Women against Sexual Harassment at Workplace, was introduced in the Lok Sabha on 7th December, 2010. Further, amendments in the Code of Criminal Procedure (Cr PC) were carried out in the years 2005 and 2008 to strengthen the law for prevention of crime against women and to safeguard the interest of women.

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GOVERNMENT OF INDIA
MINISTRY OF LAW AND JUSTICE
DEPARTMENT OF JUSTICE

RAJYA SABHA

JR Desk

STARRED QUESTION NO. 319

TO BE ANSWERED ON MONDAY, THE 3rd SEPTEMBER, 2012

Condition of court buildings

+*319. SHRI RAM VILAS PASWAN:

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

(a) whether it is a fact that the condition of court buildings in the country is very pathetic;

(b) if so, whether Government has got it examined; and

(c) the amount allocated during the last three years for construction of new buildings /repairing of old ones and the actual amount spent thereon?

ANSWER

MINISTER OF LAW AND JUSTICE
(SHRI SALMAN KHURSHID)

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

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**STATEMENT REFERRED TO IN REPLY TO PARTS (a) to (c) OF RAJYA SABHA STARRED QUESTION NO. 319 FOR ANSWER ON 3RD SEPTEMBER, 2012**

(a) to (c): The development of infrastructure facilities for judiciary is the primary responsibility of the State Governments. However inadequacy of infrastructure facilities in district and subordinate courts has been an area of concern. In order to augment the resources of the State Governments for development of infrastructure facilities for judiciary, a centrally sponsored scheme (CSS) has been in operation since 1993-94.

Infrastructure development for the subordinate judiciary has been identified as a major thrust area by the National Mission for Justice Delivery and Legal Reforms. On the eve of Twelfth Five Year Plan, fresh assessment of the requirement of funds has been made based on estimates projected by the High Courts. With revised funding pattern of 75:25 for the States and 90:10 for North Eastern States, Central grants of the order of Rs. 5510 crores would be required between 2011-12 to 2016-17 against the estimated requirement of Rs. 7346 crores. Rs.595.74 crores have been released as Central share in 2011-12. A budgetary provision of Rs. 660 crores has been made by Central Government for the current financial year i.e. 2012-13. The statement indicating State-wise release of Central assistance under the Scheme during last three years is at Annex.

The matter of development of infrastructure of the subordinate courts is being regularly reviewed by the Supreme Court in the Interlocutory Application No. 279/2010 in Writ Petition (C) No. 1022/1989 in All India Judges' Association & Ors Vs. Union of India & Ors. Monitoring Committees at Central, State and District level have been constituted as per the directions of the Hon'ble Supreme Court to review the progress of the infrastructure development of Subordinate judiciary.

As per the information furnished by various States/UTs in the All India Judges Association case, alongwith repair and maintenance of existing court buildings and judicial quarters, construction of 214 new court buildings and 216 residential quarters has been completed between July, 2010 and July, 2012, at an estimated expenditure of around Rs. three (3) thousand crores which includes majorly the State Governments' Contribution.

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Annex

**Assistance provided to the State Governments under Centrally Sponsored Scheme for Infrastructure Facilities for subordinate Judiciary in the last three years.**

