

2011

RAJYA SABHA REPLIES

**MONSOON SESSION, 2011
[223RD SESSION OF RAJYA
SABHA] [1ST August, 2011 to 8th
September, 2011]**

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GOVERNMENT OF INDIA
MINISTRY OF LAW AND JUSTICE
DEPARTMENT OF JUSTICE

RAJYA SABHA

STARRED QUESTION NO. 14

TO BE ANSWERED ON MONDAY, THE 1st AUGUST, 2011

Pending cases in Assam

*14. SHRI BHUBANESWAR KALITA:

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

- (a) the number of pending cases in all the courts of Assam during last five years; and
- (b) the details of the steps taken to expedite disposal of the pending cases?

ANSWER

MINISTER OF LAW AND JUSTICE
(SHRI SALMAN KHURSHID)

- (a) & (b): A statement is laid on the Table of the House.

Statement referred to in reply to parts (a) & (b) of the Rajya Sabha Starred Question No. 14 for 1.8.2011 regarding "Pending cases in Assam"

(a): The number of pending cases in all the courts of Assam during last five years, are given below:

	Year	Pending as on 31 st December
Principal seat of the Gauhati High Court	2006	41427
	2007	42884
	2008	44701
	2009	45315
	2010	40636
Subordinate courts of Assam	2006	185980
	2007	218487
	2008	229718
	2009	232957
	2010	244008

(b): In order to facilitate expeditious disposal of cases in Courts, Government has taken a number of measures as Govt. have requested all the Chief Justices of High Courts to launch a campaign to reduce pendency of cases in courts from July-December, 2011. Emphasis will be on disposal of old and petty cases on priority.

The Gauhati High Court has informed that various steps for early disposal of all cases with special emphasis on the disposal of old pending cases are being taken. Lok Adalats, Holiday Courts are also being held for disposal of the cases in the Subordinate Courts. Hon'ble the Chief Justice of Gauhati High Court has directed to hold Mega Holiday Court on 27.08.2011 as a one time measure, where each Judicial Officer will handle about 400 cases. Cases are also being disposed of through mediation. Under 13th Finance Commission a grant of ₹ 24.22 crore has been released to Assam by way of installment for the first financial year. This grant will be utilized for setting up of morning / evening / shift / special magistrates' courts, appointment of court managers, establishment of ADR centres and provide training to mediators / conciliators, organise more Lok Adalats to reduce pendency.

M. Cell

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

**RAJYA SABHA
UNSTARRED QUESTION NO. 70**

TO BE ANSWERED ON MONDAY, THE 1ST AUGUST, 2011

Law to protect journalists

70. SHRIMATI GUNDU SUDHARANI:

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

- (a) whether it is a fact that the Ministry is working on a Bill aimed at protecting journalists from crime against them;
- (b) if so, the aims and objectives of the proposed legislation;
- (c) whether it is also a fact that the Fast Track Courts would be set up to deal with crime against journalists; and
- (d) if so, the details thereof?

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

- (a) : No, sir.
- (b) : Does not arise.
- (c)&(d) : No such proposal is under consideration.

GOVERNMENT OF INDIA
MINISTRY OF LAW AND JUSTICE
DEPARTMENT OF JUSTICE

M. cell

RAJYA SABHA
UNSTARRED QUESTION NO. 71

TO BE ANSWERED ON MONDAY, THE 1st August, 2011

Cases pending in High Courts and Supreme Court

71. SHRIMATI VASANTHI STANLEY:

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

- (a) the number of cases pending in the various High Courts and the Supreme Court;
- (b) the steps taken by Government to reduce the pendency of cases in the country;
- (c) whether there is any proposal to set up a National Commission of Justice; and
- (d) if so, the details thereof?

ANSWER
MINISTER OF LAW AND JUSTICE
(SHRI SALMAN KHURSHID)

(a): As per latest available information, 57,179 cases were pending in the Supreme Court of India as on 30.6.11. The number of cases pending in the High Courts were 42,17,903 as on 30.9.2010.

(b): In order to facilitate expeditious disposal of cases in Courts, Government has taken a number of measures as mentioned below:

- i. The Government has approved setting up of 'National Mission for Justice Delivery and Legal Reforms'. The major goals are :
 - Increasing access by reducing delays and arrears in the system.
 - Enhancing accountability through structural changes and by setting performance standards and capacities

A Mission Mode approach to infrastructure development of subordinate judiciary is among the major initiatives under the National Mission for

Justice Delivery which is approved by the Government. Inadequacy of infrastructure in subordinate courts has been one of the bottlenecks in the speedy delivery of justice. Keeping this in mind in the financial year 2011-12, the allocation for the Centrally Sponsored Scheme for infrastructure development has been increased fivefold from ₹100 Cr to ₹500 Cr. Funding pattern has also been increased from 50:50 to 75:25 for the states and to continue 90:10 for the NE states.

II. The Government has accepted the recommendations of the Thirteenth Finance Commission to provide a grant of ₹ 5000 Cr to the States for improving the justice delivery system in the country over a five year period 2010-15. A grant of ₹ 1000 Cr has already been released to the States during the year 2010-11. With the help of these grants, the States can, inter-alia, set up morning / evening / shift / special magistrates' courts, appoint court managers, establish ADR centres and provide training to mediators / conciliators, organise more Lok Adalats to reduce pendencies. The grants also provide for training of judicial officers, strengthening of State Judicial Academies, training of public prosecutors and maintenance of heritage court buildings.

III. In order to computerise the justice delivery system Government is implementing e-Courts Project for the District and Subordinate Courts in the country and up gradation of ICT infrastructure in superior courts at an estimated cost of 935 crore. The target is to computerize 12000 Courts by 31st March, 2012 and 14249 Courts by 31st March, 2014. Court Management and case management can be done through National Arrears Grid created under the project.

IV. The Thirteen Finance Commission while recommending a grant of ₹ 5000 Cr made a condition for release of 2nd year installment only after formulating State Litigation policy. State Litigation policy is to be formulated with the aim to transform government into an efficient and responsible litigant. If the cases involving government are reduced

then the courts will have time to dispose of a large number of cases and achieve the target of reducing the pendency.

V. Enactment of the Gram Nyayalayas Act, 2008 which provides for establishment of Gram Nyayalayas to improve access to justice to marginalised. The current year allocation has been increased from ₹ 40 Cr to ₹ 150 Cr. So far 151 Gram Nyayalayas have been notified by the states.

VI. The Hon'ble Minister of Law & Justice has requested all the Chief Justices of High Courts to launch a campaign to reduce pendency of cases in court from July-December, 2011 and also for filling up vacancies of judges in the High Courts and Subordinate Courts during the same period. Vacancies and delays are inevitably correlated, hence a campaign mode approach for filling vacancies need to be launched. At least 50% of the vacancies could be filled up in respect of subordinate courts by December 2011.

(c): No, Sir.

(d): Does not arise

GOVERNMENT OF INDIA
MINISTRY OF LAW AND JUSTICE
DEPARTMENT OF JUSTICE

RAJYA SABHA

UNSTARRED QUESTION NO. 73

TO BE ANSWERED ON MONDAY, THE 1ST AUGUST, 2011

Speedy disposal of pending cases

73. DR. T. SUBBARAMI REDDY

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

(a) whether Government would like to dispose of pending cases in three years from the current average of fifteen years.

(b) if so, the details worked out, so far, State-wise; and

(c) the number of pending cases, court-wise and State-wise especially in Andhra Pradesh ?

ANSWER

MINISTER OF LAW AND JUSTICE
(SHRI SALMAN KHURSHID)

(a) & (b) The Government has approved on 23.06.2011 the setting up of the National Mission for Delivery of Justice and Legal Reforms. The objective of the mission is to help reduce backlog in courts from an average of 15 years at present to 3 years. It would also help in improving the legal environment for business in the country. The National Mission would help in implementing the two major goals of increasing access by reducing delays and arrears in the system and enhancing accountability at all levels through structural changes and setting performance standards and facilitating enhancement of capacities for achieving such performance standards.