**(Rs. in lakh)**

| States | 2009-10 | 2010-11 | 2011-12 |
|---|---|---|---|
| | | | |
| Andhra Pradesh | 1276.00 | 0.00 | 1888.00 |
| Arunachal Pradesh | 0.00 | 0.00 | 972.00 |
| Assam | 1440.00 | 500.00 | 2890.00 |
| Bihar | 0.00 | 0.00 | 0.00 |
| Chhattisgarh | 905.00 | 400.00 | 2097.00 |
| Goa | 0.00 | 0.00 | 172.00 |
| Gujarat | 881.00 | 0.00 | 0.00 |
| Haryana | 554.00 | 1320.00 | 2138.00 |
| Himachal Pradesh | 425.00 | 547.00 | 0.00 |
| Jammu & Kashmir | 708.00 | 140.00 | 1035.00 |
| Jharkhand | 692.00 | 0.00 | 0.00 |
| Karnataka | 1714.00 | 500.00 | 2961.00 |
| Kerala | 217.00 | 606.00 | 1169.00 |
| Madhya Pradesh | 112.00 | 1738.20 | 6403.00 |
| Maharashtra | 1890.00 | 1458.52 | 12915.00 |
| Manipur | 0.00 | 209.74 | 0.00 |
| Meghalaya | 40.00 | 200.00 | 0.00 |
| Mizoram | 128.00 | 155.00 | 0.00 |
| Nagaland | 845.00 | 415.29 | 169.00 |
| Orissa | 800.00 | 723.00 | 2416.00 |
| Punjab | 0.00 | 0.00 | 0.00 |
| Rajasthan | 0.00 | 170.00 | 1172.00 |
| Sikkim | 0.00 | 220.00 | 0.00 |
| Tamilnadu | 356.00 | 0.00 | 0.00 |
| Tripura | 147.00 | 100.00 | 0.00 |
| Uttarakhand | 451.00 | 688.20 | 0.00 |
| UttarPradesh | 2008.62 | 2858.00 | 15659.00 |
| West Bengal | 0.00 | 425.35 | 2518.00 |
| **Total** | 15589.62 | 13274.27 | 54574.00 |
| | | | |
| A&N Islands | 0.00 | 0.00 | 500.00 |
| Chandigarh | 1480.00 | 400.00 | 500.00 |
| Dadra & Nagar Haveili | 0.00 | 0.00 | 500.00 |
| Daman & Diu | 0.00 | 0.00 | 0.00 |
| Delhi | 0.00 | 0.00 | 2250.00 |
| Lakshadweep | 0.00 | 0.00 | 0.00 |
| Pondicherry | 500.00 | 600.00 | 1250.00 |
| Total | 1980.00 | 1000.00 | 5000.00 |
| **Grand Total** | 17569.62 | 14274.27 | 59574.00 |

GOVERNMENT OF INDIA
MINISTRY OF LAW AND JUSTICE
DEPARTMENT OF JUSTICE

Desk-I

**RAJYA SABHA**
**UNSTARRED QUESTION NO.2386**

**TO BE ANSWERED ON 03.09.2012**

**All India Judicial Services Commission**

**2386. SHRI PRAKASH JAVADEKAR:**

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

(a) whether Government has got any proposal for setting up of an All India Judicial Services Commission;

(b) if so, the details and the status thereof; and

(c) if not, the reasons therefor?

**ANSWER**
**MINISTER OF LAW AND JUSTICE**
**(SHRI SALMAN KHURSHID)**

(a) to (c): The Government has a proposal for creation of All India Judicial Service (AIJS). But there is no decision made yet whether the selection of AIJS officers would be made through the Union Public Service Commission as prescribed under Article 320 of the Constitution or through a separate Commission specially constituted for this purpose.

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

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**RAJYA SABHA**

**UNSTARRED QUESTION NO. 2387**

**TO BE ANSWERED ON MONDAY, THE 3rd September, 2012**

National Mission for Justice Delivery and Legal reforms

2387 : SHRI VIJAY JAWAHARLAL DARDA

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

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

(b) if so, what are its terms of reference and the period within which it would give its report; and

(c) whether it would look only into the infrastructural and manpower constraints or it would also review the archaic laws of nineteenth and early part of twentieth centuries which are mostly being followed by the courts of law?

ANSWER
MINISTER OF LAW AND JUSTICE
(SHRI SALMAN KHURSHID)

(a) to (c): Disposal of pending cases in various courts is within the domain of the judiciary. However, with a view to assist judiciary in addressing the problem of pendency of cases, the Central Government has

set up a National Mission for Justice Delivery and Legal Reforms in August 2011. The Mission has twin objectives of increasing access by reducing delays and arrears in the system and enhancing accountability through structural changes and by setting performance standards and capacities. The Mission will pursue a coordinated approach for phased liquidation of arrears and pendency in judicial administration which would, inter alia, involve better infrastructure for courts including computerisation, increase in strength of subordinate judiciary, policy and legislative measures in the areas prone to excessive litigation, re-engineering of court procedure for quick disposal of cases and emphasis on human resource development. The National Mission has a time frame of five years (2011-16) to pursue them.

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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. 2388**

**TO BE ANSWERED ON MONDAY, THE 3RD SEPTEMBER, 2012**

**Status of Fast Track Courts**

**2388. SHRI PALVAI GOVARDHAN REDDY:**

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

**(a) whether it is a fact that in spite of Government stopping the Fast Track Courts from March, 2011, there are still some States which are continuing the same with their own financial resources;**

**(b) if so, the details of such States;**

**(c) whether it is also a fact that in April 2012 the Supreme Court directed the States to make it clear whether they wanted to continue with the scheme on temporary basis or permanently; and**

**(d) if so, what the States are doing in this regard?**

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

**(a)&(b): The Government has discontinued the scheme of central assistance to States for Fast Track Courts (FTCs) since 1.4.2011. However, several States have continued Fast Track Courts from their own resources. As per information available, State-wise status of FTCs in the country is given at Annex-I.**

**(c)&(d); In the judgement given by the Supreme Court on 19.04.2012 in Transfer Case (Civil) No. 22 of 2001- Brij Mohan Lal and Others versus Union of India and Others, the Supreme Court has directed that States shall continue Fast Track Courts (FTC) Scheme only if this is made a permanent feature. They (States) are at a liberty , however, to decide whether to continue the Scheme or not. The response of fifteen (15) State Governments which have conveyed their decision in regard to continuation or otherwise of the FTCs is at Annex-II.**

Annex-I

# STATEMENT REFERED TO IN REPLY TO PART (b) OF THE RAJYA SABHA UNSTARRED QUESTION NO. 2388 FOR 3RD SEPTEMBER 2012

| STATUS OF FAST TRACK COURTS | | | |
|---|---|---|---|
| Sl. No. | Name of the States | Number of Fast Track Courts functional | As on |
| 1 | 2 | 3 | 4 |
| 1 | ANDHRA PRADESH | 108 | June, 12 |
| 2 | ARUNACHAL PRADESH | 3 | June. 12 |
| 3 | ASSAM | 19 | June. 12 |
| 4 | BIHAR | 179 | Mar. 11 |
| 5 | CHHATTISGARH | 0 | June. 12 |
| 6 | DELHI | 20 | June. 12 |
| 7 | GUJARAT | 61 | Feb. 11 |
| 8 | GOA | 5 | Jan. 12 |
| 9 | HARYANA | 0 | June. 12 |
| 10 | HIMACHAL PRADESH | 9 | June, 12 |
| 11 | JHARKHAND | 0 | May. 11 |
| 12 | KARNATAKA | 93 | June. 12 |
| 13 | KERELA | 38 | May. 12 |
| 14 | MADHYA PRADESH | 84 | Dec. 10 |
| 15 | MAHARASHTRA | 100 | June. 12 |
| 16 | MANIPUR | 2 | June. 12 |
| 17 | MEGHALAYA | 3 | May. 12 |
| 18 | MIZORAM | 3 | Dec. 11 |
| 19 | NAGALAND | 2 | May. 12 |
| 20 | ODISHA | 35 | Mar. 12 |
| 21 | PUNJAB | 15 | Dec. 10 |
| 22 | RAJASTHAN | 83 | Mar. 11 |
| 23 | TAMIL NADU | 49 | June. 12 |
| 24 | TRIPURA | 2 | June. 12 |
| 25 | UTTARAKHAND | 22 | June. 12 |
| 26 | UTTAR PRADESH | 153 | Mar. 11 |
| 27 | WEST BENGAL | 151 | June. 12 |
| | | | |
| | TOTAL | 1239 | |