Minister of Law & Justice has written to all the Chief Justices for reducing pendency in the courts and a pendency reduction drive has been launched from 1st July to 31st December 2011 to clear the backlog availing funds under the Thirteenth Finance Commission for constituting morning & evening courts, lok

Contd...2/-

adalats and mediation centres. Particular emphasis is on disposal of cases of people belonging to marginalized groups and also long pending cases.

(c) As per Information available, 57179 cases were pending in the Supreme Court of India as on 30.6.2011. A statement indicating the number of cases pending in the High Court and District and subordinate Courts including Andhra Pradesh is at Annexure I.

ANNEXURE-I

COURT NEWS OCTOBER - DECEMBER, 2010

HIGH COURTS (FROM 01-07-2010 TO 30-09-2010)

Sl. No.	NAME OF HIGH COURT	Civil Cases				Criminal Cases				Total Pending of District Courts/ Cases in the trial 30-09-10
		Opening Balance as on 01-07-10	Institution from 01-07-10 to 30-09-10	Disposed from 01-07-10 to 30-09-10	Pendency at the end of 30-09-10	Opening Balance as on 01-07-10	Institution from 01-07-10 to 30-09-10	Disposed from 01-07-10 to 30-09-10	Pendency at the end of 30-09-10	
1	Allahabad	585989	34421	45128	887988	303945	32488	28900	305631	875689
2	Andhra Pradesh	165157	14847	13244	186770	25633	4804	5718	24921	194691
3	Bombay	398618	31056	30225	302810	44658	7428	7307	44778	347318
4	Calcutta	280450	15852	12467	283934	49180	7133	8454	49859	332791
5	Chhattisgarh	40350	4175	5165	38370	15775	2580	2030	16732	56102
6	Delhi	48714	6235	3315	46634	12053	3008	3380	11741	58175
7	Gujarat	84805	18230	14493	72735	25365	8455	8447	25300	98120
8	Haryana	31142	6230	5263	44410	8974	2767	2771	8900	53410
9	Haryana Pradesh	43134	7585	5257	40462	6448	1120	1335	6226	46689
10	Jammu & Kashmir	50515	4188	1801	62771	3005	410	581	3134	65805
11	Jharkhand	30763	3580	2635	31718	25532	5731	5763	28000	57219
12	Karnataka	177834	45408	35814	186428	20667	8128	3582	20414	208840
13	Kerala	88582	18041	13430	93193	20800	8295	5374	29461	122784
14	Madhya Pradesh	143818	23187	17955	148050	65787	11362	9919	67200	213029
15	Madras	407088	82137	67963	401962	41080	21978	18788	43617	444070
16	Orissa	235237	15140	3475	244802	28925	10648	8423	32180	275071
17	Punjab	404751	8948	11193	402506	48784	16132	13918	48020	450523
18	Punjab & Haryana	193782	16680	22073	188069	48037	13388	13160	46283	234356
19	Rajasthan	211722	17985	15072	214635	81214	8717	7740	83181	292876
20	Sikkim	80	14	38	58	18	7	10	18	52
21	Uttaranchal	12170	1365	2088	11352	6438	1261	1781	5519	17811
	TOTAL	2316477	355351	335578	3238258	886788	171840	156861	881647	4217993

* Above statement is compiled on the basis of figures received from the High Courts

* Closing balance of Civil cases as on 30.09.2010 revised by High Court concerned.
 ** 2 RFA transferred to the District and Sessions Judges concerned.

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COURT NEWS OCTOBER - DECEMBER, 2010

DISTRICT & SUBORDINATE COURTS (FROM 01-07-10 TO 30-09-10)

S. No.	Concerned State/Union/Territory	Civil Cases				Criminal Cases				Total Pending of Civil and Criminal Cases at the end of 30-09-10
		Opening Balance as on 01-07-10	Institution from 01-07-10 to 30-09-10	Disposed from 01-07-10 to 30-09-10	Pendency at the end of 30-09-10	Opening Balance as on 01-07-10	Institution from 01-07-10 to 30-09-10	Disposed from 01-07-10 to 30-09-10	Pendency at the end of 30-09-10	
1	Uttar Pradesh	1312326	142885	148121	1314150	424854	77346	701659	431741	567332
2	Jharkhand	459874	9829	81741	464722	602161	83237	83712	591578	551445
3a)	Maharashtra	591438	106675	110865	588505	3142603	316688	393884	327488	407377
3b)	Goa	18785	3440	3187	17918	12715	5427	5433	17763	17771
3c)	District of Chandernagore	578	105	86	598	1094	124	185	1008	1034
3d)	Dadra and Nagar Haveli	1054	93	90	1058	2783	406	528	3861	3650
4a)	West Bengal	936796	25355	22149	940002	2181801	228947	208044	2206204	2247115
4b)	A & M Islands	1826	287	183	2043	12822	2417	2248	12886	13051
5	Chhattisgarh	59586	8548	8538	64096	217574	62548	54042	216880	270350
6	Goa	232483	21113	21053	187643	728821	219333	188512	747288	836997
7	Goa	887780	81786	58518	920048	1446503	251747	248468	1539273	2071244
8a)	Assam	78447	8765	8187	78425	165424	80074	53551	174847	251320
8b)	Nagaland	1571	227	224	1574	3108	527	531	3113	5383
8c)	Mizoram	4282	780	582	4382	8594	537	534	8527	12433
8d)	Manipur	3837	701	585	3953	9713	2022	1885	5070	8797
8e)	Tripura	6781	1344	1879	6346	57541	30711	27851	66761	57487
8f)	Mizoram	1478	739	540	1677	3428	2788	4278	2878	4415
8g)	Assam	928	385	330	883	5353	1795	1680	5488	6548
9	Bihar	71382	14827	12148	74061	64188	45835	42944	67676	170124
10	Jammu and Kashmir	87897	8118	8487	98528	116488	41944	42012	115270	148568
11	Jharkhand	53284	5208	4482	58010	201088	28300	20513	232553	234391
12	Karnataka	558888	88515	92842	556561	686483	285580	241858	631445	1154526
13a)	Kerala	268142	51367	98578	220931	620000	154887	233433	611454	812395
13b)	Lakshadweep	154	14	16	152	91	71	3	83	215
14	Madhya Pradesh	218925	51127	53811	218641	343798	277281	275848	847182	1125421
15a)	Tamil Nadu	299524	27844	278933	299475	484393	188838	188482	484185	1255517
15b)	Puducherry	12089	5793	6183	12609	17173	3894	2871	11407	2718
16	Orissa	22104	10388	12535	20659	85459	7258	6873	92810	112844
17	Bihar	251472	16888	16872	251628	126177	8348	7828	1271518	127142
18a)	Haryana	272885	88512	26867	274530	305436	88156	100550	298019	37258
18b)	Punjab	217324	38198	38823	216699	248823	87873	88195	344783	52881
18c)	Chandigarh	21923	2811	2506	22428	68158	27520	34223	62811	34682
19	Rajasthan	268572	42293	38248	274617	1078015	188220	188334	1784423	1588326
20	Uttaranchal	288	108	112	285	910	337	335	247	1394
21	Uttarakhand	25502	12342	12324	25520	127201	64845	61783	143284	173774
	Total	7887884	1128938	1186681	7899541	18858880	3708838	2807238	20885514	22953270

* Above statement is compiled on the basis of figures received from the High Courts.

† During the quarter, 165 Civil Cases and 49 Criminal Cases amalgamated / transferred.
 ‡ Closing balance of criminal cases as on 30-09-2010 revised by High Court concerned.