**Annex-II**

# STATEMENT REFERED TO IN REPLY TO PART (d) OF THE RAJYA SABHA UNSTARRED QUESTION NO. 2388 FOR 3RD SEPTEMBER 2012

## STATUS OF FAST TRACK COURTS REPORTED BY THE STATES/HIGH COURTS

## AFTER THE JUDGEMENT IN BRIJ MOHAN LAL CASE

| Sl. No | Name of the State | Decision of States regarding Fast Track Courts (FTCs) |
|---|---|---|
| 1 | Arunachal Pradesh | 3 FTCs converted as regular courts. |
| 2 | Assam | Will convert all the 20 FTCs as regular courts. |
| 3 | Chhattisgarh | All FTCs discontinued. |
| 4 | Delhi | Will continue 20 FTCs till 31/3/2013. |
| 5 | Haryana | All FTCs discontinued. |
| 6 | Himachal Pradesh | 9 FTCs to continue till 31/3/2013 |
| 7 | Karnataka | 93 FTCs to continue upto 31/3/2013. |
| 8 | Kerala | 38 FTCs to continue. |
| 9 | Maharashtra | 100 FTCs to continue. |
| 10 | Manipur | Will regularise 2 FTCs w.e.f. 1/3/2012. |
| 11 | Mizoram | Scheme of FTCs continued beyond 31/3/2011. |
| 12 | Nagaland | Under consideration of the State Cabinet. |
| 13 | Tamil Nadu | 49 FTCs to continue. |
| 14 | Tripura | 2 FTCs converted as regular courts. |
| 15 | West Bengal | 151 FTCs to continue upto 31/3/2013 |

GOVERNMENT OF INDIA
MINISTRY OF LAW AND JUSTICE
DEPARTMENT OF JUSTICE

JR

RAJYA SABHA

UNSTARRED QUESTION No. 2390

TO BE ANSWERED ON MONDAY, THE 3RD SEPTEMBER, 2012

**Setting up of Gram Nyayalayas**

2390. SHRI C.M. RAMESH:

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

(a) whether all the State Governments have notified Gram Nyayalayas pursuant to the enactment of Gram Nyayalayas Act, 2008;
(b) if so, the details thereof; and
(c) if not, the reasons therefor?

**ANSWER**

**MINISTER OF LAW AND JUSTICE**

**(SHRI SALMAN KHURSHID)**

(a) to (c) : The Gram Nyayalayas Act, 2008 provides for establishment of Gram Nyayalayas to improve access to justice for common man. The Act has come into force with effect from 2nd October, 2009. In terms of Section 3(1) of the Gram Nyayalayas Act, 2008, it is for the State Governments to establish Gram Nyayalayas in consultation with the respective High Courts. As per information available, 166 Gram Nyayalayas have been notified by six State Governments of which 151 Gram Nyayalayas have started functioning. State-wise progress is as under:

| Sl. No | State | Gram Nyayalayas notified | Gram Nyayalayas operationalized |
|---|---|---|---|
| 1 | Madhya Pradesh | 89 | 89 |
| 2 | Rajasthan | 45 | 45 |
| 3 | Orissa | 14 | 8 |
| 4 | Karnataka | 2 | 0 |
| 5 | Maharashtra | 10 | 9 |
| 6 | Jharkhand | 6 | - |
| | Total | 166 | 151 |

Contd...2/-

Most of the States to which the Gram Nyayalayas Act, 2008 extends had supported the setting up of Gram Nyayalayas. A number of States have, however, requested for higher central financial assistance while indicating their willingness to establish Gram Nyayalayas. Uttar Pradesh, West Bengal and Rajasthan are some such States. Some States/UTs, however, have for different reasons, not felt the need to set up Gram Nyayalayas. Such as Tamil Nadu, Chhattisgarh, Uttarakhand and Himachal Pradesh, Delhi, Chandigarh and Lakshdweed.

The difficulties faced by States in setting up of Gram Nyayalayas were discussed in the meeting of the Law/Home Secretaries of State Governments and Registrar Generals of the High Courts held on 19th and 20th April, 2012. One of the main reasons for the slow pace of setting up of Gram Nyayalayas has been the request by the States for greater financial assistance. Besides that, 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 other issues indicated by the States which are coming in the way of speedy operationalization of the Scheme.

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M.Cell

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

**R A J Y A  S A B H A**
**UNSTARRED QUESTION NO. 2392**

**TO BE ANSWERED ON MONDAY, THE 3RD SEPTEMBER, 2012**

**Fast Track Courts in Karnataka**

**2392. SHRI AAYANUR MANJUNATHA:**

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

**(a) whether Government has received any proposal from Karnataka Government for setting up of Fast Track Courts in the State;**

**(b) if so, the details thereof;**

**(c) the latest status of the said proposal; and**

**(d) by when this proposal is likely to be finalised?**

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

**(a)to(d): The Government of Karnataka has 93 Fast Track Courts in the State, which have been functional and whose tenure has been extended upto 31-03-2013. There is no further proposal from them for more such courts.**

GOVERNMENT OF INDIA

MINISTRY OF LAW AND JUSTICE
DEPARTMENT OF JUSTICE

Desk-I

# RAJYA SABHA

## UNSTARRED QUESTION NO.2394

TO BE ANSWERED ON MONDAY, THE 3RD SEPTEMBER, 2012

**Departmental enquiries against judicial officers**

2394. SHRI PRAKASH JAVADEKAR:

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

(a) whether it is a fact that a large number of departmental enquiries are pending against the judicial officers;

(b) if so, the details thereof, State-wise along with the details of the nature of enquiry; and

(c) the steps being taken by Government to complete the pending enquiries at the earliest?

## ANSWER

MINISTER OF LAW & JUSTICE
(SHRI SALMAN KHURSHID)

(a) to (c) : Under Article 235 of the Constitution of India, the administrative/disciplinary control over the members of subordinate judiciary in the States vests with the concerned High Court and the respective State Government. Further, in exercise of powers conferred under proviso to Article 309 read with Articles 233 and 234 of the Constitution, the State Government frames Rules and Regulations in consultation with the respective High Court. In view of this, Central Government does not maintain record of such enquiries nor does it have a mechanism to monitor the action taken on them.

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GOVERNMENT OF INDIA
MINISTRY OF LAW AND JUSTICE
DEPARTMENT OF JUSTICE

Justice Sec.

**RAJYA SABHA**

**UNSTARRED QUESTION NO. 2395**

TO BE ANSWERED ON MONDAY, THE 3RD SEPTEMBER, 2012.

**Establishment of evening courts in Karnataka**

2395. DR. VIJAY MALLYA:

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

(a) whether Government has received a proposal from Karnataka Government to start evening courts in the State; and
(b) if so, by when this proposal would be implemented ?

**ANSWER**

**MINISTER OF LAW AND JUSTICE**

**(SHRI SALMAN KHURSHID)**

(a) : No, Sir.

(b) : Does not arise.

GOVERNMENT OF INDIA
MINISTRY OF LAW ADN JUSTICE
DEPARTMENT OF JUSTICE

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**RAJYA SABHA**

**UNSTARRED QUESTION NO. 2396**

TO BE ANSWERED ON MONDAY, THE 3RD SEPTEMBER, 2012

**Gram Nyayalayas**

**2396. SHRIMATI GUNDU SUDHARANI:**

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

(a) the reasons that even after notification of Gram Nyayalayas Act in 2009, only six States have set up Gram Nyayalayas with 1512 courts;

(b) whether, it shows that the level of satisfaction with regard to setting up of Gram Nyayalayas is not up to the mark; and

(c) if so, how the Ministry would ensure the setting up of Gram Nyayalayas in other States within a fixed time-frame?