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GOVERNMENT OF INDIA
MINISTRY OF LAW & JUSTICE
DEPARTMENT OF JUSTICE

DS (Jus) / Desk

RAJYA SABHA
UNSTARRED QUESTION NO. 74

TO BE ANSWERED ON MONDAY, THE 1ST AUGUST 2011

Vacancies of Judges and pending cases in High Courts

74. SARDAR SUKHDEV SINGH DHINDSA:

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

- (a) the strength of High Court Judges in each court as on date;
- (b) the shortage of judges in each High court;
- (c) the number of cases pending in each High Court;
- (d) the reasons for delay in filling up the vacancies; and
- (e) by when the vacancies are likely to be filled up especially in the Punjab and Haryana High Court?

ANSWER

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

(a),(b)&(c): A statement showing the sanctioned strength, working strength and the vacancies of Judges in the High Courts and the number pending court cases are annexed.

(d): 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 a Judge of a High Court rests with the Chief Justice of the concerned High Court. The main reason for the large number of vacant posts is that the Government has not received sufficient proposals to fill up these vacant posts. The Government is periodically reminding the Chief Justices of the High Courts to expedite proposals to fill up the existing vacancies as well as the vacancies anticipated in next six months.

(e): Only 9 new names recommended from the Punjab and Haryana High Court for the appointment of Judges are under various stages of consideration, at present. The filling up of vacancies in the High Courts is a continuous consultative process among the Constitutional authorities. While every effort is made to fill up the existing vacancies expeditiously, vacancies do keep on arising on account of retirement, resignation or elevation of Judges.

**Annexure referred to in reply to parts (a), (b) & (c) of Rajya Sabha
Unstarred Question No.74 for answer on 01.08.2011**

**Statement showing the Approved strength, Working Strength,
vacancies of Judges and number of cases pending in the High Courts**

Sl. No.	Name of the High Court	Sanctioned Strength as on 15.07.2011	Working Strength as on 15.07.2011	Vacancies as per Approved Strength as on 15.07.2011	Pending court cases as on 30.09.2010
1	Allahabad	160	63	97	973599
2	Andhra Pradesh	49	33	16	194691
3	Bombay	75	61	14	347618
4	Calcutta	58	44	14	333763
5	Chhattisgarh	18	12	6	56102
6	Delhi	48	37	11	60375
7	Gauhati	24	18	6	53400
8	Gujarat	42	24	18	98128
9	Himachal Pradesh	11	11	-	46698
10	Jammu & Kashmir	14	08	6	65905
11	Jharkhand	20	13	7	57218
12	Karnataka	50	41	9	209843
13	Kerala	38	29	9	120764
14	Madhya Pradesh	43	39	4	213028
15	Madras	60	49	11	444979
16	Orissa	22	17	5	275052
17	Patna	43	39	4	128293
18	Punjab & Haryana	68	43	25	237658
19	Rajasthan	40	27	13	282826
20	Sikkim	3	02	1	52
21	Uttarakhand	9	07	2	17911
	Total	895	617	278	4217903

M. Cell

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

**RAJYA SABHA
UNSTARRED QUESTION NO. 75**

TO BE ANSWERED ON MONDAY, THE 1ST AUGUST, 2011

Pendency of cases in Fast Track Courts

75. SHRI NAND KUMAR SAI:

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

- (a) whether Government proposes to cut down the pendency in the Fast Track Courts from the present average of 15 years to just three years;
- (b) If so, the details thereof;
- (c) whether Government has drawn any proposal/action plan to meet the said targets;
- (d) if so, the details thereof;
- (e) whether Government has agreed to increase its contribution, during the next five year plan, for development of infrastructure in each of such trial courts in various States; and
- (f) if so, the details thereof, State-wise?

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

(a)to(d) Fast Track Courts were established in pursuance of recommendation of the 11th Finance Commission and central funding to these courts was given upto 31.03.2011. Even though central assistance has been discontinued the States may continue with the Fast Track Courts. In order to facilitate expeditious disposal of cases in all the Courts, Government has taken a number of measures as mentioned below:

- I. The Government has approved setting up of 'National Mission for Justice Delivery and Legal Reforms'. The major goals are :

- Increasing access by reducing delays and arrears in the system.
- Enhancing accountability through structural changes and by setting performance standards and capacities

A Mission Mode approach to infrastructure development of subordinate judiciary is among the major initiatives under the National Mission for Justice Delivery which is approved by the Government. Inadequacy of infrastructure in subordinate courts has been one of the bottlenecks in the speedy delivery of justice. Keeping this in mind in the financial year 2011-12, the allocation for the Centrally Sponsored Scheme for infrastructure development has been increased fivefold from ₹100 Cr to ₹500 Cr. Funding pattern has also been increased from 50:50 to 75:25 for the states and to continue 90:10 for the NE states.

II. The Government has accepted the recommendations of the Thirteenth Finance Commission to provide a grant of ₹ 5000 Cr to the States for improving the justice delivery system in the country over a five year period 2010-15. A grant of ₹ 1000 Cr has already been released to the States during the year 2010-11. With the help of these grants, the States can, inter-alia, set up morning / evening / shift / special magistrates' courts, appoint court managers, establish ADR centres and provide training to mediators / conciliators, organise more Lok Adalats to reduce pendencies. The grants also provide for training of judicial officers, strengthening of State Judicial Academies, training of public prosecutors and maintenance of heritage court buildings.

III. In order to computerise the justice delivery system Government is implementing e-Courts Project for the District and Subordinate Courts in the country and up gradation of ICT infrastructure in superior courts at an estimated cost of ₹ 935 crore. The target is to computerize 12000 Courts by 31st March, 2012 and 14249 Courts by 31st March, 2014. Court Management

and case management can be done through National Arrears Grid under the project.

IV. The Thirteen Finance Commission while recommending a grant of 5000 Cr made a condition for release of 2nd year installment only after formulating State Litigation policy. State Litigation policy is to be formulated with the aim to transform government into an efficient and responsible litigant. If the cases involving government are reduced then the courts will have time to dispose of a large number of cases to achieve the target of reducing the pendency.

V. Enactment of the Gram Nyayalayas Act, 2008 which provides for establishment of Gram Nyayalayas to improve access to justice to marginalised. The current year allocation has been increased from ₹ 40 Cr to ₹ 150 Cr. So far 151 Gram Nyayalayas have been notified by the states.

VI. The Hon'ble Minister of Law & Justice has requested all the Chief Justices of High Courts to launch a campaign to reduce pendency of cases in court from July-December, 2011 and also for filling up vacancies of judges in the High Courts and Subordinate Courts during the same period. Vacancies and delays are inevitably correlated, hence a campaign mode approach for filling vacancies need to be launched. At least 50% of the vacancies could be filled up in respect of subordinate courts by December 2011.

(e) Yes, Sir.

(f) Next Five Year Plan provisions are yet to be decided.

GOVERNMENT OF INDIA
MINISTRY OF LAW AND JUSTICE
DEPARTMENT OF JUSTICE

M. Cell

RAJYA SABHA
UNSTARRED QUESTION NO. 76

TO BE ANSWERED ON MONDAY, THE 1st August, 2011

Pending cases

76. SHRI D. RAJA:

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

- (a) whether it is a fact that thousands of cases including murder cases are laying pending in various courts of the country;
- (b) if so, the details thereof, State-wise;
- (c) whether Government is actively considering to take measures to expedite the disposal of cases;
- (d) if so, the details thereof;
- (e) whether Government proposes to set up fast tract courts for completion of trial exclusively for murder cases;
- (f) if so, the details thereof; and
- (g) if not, the reasons therefor?

ANSWER

MINISTER OF LAW AND JUSTICE
(SHRI SALMAN KHURSHID)

(a): Yes, Sir.