**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. In terms of Section 3(1) of the Act, 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 166 Gram Nyayalayas, of these, 151 are operational.

The problems faced by the States in making of Gram Nyayalayas a success were discussed 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 quick Operationalisation of Gram Nyayalayas.

Since the matter of setting up Gram Nyayalayas is under the domain of State Governments, it is not possible to fix a time frame for setting up of these courts in other states. The State Governments are, however, impressed upon from time to time the urgency for quick operationalisation of Gram Nyayalayas for providing affordable Justice to people at their doorsteps.

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

JR Desk

**RAJYA SABHA**

**UNSTARRED QUESTION NO. 2397**

TO BE ANSWERED ON MONDAY, THE 3RD SEPTEMBER, 2012

**Funds for infrastructure improvement in courts**

**2397. SHRI PARIMAL NATHWANI:**

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

(a) whether the Central Government is providing funds to States on the 75:25 sharing basis for infrastructure development in the lower judiciary;

(b) if so, the details of funds provided to States during 2011-12 and 2012-13, State-wise;

(c) how far these funds have been utilized by the States in creating infrastructure; and

(d) the infrastructure created in the lower judiciary in Jharkhand ?

**ANSWER**

**MINISTER OF LAW AND JUSTICE**
**(SHRI SALMAN KHURSHID)**

(a) to (d): The primary responsibility of infrastructure development for subordinate judiciary rests with the State Governments. The Central Government has been augmenting the resources of the State Governments for development of infrastructure of Subordinate Judiciary through a Centrally Sponsored Scheme (CSS) for development of infrastructure facilities for Subordinate Judiciary since 1993-94. The pattern of assistance has been revised and made 75:25 for States other than North Eastern States from 2011-12 onwards. For North Eastern States it is 90:10 and has been in force with effect from 2010-11.

State wise details of funds provided to States / UTs under the Scheme during 2011-12 and 2012-13 (upto 31.08.2012) is at Annex.

Contd...2/-

The utilization of funds under the Scheme is being monitored through utilization certificates being furnished by the States for the funds released in the previous years. Out of Rs. 2111.23 crore released to the States/UTs since inception of the Scheme in 1993-94, utilization certificates for around Rs. 111.15 crore were pending with different State/UTs upto 2010-11, as per the available information.

The matter of development of infrastructure of the subordinate courts is being regularly reviewed in the Supreme Court in the Interlocutory Application No. 279/2010 in Writ Petition (C) No. 1022/1989 in All India Judges' Association & Ors Vs. Union of India & Ors Monitoring Committees at Central, State and District level have been constituted as per the directions of the Hon'ble Supreme Court to review the progress of the infrastructure development of Subordinate judiciary.

The State Government of Jharkhand has been released a grant of Rs. 19.06 crore under the CSS for infrastructure development of subordinate judiciary so far. However, no grant could be released to the State Government in 2011-12 and 2012-13 due to non receipt of utilization certificates. The State Government has been requested to furnish the utilization certificates for the previous grant for release of further Central assistance.

As per the information furnished by the Government of Jharkhand under All India Judges Association case, the State of Jharkhand has completed construction of 25 court buildings and 10 projects of residential accommodation at a cost of around 38.64 crores between 12/7/2010 and 31/7/2012.