(b): As per latest available information, 57,179 cases were pending in the Supreme Court of India as on 30.6.11. Two statements indicating the number of cases pending in the High Courts and Subordinate Courts are enclosed at Annexure -I & II.

(c): Yes, Sir.

(d): In order to facilitate expeditious disposal of cases in Courts, Government has taken a number of measures as mentioned below:

- I. The Government has approved setting up of 'National Mission for Justice Delivery and Legal Reforms'. The major goals are :
- Increasing access by reducing delays and arrears in the system.
 - Enhancing accountability through structural changes and by setting performance standards and capacities

A Mission Mode approach to infrastructure development of subordinate judiciary is among the major initiatives under the National Mission for Justice Delivery which is approved by the Government. Inadequacy of infrastructure in subordinate courts has been one of the bottlenecks in the speedy delivery of justice. Keeping this in mind in the financial year 2011-12, the allocation for the Centrally Sponsored Scheme for infrastructure development has been increased fivefold from ₹100 Cr to ₹500 Cr. Funding pattern has also been increased from 50:50 to 75:25 for the states and to continue 90:10 for the NE states.

II. The Government has accepted the recommendations of the Thirteenth Finance Commission to provide a grant of ₹ 5000 Cr to the States for improving the justice delivery system in the country over a five year period 2010-15. A grant of ₹ 1000 Cr has already been released to the States during the year 2010-11. With the help of these grants, the States can, inter-alia, set up morning / evening / shift / special magistrates' courts, appoint court managers, establish ADR centres and provide training to mediators / conciliators, organise more Lok Adalats to reduce pendencies. The grants also provide for training of judicial officers, strengthening of State Judicial Academies, training of public prosecutors and maintenance of heritage court buildings.

III. In order to computerise the justice delivery system Government is implementing e-Courts Project for the District and Subordinate Courts in the country and up gradation of ICT infrastructure in superior courts at an estimated cost of 935 crore. The target is to computerize 12000 Courts by 31st March, 2012 and 14249 Courts by

2nd March, 2014. Court Management and case management can be done through National Arrears Grid created under the project.

IV. The Thirteen Finance Commission while recommending a grant of ₹ 5000 Cr made a condition for release of 2nd year installment only after formulating State Litigation policy. State Litigation policy is to be formulated with the aim to transform government into an efficient and responsible litigant. If the cases involving government are reduced then the courts will have time to dispose of a large number of cases to achieve the target of reducing the pendency.

V. Enactment of the Gram Nyayalayas Act, 2008 which provides for establishment of Gram Nyayalayas to improve access to justice to marginalised. The current year allocation has been increased from ₹ 40 Cr to ₹ 150 Cr. So far 151 Gram Nyayalayas have been notified by the states.

VI. The Hon'ble Minister of Law & Justice has requested all the Chief Justices of High Courts to launch a campaign to reduce pendency of cases in court from July-December, 2011 and also for filling up vacancies of judges in the High Courts and Subordinate Courts during the same period. Vacancies and delays are inevitably correlated, hence a campaign mode approach for filling vacancies need to be launched. At least 50% of the vacancies could be filled up in respect of subordinate courts by December 2011.

(e): No, Sir.

(f) &(g): At present no such proposal is under consideration.

B) HIGH COURTS (FROM 01-07-2010 TO 30-09-2010)

S. No.	NAME OF HIGH COURT	Civil Cases				Criminal Cases				Total Pendency of Criminal Cases at the end of 30-09-10
		Opening Balance as on 01-07-10	Institution from 01-07-10 to 30-09-10	Disposed from 01-07-10 to 30-09-10	Pendency at the end of 30-09-10	Opening Balance as on 01-07-10	Institution from 01-07-10 to 30-09-10	Disposed from 01-07-10 to 30-09-10	Pendency at the end of 30-09-10	
1	Andhra Pradesh	88689	4405	45426	86798	300943	33435	28910	309831	573595
2	Andhra Pradesh	185157	14647	13244	189770	25633	4604	5715	24521	194691
3	Bombay	299619	39755	30035	302839	44558	7428	7307	44779	347618
4	Calcutta	280400	15897	13486	263604	48180	7123	5454	48859	153763
5	Chhattisgarh	40393	4270	5035	50370	16775	2590	2633	16732	56102
6	Delhi	49714	8235	8315	49634	12083	3508	3690	11741	50375
7	Gujarat	89685	16228	13463	72735	25385	8455	8447	26383	38128
8	Gauhati	51142	6223	12563	44410	8974	2787	2771	8980	13400
9	Himachal Pradesh	43134	7535	10267	40402	5448	1173	1335	6236	45636
10	Jammu & Kashmir	80515	4136	1330	82771	3005	410	251	3134	85905
11	Jharkhand	30763	3082	2638	31218	25532	5731	5253	28005	57218
12	Karnataka	177834	45405	33614	189629	20067	8329	5882	20414	209643
13	Kerala	85682	18041	19170	81303	28500	3235	5374	28461	120784
14	Madhya Pradesh	143675	20187	17955	145907	85767	13262	5915	67200	213025
15	Madras	407008	62127	57863	405382	41080	24318	18785	43617	444973
16	Orissa	730237	16140	3475	244802	28025	10548	9423	30180	270662
17	Punjab	80475*	8948	11130	78293	46784	16152	13518	49030	120293
18	Punjab & Haryana	593782	16630	22775	587637**	49037	12386	13160	46783	237850
19	Rajasthan	211722	17885	10572	219035	81214	9717	7740	63181	282826
20	Sikkim	80	14	39	36	19	7	10	18	52
21	Uttarakhand	12170	1085	2096	11959	5435	1231	1781	5815	17911
TOTAL		2316477	355351	336570	3328258	886708	171840	156961	881647	4217603

* Above statement is compiled on the basis of figures received from the High Courts

* Opening balance of Civil cases as on 30.06.2010 revised by High Court concerned.

** 2 PMA transferred to the District and Sessions Judges concerned.

COURT NEWS OCTOBER - DECEMBER, 2010

C) DISTRICT & SUBORDINATE COURTS (FROM 01-07-10 TO 30-09-10)

S. No.	Concerned State/Union Territory	Civil Cases				Criminal Cases				Total Pendency of Civil and Criminal Cases at the end of 30-09-10
		Opening Balance as on 01-07-10	Institution from 01-07-10 to 30-09-10	Disposal from 01-07-10 to 30-09-10	Pendency at the end of 30-09-10	Opening Balance as on 01-07-10	Institution from 01-07-10 to 30-09-10	Disposal from 01-07-10 to 30-09-10	Pendency at the end of 30-09-10	
1	Uttar Pradesh	1517278	142905	145121	1514962	4247854	773448	701950	4217643	8621863
2	Andhra Pradesh	458874	78820	81741	484773	501111	252017	227112	501876	886448
2a	Maharashtra	841438	108877	110805	939510	3143903	318888	388884	3375488	4257323
2b	Goa	15700	2441	2187	17018	12718	1427	5439	12703	29721
2c	Disputed Areas	678	705	50	966	1064	134	180	1068	2004
2d	Andhra and Nagar Haveli	1254	82	58	1288	2783	408	228	2661	3880
4a	West Bengal	538759	70288	32148	546905	2181801	226647	208844	2252304	2747173
4b	A & N Islands	1058	287	183	2062	12020	2417	2349	12888	16031
5	Chhattisgarh	51486	8519	8534	54971	217574	52148	54042	218680	270186
6	Dadra	307483	27112	31923	182552	120827	719039	166612	147388	628881
7	Gujarat	897790	61780	98718	892862	1485975	281747	246448	1538278	2212244
8a	Assam	78647	6782	8787	78451	185404	60074	52551	178847	251020
8b	Mizoram	1577	227	234	1570	9103	507	500	9110	6080
8c	Meghalaya	4382	382	382	4382	8674	537	564	8507	12816
8d	Manipur	3567	701	588	3680	9013	2022	1600	9371	12816
8e	Tripura	6701	1844	1629	6788	57581	28711	37831	67701	87457
8f	Mizoram	1478	78	84	1570	9428	2788	4318	2878	4410
8g	Andhra Pradesh	862	250	231	891	5583	795	1080	8468	1248
8	Andhra Pradesh	71382	14800	13148	73034	84185	40885	42844	87978	110724
10	Jammu and Kashmir	57847	8178	8467	68279	715498	41884	48812	178278	184888
11	Chandigarh	50084	5228	4432	50880	231883	28008	23513	208523	284301
12	Karnataka	558888	38515	42842	587641	566483	285083	281858	601885	1154028
13a	Goa	385142	61867	88570	387539	625000	134807	208422	611464	877880
13b	Maharashtra	124	14	10	122	41	11	8	83	215
14	Madhya Pradesh	218805	51157	57811	212241	848798	277281	218848	847180	1154427
15a	Tamil Nadu	788824	771474	278883	780548	484288	188835	188482	484788	1259011
15b	Puducherry	15038	5758	5183	18058	11178	3184	2827	11407	27018
16	Orissa	231184	18288	12885	236187	884488	28078	50718	887318	1118844
17	West Bengal	251427	18888	16872	251433	121717	40880	7828	121518	152147
18a	Punjab	272888	38513	28867	273534	87180	87180	12113	288018	572880
18b	Rajasthan	517874	33188	25832	525230	348822	87873	81180	344780	88581
18c	Chandigarh	21888	2011	2508	22235	88188**	27528	34880	88432	84888
19	Uttar Pradesh	385572	42288	38288	389572	1078078	188078	188234	1188408	1503388
20	Bihar	388	101	112	387	910	237	335	942	1304
21	Uttarakhand	12800	12242	12834	22110	137201	64848	81783	140284	172274
	Total	7882834	1138618	1168401	7894851	18898880	3708833	3847218	20088514	27882378

* Above statement is compiled on the basis of figures received from the High Courts.

** During the quarter, 165 Civil Cases and 49 Criminal Cases amalgamated / transferred
 *** Opening balance of criminal cases as on 30.06.2010 revised by High Court concerned

GOVERNMENT OF INDIA
MINISTRY OF LAW AND JUSTICE
DEPARTMENT OF JUSTICE

DS (Jus) / Desk

RAJYA SABHA
UNSTARRED QUESTION NO. 77

TO BE ANSWERED ON 01.08.2011

SC/ST judges in higher judiciary

+77. : SHRI RAM VILAS PASWAN:

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

- (a) the number of Supreme Court and High Courts Judges across the country;
- (b) whether Government would disclose the number of Scheduled Caste and Scheduled Tribe Judges out of these; and
- (c) if so, the details thereof, State-wise?

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

- (a): A statements showing the sanctioned strength and the vacancies of Judges in the Supreme Court and the High Courts is annexed.
- (b) & (c) Appointment of Judges of the Supreme Court and High Courts is made under Articles 124 and 217 of the Constitution of India respectively, which do not provide for reservation. Therefore, no such information is maintained.

Statement referred in part (b) & (c) of the Rajya Sabha Unstarred Question No. 01.08.2011.

Approved strength, Working Strength and Vacancies of Judges in the Supreme Court India and the High Courts. (As on 15.07.2011).

Sl. No.	Name of the Court	Approved Strength	Working Strength	Vacancies as per Approved Strength
A.	Supreme Court of India	31	28	3
B.	High Court			
1	Allahabad	160	63	97
2	Andhra Pradesh	49	33	16
3	Bombay	75	61	14
4	Calcutta	58	44	14
5	Chhattisgarh	18	12	6
6	Delhi	48	37	11
7	Gauhati	24	18	6
8	Gujarat	42	24	18
9	Himachal Pradesh	11	11	-
10	Jammu & Kashmir	14	08	6
11	Jharkhand	20	13	7
12	Karnataka	50	41	9
13	Kerala	38	29	9
14	Madhya Pradesh	43	39	4
15	Madras	60	49	11
16	Orissa	22	17	5
17	Patna	43	39	4
18	Punjab & Haryana	68	43	25
19	Rajasthan	40	27	13
20	Sikkim	3	02	1
21	Uttarakhand	9	07	2
Total		895	617	278

M. Cell

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

**RAJYA SABHA
UNSTARRED QUESTION NO. 80**

TO BE ANSWERED ON MONDAY, THE 1ST AUGUST, 2011

Funds for Fast Track Courts

80. SHRI M. V. MYSURA REDDY:

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

- (a) whether it is a fact that Government has stopped release of money to Fast Track Courts recently;
- (b) if so, the reasons therefor;
- (c) whether it is also a fact that Government is planning to convert all subordinate courts into Fast Track Courts; and
- (d) how the Ministry would react to the opinion of legal experts who say that the decision mentioned in part (c) is impossible to implement?

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

- (a) Yes, Sir.
- (b) The Eleventh Finance Commission recommended a scheme for creation of 1734 Fast Track Courts (FTCs) in the country for disposal of long pending Sessions and other cases. A provision of Rs. 502.90 crores was made as "special problem and upgradation grant" for judicial administration for a period of 5 years upto 31.03.2005 out of which a grant of Rs. 426.13 crore was released to the States. The Government accorded its approval for the continuation of 1562 Fast Track Courts that were operational as on 31.3.2005 for a further period of 5 years i.e. up to 31st March, 2010 with a provision of Rs. 509 crores out of which a grant of Rs. 370.82 crore was released to the

States upto 31-3-2010. This scheme was further extended for a further period of one year i.e. upto 31.03.2011 and a grant of Rs. 73.16 crore has been released during the year 2010-11. It was decided that there will be no central funding for Fast Track Courts beyond 31-03-2011.

(c) No, Sir. However, Fast Track Courts are set up by the State Governments in consultation with the respective High Courts.

(d) Does not arise.

GOVERNMENT OF INDIA
MINISTRY OF LAW AND JUSTICE
DEPARTMENT OF JUSTICE

JR-Desk

RAJYA SABHA

UNSTARRED QUESTION NO. 81.

TO BE ANSWERED ON MONDAY, THE 1ST AUGUST, 2011

Allocation for rural courts

81. SHRI SHIVANAND TIWARI

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

(a) whether the funds allocated to States for setting up of rural courts is insufficient though the outlay for Central assistance to States for setting up of rural courts has been increased from ₹ 39 crores to ₹ 145 crores; and

(b) whether it is felt that the allocations should be increased substantially?

ANSWER

MINISTER OF LAW AND JUSTICE
(SHRI SALMAN KHURSHID)

(a) No, Sir. The Gram Nyayalayas Act, 2008 has been brought into force w.e.f. 2nd October, 2009. As per the demand received from the States for setting up of Gram Nyayalayas, central grant has so far been released for 151 Gram Nyayalayas. According to the provisions of the Act, it is the responsibility of the States to establish Gram Nyayalayas. In order to augment the resources of the State Government ₹ 18 lakh for non-recurring and ₹ 3.20 lakh for recurring

Cont.....2/-

for 3 years per Gram Nyayalaya provided as central assistance. The budget provision for 2011-12 for the scheme is ₹ 150 crore.

(b) The current year allocation is sufficient to meet the requirement of the States.