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Annex

**Assistance provided to the State Governments under Centrally Sponsored Scheme for Infrastructure Facilities for subordinate Judiciary .**

(Rs. in lakh)

| States | 2011-12 | 2012-13* | Total |
|---|---|---|---|
| Andhra Pradesh | 1888.00 | 6393.00 | 8281.00 |
| Arunachal Pradesh | 972.00 | | 972.00 |
| Assam | 2890.00 | | 2890.00 |
| Bihar | 0.00 | | 0.00 |
| Chhattisgarh | 2097.00 | | 2097.00 |
| Goa | 172.00 | | 172.00 |
| Gujarat | 0.00 | | 0.00 |
| Haryana | 2138.00 | | 2138.00 |
| Himachal Pradesh | 0.00 | | 0.00 |
| Jammu & Kashmir | 1035.00 | 1286.00 | 2321.00 |
| Jharkhand | 0.00 | | 0.00 |
| Karnataka | 2961.00 | 5073.00 | 8034.00 |
| Kerala | 1169.00 | 1499.00 | 2668.00 |
| Madhya Pradesh | 4403.00 | | 4403.00 |
| Maharashtra | 12915.00 | 3587.00 | 16502.00 |
| Manipur | 0.00 | | 0.00 |
| Meghalaya | 0.00 | | 0.00 |
| Mizoram | 0.00 | | 0.00 |
| Nagaland | 169.00 | | 169.00 |
| Orissa | 2416.00 | 767.00 | 3183.00 |
| Punjab | 0.00 | 3817.00 | 3817.00 |
| Rajasthan | 1172.00 | 1042.00 | 2214.00 |
| Sikkim | 0.00 | | 0.00 |
| Tamilnadu | 0.00 | | 0.00 |
| Tripura | 0.00 | 745.60 | 745.60 |
| Uttarakhand | 0.00 | 829.76 | 829.76 |
| UttarPradesh | 15659.00 | | 15659.00 |
| West Bengal | 2518.00 | | 2518.00 |
| **Total** | 54574.00 | 25039.36 | 79613.36 |
| | | | |
| A&N Islands | 500.00 | | 500.00 |
| Chandigarh | 500.00 | | 500.00 |
| Dadra & Nagar Haveili | 500.00 | | 500.00 |
| Daman & Diu | 0.00 | | 0.00 |
| Delhi | 2250.00 | 2000.00 | 4250.00 |
| Lakshadweep | 0.00 | | 0.00 |
| Pondicherry | 1250.00 | | 1250.00 |
| **Total** | 5000.00 | 2000.00 | 7000.00 |
| **Grand Total** | 59574.00 | 27039.36 | 86613.36 |

(*) :- Upto 31.08.2012.

GOVERNMENT OF INDIA
MINISTRY OF LAW AND JUSTICE
DEPARTMENT OF JUSTICE

Justice Sec.

**RAJYA SABHA**

**UNSTARRED QUESTION NO.2398**

TO BE ANSWERED ON MONDAY, THE 3RD SEPTEMBER, 2012

**Representation of Scheduled Castes in judiciary**

† 2398. DR. BHUSHAN LAL JANGDE:

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

(a) the number of district judges belonging to Scheduled Caste category;

(b) whether it a fact that judges belonging to SC category are retired before being elevated to the post district judge;

(c) whether the number of judges belonging to SC category is almost negligible in High Courts and Supreme Court and if so, the details thereof; and

(d) whether it is also a fact that the fate of judges belonging to SC category always hangs in balance and even if any mistake is committed by them inadvertently, they are either dismissed or retired?

**ANSWER**

MINISTER OF LAW & JUSTICE
(SHRI SALMAN KHURSHID)

(a) to (d) : Under Article 235 of the Constitution of India, the administrative control over the members of district and subordinate judiciary in the States vests with the concerned High Court. Further, in exercise of powers conferred under proviso to Article 309 read with Articles 233 and 234 of the Constitution, the respective State Government frames the Rules and Regulations in consultation with the High Court and the members of the State Judicial Service are all governed by them.The issues of appointment, promotion, reservations etc. of judicial officers in the district/subordinate courts are decided by the respective State Government under the Rules and Regulations. The Central Government has no role and, hence, no data is maintained in this regard.

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At the High Court and Supreme Court level, appointments of the Judges are made under Articles 124 and 217 of the Constitution of India respectively, which do not provide for reservation for any caste or class of persons. As such, no data is maintained on the number of SC Judges in the Supreme Court and High Courts.

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