GOVERNMENT OF INDIA
MINISTRY OF LAW & JUSTICE
DEPARTMENT OF JUSTICE

DS(Jur) Desk

RAJYA SABHA
UNSTARRED QUESTION NO. 82
TO BE ANSWERED ON MONDAY, THE 1ST AUGUST 2011

Strength of judges in courts

+82. SHRIMATI MAYA SINGH:

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

- the sanctioned strength and vacant posts of Judges in the High Courts along with the number of vacancies of various posts in the subordinate courts;
- whether any suggestion has been received in this regard from the Law Commission;
- if so, the details thereof and Government's intention for implementation of the said suggestions;
- whether any financial constraints is involved in it; and
- the number of cases which are pending in various courts of the country at present and if these cases are disposed of with the present pace, the time likely to be taken for hearing of all the cases?

ANSWER

MINISTER OF LAW AND JUSTICE
(SHRI SALMAN KHURSHID)

(a): A statement showing the sanctioned strength and the vacancies of Judges in the High Courts and subordinate courts are annexed in Annexure. I and II.

Under Article 235 of the Constitution of India, the administrative control over the members of subordinate judiciary in the States vests with the concerned High Court and State Government. Therefore, no information of various posts is maintained in Government of India.

(b),(c)&(d): 230th Report of the Law Commission of India has, inter alia, made suggestions extending from issues like work culture, speedy justice, access to justice, integrity, advantage of ADR and clearance of pendency. The Government has addressed letters along with the copy of the Law Commission of India to the Chief Justices of the High Courts to consider the recommendations for adoption particularly in clearing the backlog of cases.

The Government has requested all the Chief Justices of High Courts to launch a campaign to reduce pendency of cases in courts from July-December, 2011 and also for filling up vacancies of judges in the High Courts and subordinate courts during the same period.

States may set up an Alternative Dispute Resolution (ADR) centre, in terms of section 89 of Civil Procedure Code, in each judicial district which is without an ADR centre. Finance Commission-XII has allocated Rs. 600 crore for ADR centers. States may use this amount to create or upgrade physical infrastructure of ADR centers.

(e): As per latest available information, 57,179 cases were pending in the Supreme Court of India as on 30.06.2011. The number of cases pending in the High Courts and the Subordinate judiciary were 42,17,903 and 2,79,53,070 respectively as on 30.09.2010. Time taken in disposal of pending cases is exclusively with the domain of the Judiciary.

Annexure referred to in reply to part (a) of Rajya Sabha
Unstarred Question No.82 for answer on 01.08.2011

Statement showing the Approved strength and vacancies of
Judges in the High Courts

Sl. No.	Name of the High Court	Sanctioned Strength as on 15.07.2011	Vacancies as per Approved Strength as on 15.07.2011
1	Allahabad	160	97
2	Andhra Pradesh	49	16
3	Bombay	75	14
4	Calcutta	58	14
5	Chhattisgarh	18	6
6	Delhi	48	11
7	Gauhati	24	6
8	Gujarat	42	16
9	Himachal Pradesh	11	-
10	Jammu & Kashmir	14	6
11	Jharkhand	20	7
12	Karnataka	50	9
13	Kerala	38	9
14	Madhya Pradesh	43	4
15	Madras	50	11
16	Orissa	22	5
17	Patna	43	4
18	Punjab & Haryana	68	25
19	Rajasthan	40	13
20	Sikkim	3	1
21	Uttarakhand	9	2
Total		895	278

Annexure referred to in reply to part (a) of Rajya Sabha
Unstarred Question No.82 for answer on 01.08.2011

Sl. No.	State/Union Territory	Sanctioned Strength of District & Subordinate Courts as on 30.09.2010	Vacancies as on 30.09.2010
1	Uttar Pradesh	2187	294
2	Andhra Pradesh	931	159
3	Maharashtra	2087	234
4	Goa	49	6
5	Diu Daman & Dadra and Nagar Haveli	5	0
6	West Bengal and A&N Islands	933	155
7	Chhattisgarh	293	37
8	Delhi	605	168
9	Gujarat	1128	361
10	Assam	307	58
11	Meghalaya	10	2
12	Tripura	92	27
13	Manipur	33	2
14	Nagaland	27	1
15	Mizoram	40	9
16	Arunachal Pradesh	2	0
17	Himachal Pradesh	126	6
18	Jammu and Kashmir	207	44
19	Jharkhand	581	187
20	Karnataka	938	138
21	Kerala	432	12
22	Lakshadweep	3	0
23	Tamil Nadu	828	59
24	Puducherry	20	7
25	Madhya Pradesh	1290	154
26	Orissa	548	64
27	Bihar	1423	389
28	Punjab	412	120
29	Haryana	409	123
30	Chandigarh	20	0
31	Rajasthan	907	223
32	Sikkim	13	4
33	Uttarakhand	265	127
	Total	17151	3170

GOVERNMENT OF INDIA
MINISTRY OF LAW AND JUSTICE
DEPARTMENT OF JUSTICE

RAJYA SABHA

UNSTARRED QUESTION NO. 83

TO BE ANSWERED ON MONDAY, THE 1st August, 2011

Mission Mode Programme for reduction of pending cases

83. DR. K.P. RAMALINGAM:

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

- (a) whether Government proposes to have a Mission Mode Programme for reduction of cases pending in courts;
- (b) if so, whether this programme would dispose at least 50 per cent of the pending cases of subordinate courts in the country; and
- (c) if so, the details thereof and the steps taken by Government in this regard?

ANSWER

MINISTER OF LAW AND JUSTICE
(SHRI SALMAN KHURSHID)

(a) & (b): Yes, Sir. Government has requested all the Chief Justices of High Courts to launch a campaign to reduce pendency of cases in court from July-December, 2011 and also for filling up vacancies of judges in the High Courts and Subordinate Courts during the same period. At least 50% of the vacancies could be filled up in respect of subordinate courts by December 2011. As regards pendency, maximum disposal of minor cases through morning/evening/sift courts, long pending cases has been requested.

(c): Under Thirteenth Finance Commission substantial grant of ₹ 5000 crore has been approved for improvement in justice delivery. ₹ 1000 crore has already been released. These grants provides for extended court hours, holding of Lok Adalats and creation of ADR centres. Besides, computerisation of courts at a cost of ₹ 935 crore is

being done under Mission Mode Project. Also, to achieve the objectives set out in the Vision Document 2009 adopted in the conference of Chief Ministers and Chief Justices, setting up of a National Mission for Justice Delivery and Legal Reforms has been approved whose prime objective is increasing access to justice by reducing delay. For infrastructure development of subordinate judiciary the allocation has been enhanced. Allocation of funds for gram nyayalayas during the current year has also been substantially enhanced.

GOVERNMENT OF INDIA
MINISTRY OF LAW AND JUSTICE
DEPARTMENT OF JUSTICE

Jus. Sec.

RAJYA SABHA

UNSTARRED QUESTION NO.848

TO BE ANSWERED ON MONDAY, THE 8TH AUGUST, 2011

Working of Tribunals

848 SHRI M.P. ACHUTHAN:

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

- (a) whether the Supreme Court in L. Chandra Kumar's case (1977) 3 SCC261 has made observations that there is no uniformity in administration of tribunals created by legislations and their functioning are inefficient because there is no authority charged with supervising and fulfilling their administrative requirements;
- (b) if so, whether Government has taken any steps to address the observations made by the Court;
- (c) if so, the details thereof; and
- (d) the steps Ministry has taken to implement the recommendations to set up an independent agency for administration of the tribunals and until then Tribunals be placed under a single nodal Ministry to oversee their working?

ANSWER

MINISTER OF LAW & JUSTICE
(SHRI SALMAN KHURSHID)

(a) : Yes, Sir.

(b) to (d) : The Government is seized of the matter and have made consultations with various Departments and Ministries presently administering the tribunals/authorities.

GOVERNMENT OF INDIA
MINISTRY OF LAW AND JUSTICE
DEPARTMENT OF JUSTICE

Fig-Sec.

RAJYA SABHA

UNSTARRED QUESTION NO.849

TO BE ANSWERED ON MONDAY, THE 8TH AUGUST, 2011

Recommendations of SC about tribunals

849. SHRI M.P. ACHUTHAN:

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

(a) Whether the Constitution Bench of the Supreme Court, in the Union of India (UOI) vs R. Gandhi, reported in (2010) 11 SCC 1 in relation to composition, competence, standards, qualifications, tenure, lien of service and to safeguard the independence of thought and functioning of members of tribunals, had made some recommendations;

(b) if so, the details in this regard;

(c) whether the Ministry has taken any substantive steps to ensure that these recommendations of the Court are implemented in all existing tribunals; and

(d) if so, by when the Ministry intends to complete this exercise?

ANSWER

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

(a) & (b) : Yes, Sir. In its judgment delivered on 11.05.2010 in the Civil Appeal No 3067 of 2004 - Union of India Vs. R. Gandhi, President, Madras Bar Association, the Supreme Court has affirmed its observations made in L. Chandra Kumar's case (1977) 3 SCC 61 that uniformity in administration of tribunals may be brought in and there is a need of a nodal authority to oversee the functioning of tribunals and authorities set up by the Central Government.

(c) : The Government is seized of the matter and have made consultations with various Departments and Ministries presently administering the tribunals/authorities.

(d) : It is not possible to indicate any time limit to complete the above exercise as the final view has not been firmed up.

GOVERNMENT OF INDIA
MINISTRY OF LAW & JUSTICE
DEPARTMENT OF JUSTICE

RAJYA SABHA

UNSTARRED QUESTION NO.852

TO BE ANSWERED ON MONDAY, THE 8th AUGUST, 2011

Strength of Judges in Courts

852. SHRI RAJEEV CHANDRASEKHAR:

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

- (a) the number of sanctioned posts of judges in Supreme Court, High Court and Subordinate Courts in the country, State-wise;
- (b) the total number of posts lying vacant currently, State-wise;
- (c) the reasons for not filling up the vacant posts; and
- (d) the steps Government has taken in this regard, given the pendency of cases which is resulting from this problem?

ANSWER

MINISTER OF LAW AND JUSTICE
(SHRI SALMAN KHURSHID)

(a) & (b) : A statement showing the sanctioned strength and the vacancies of Judges in the Supreme Court of India and the High Courts and subordinate courts are annexed in Annexure. I and II.

(c) : 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 Supreme Court rests with the Chief Justice of India and for the appointment of a Judge of a High Court, with the Chief Justice of that High Court. The main reason for the large number of vacant posts is that the Government has not received sufficient proposals to fill up these vacant posts. 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.

Under Article 235 of the Constitution of India, the administrative control over the members of subordinate judiciary in the States vests with the concerned High Court and State Government. Thus, as regards the judge strength in the District and subordinate courts and filling them up is concerned, the responsibility vests with the respective State Governments and the High Courts.

(d): The Government has requested all the Chief Justices of High Courts to launch a campaign from July-December, 2011 to reduce pendency of cases in courts and also for filling up vacancies of judges in the High Courts and subordinate courts during the same period.

Annexure referred to in reply to parts (a) and (b) of Rajya Sabha
Unstarred Question No.852 for answer on 08.08.2011

Statement showing the Approved strength and vacancies of
Judges in the Supreme Court of India and the High Courts

Sl. No.	Name of the Court	Approved Strength as on 01.08.2011	Vacancies as on 01.08.2011
A.	Supreme Court of India	31	3
B.	High Court		
1	Allahabad	160	98
2	Andhra Pradesh	49	16
3	Bombay	75	14
4	Calcutta	58	14
5	Chhattisgarh	18	6
6	Delhi	48	12
7	Gauhati	24	6
8	Gujarat	42	18
9	Himachal Pradesh	11	-
10	Jammu & Kashmir	14	7
11	Jharkhand	20	8
12	Karnataka	50	9
13	Kerala	38	9
14	Madhya Pradesh	43	5
15	Madras	60	11
16	Orissa	22	5
17	Patna	43	4
18	Punjab & Haryana	68	25
19	Rajasthan	40	13
20	Sikkim	3	2
21	Uttarakhand	9	2
	Total	895	284

Annexure.II

Annexure referred to in reply to parts (a) and (b) of Rajya Sabha
Unstarred Question No.852 for answer on 08.08.2011

Sl. No.	State/Union Territory	Sanctioned Strength of District & Subordinate Courts as on 30.09.2010	Vacancies as on 30.09.2010
1	Uttar Pradesh	2187	294
2	Andhra Pradesh	931	159
3	Maharashtra	2087	234
4	Goa	49	6
5	Diu Daman & Dadra and Nagar Haveli	5	0
6	West Bengal and A&N Islands	933	155
7	Chhattisgarh	293	37
8	Delhi	605	168
9	Gujarat	1128	361
10	Assam	307	58
11	Meghalaya	10	2
12	Tripura	92	27
13	Manipur	33	2
14	Nagaland	27	1
15	Mizoram	40	9
16	Arunachal Pradesh	2	0
17	Himachal Pradesh	126	6
18	Jammu and Kashmir	207	44
19	Jharkhand	581	187
20	Karnataka	938	138
21	Kerala	432	12
22	Lakshadweep	3	0
23	Tamil Nadu	828	59
24	Puducherry	20	7
25	Madhya Pradesh	1290	154
26	Orissa	548	64
27	Bihar	1423	389
28	Punjab	412	120
29	Haryana	409	123
30	Chandigarh	20	0
31	Rajasthan	907	223
32	Sikkim	13	4
33	Uttarakhand	265	127
	Total	17151	3170

GOVERNMENT OF INDIA
MINISTRY OF LAW AND JUSTICE
DEPARTMENT OF JUSTICE

RAJYA SABHA
UNSTARRED QUESTION NO.854

TO BE ANSWERED ON 08.08.2011

Bench of Orissa High Court

D&Jus) Desk
+854. : SHRI RUDRA NARAYAN PANY:

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

- (a) whether Government is aware that a massive agitation is going on to have the Bench of Orissa High Court at some other place in the State;
- (b) if so, the details thereof; and
- (c) the steps so far taken by Government to resolve the matter and the details of future measures in this regard?

ANSWER
MINISTER OF LAW AND JUSTICE
(SHRI SALMAN KHURSHID)

(a) to (c) : The Orissa High Court has intimated that at some places in Western and Southern Orissa, agitation is going on to have a Permanent/Circuit Bench of the Orissa High Court. Some Bar Association in Western and Southern Orissa are boycotting Courts on some fixed days of the month such as last 3 days in support of their demand.

Setting up of benches of High Courts away from their principal seats is considered by the Central Government on receipt of a complete proposal from the State Government which has the consent of the Chief Justice of the concerned High Court. The Central Government has not received any such proposal from the Orissa Government.

GOVERNMENT OF INDIA
MINISTRY OF LAW & JUSTICE
RAJYA SABHA
QUESTION NO 2859
ANSWERED ON **29.08.2011**

Jug. Sec.

PILS IN SUPREME COURT.

2859 SHRI SHANTA KUMAR

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

- (a) the number of PILs admitted in Supreme Court during 2010-11;
- (b) in how many PILs strictures were passed against Government's functioning; and
- (c) how many PILs, out of these were related to black money and corruption issue?

ANSWER

MINISTER OF LAW & JUSTICE

(SHRI SALMAN KHURSHID)

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

**GOVERNMENT OF INDIA
MINISTRY OF LAW & JUSTICE
RAJYA SABHA
QUESTION NO 2860
ANSWERED ON 29.08.2011**

DS (JW)

VACANCIES AND PENDING CASES IN COURTS.

2860 Shri Avtar Singh Karimpuri

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

- (a) the total number of posts of judges lying vacant in districts High Courts, Supreme Court and other places in the country;
- (b) the number of cases pending State-wise and district-wise; and
- (c) the number of judges in the country belonging to Schedule Castes, Schedule Tribes and Other Backward Classes, State-wise?

ANSWER

MINISTER OF LAW AND JUSTICE

(SHRI SALMAN KHURSHID)

(a) : A statement showing number of posts of judges lying vacant as on 1.8.2011 in the Supreme Court of India and High Courts is annexed in Annexure. I. A statement showing number of posts lying vacant in District and subordinate courts as on 30.9.2010 is annexed in Annexure. II.

(b) : A statement showing the number of cases pending in District and subordinate courts, as on 30.9.2010, State-wise is annexed in Annexure. III.

(c) : Appointment of Judges of the Supreme Court and High Courts is made under Articles 124 and 217 of the Constitution of India respectively, which do not provide for reservation. Therefore, no such information is maintained. 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 and the State Government. No such information is maintained by the Central Government.

Annexure. I Annexure referred to in reply to part (a) of Rajya Sabha Unstarred Question No.2860 for answer on 29.08.2011 Sl. No. Name of the Court Vacancy of judges as on 01.08.2011 A
Supreme Court of India 3 B High Court 1 Allahabad 98 2 Andhra Pradesh 16 3 Bombay 14 4
Calcutta 14 5 Chhattisgarh 6 6 Delhi 12 7 Gauhati 6 8 Gujarat 18 9 Himachal Pradesh - 10 Jammu
& Kashmir 7 11 Jharkhand 8 12 Karnataka 9 13 Kerala 9 14 Madhya Pradesh 5 15 Madras 11 16
Orissa 5 17 Patna 4 18 Punjab & Haryana 25 19 Rajasthan 13 20 Sikkim 2 21 Uttarakhand 2 Total
284

Annexure.II

v Annexure referred to in reply to part (a) of Rajya Sabha Unstarred Question No.2860 for answer on 29.08.2011

Sl. No. State/Union Territory Vacancies as on 30.09.2010 1 Uttar Pradesh 294 2 Andhra Pradesh 159 3 Maharashtra 234 4 Goa 6 5 Diu Daman & Dadra and Nagar Haveli 0 6 West Bengal and A&N Islands 155 7 Chhattisgarh 37 8 Delhi 168 9 Gujarat 361 10 Assam 58 11 Meghalaya 2 12 Tripura 27 13 Manipur 2 14 Nagaland 1 15 Mizoram 9 16 Arunachal Pradesh 0 17 Himachal Pradesh 6 18 Jammu and Kashmir 44 19 Jharkhand 187 20 Karnataka 138 21 Kerala 12 22 Lakshadweep 0 23 Tamil Nadu 59 24 Puducherry 7 25 Madhya Pradesh 154 26 Orissa 64 27 Bihar 389 28 Punjab 120 29 Haryana 123 30 Chandigarh 0 31 Rajasthan 223 32 Sikkim 4 33 Uttarakhand 127
Total 3170

Annexure.III

Annexure referred to in reply to part (b) of Rajya Sabha Unstarred Question No.2860 for answer on 29.08.2011

Sl. No. State/Union Territory Total pending court cases as on 30.09.2010 1 Uttar Pradesh 5631993 2 Andhra Pradesh 956448 3 Maharashtra 4057973 4 Goa 29721 5 Diu Daman 2034 6 Dadra and Nagar Haveli 3950 7 West Bengal 2747170 8 A&N Islands 15031 9 Chhattisgarh 270186 10 Delhi 939850 11 Gujarat 2201244 12 Assam 251020 13 Nagaland 5080 14 Meghalaya 12889 15 Manipur 8757 16 Tripura 57467 17 Mizoram 4415 18 Arunachal Pradesh 6348 19 Himachal Pradesh 170724 20 Jammu and Kashmir 184656 21 Jharkhand 284391 22 Karnataka 1154526 23 Kerala 972995 24 Lakshadweep 215 25 Madhya Pradesh 1159421 26 Tamil Nadu 1255011 27 Puducherry 27016 28 Orissa 1113844 29 Bihar 1523142 30 Punjab 572550 31 Haryana 565591 32 Chandigarh 84668 33 Rajasthan 1509066 34 Sikkim 1304 35 Uttarakhand 172374

Total 27953070

**GOVERNMENT OF INDIA
MINISTRY OF LAW & JUSTICE
RAJYA SABHA
QUESTION NO 2861
ANSWERED ON 29.08.2011**

M. Cell

PLAN TO REDUCE PENDENCY IN COURTS.

2861

Smt. Viplove Thakur

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

- (a) whether Government has formulated a plan to reduce the pendency of old cases in the High Courts and Subordinate, Courts of the country;
- (b) if so the details and salient features thereof;
- (c) whether any targets has been set out for disposal of cases relating to under-trials, senior citizens, minors, disabled, women and children and other marginalized groups in the society;
- (d) if so, the details thereof;
- (e) whether this programme is also supposed to increase the accountability of courts; and
- (f) if so, the details thereof and if not, the reasons therefor?

ANSWER

MINISTER OF LAW AND JUSTICE

(SHRI SALMAN KHURSHID)

(a) & (b): Yes, Sir. Government has requested all the Chief justices of High Courts to launch a campaign to reduce pendency of cases in courts from July-December, 2011. The High Courts have been requested to give targets for disposal of cases to morning/evening/shift courts, Subordinate Courts and the High Court itself. Targets and types of cases for disposal by Lok Adalats and ADR Centres may also be determined. Summary procedure as allowed by law, plea bargaining, compounding of cases to be used to reduce the caseload in courts especially those pending over 5-15 years.

The Thirteenth Finance Commission has provided 5000 crore for support to judiciary with the objective of improved judicial outcomes primarily aiming at speedy justice out of which an amount of ₹ 1000 crore has been released. One of the major objective of TFC grant is increasing court working hours within the existing infrastructure through establishing morning/evening/shift courts for disposal of petty cases. Besides, a Central Sector Scheme for computerisation of courts, E-Court project, at a cost of 935 crore is being implemented under Mission Mode Project which will modernize court functioning and envisage several citizen centric services. Also, to achieve the objectives set out in the Vision Document 2009, adopted in the National Consultation for Strengthening the judiciary towards Reducing Pendency and Delays, setting up of a National

Mission for justice Delivery and Legal Reforms has been approved whose prime objective is increasing access to justice by reducing delay. For infrastructure development of subordinate judiciary the allocation has been enhanced. Allocation of funds for Gram nyayalayas during the current year has also been substantially enhanced.

(c) & (d): The High Courts have also been requested to give priority to disposal of long pending cases pertaining to senior citizens, minors, disabled and other marginalized groups. Government also requested all the High Courts to undertake a programme in Mission Mode for reducing the number of undertrials cases.

(e) & (f): This programme aims at reduction of pendency of cases in courts. Regarding accountability and standards in the judiciary, the judicial Standards and Accountability Bill, 2010 has been introduced in the Lok Sabha in December, 2010. The bill has been referred to the Standing Committee.

GOVERNMENT OF INDIA
MINISTRY OF LAW & JUSTICE
RAJYA SABHA
QUESTION NO 2865
ANSWERED ON 29.08.2011

Jus. Sec.

INCREASE IN RETIREMENT AGE OF HIGH COURT JUDGES.

2865 SHRI KALRAJ MISHRA

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

- (a) whether Government is considering to increase the retirement age of Judges of the High Court from 62 years to 65 years in view of increasing number of pending cases in the High Courts;
- (b) if so, the details thereof; and
- (c) the action taken, so far, in this regard?

ANSWER

MINISTER OF LAW & JUSTICE

(SHRI SALMAN KHURSHID)

(a) to (c) : Yes, Sir. Government has introduced an appropriate Bill viz. The Constitution (One Hundred and Fourteenth Amendment) Bill on 25th August, 2010 in the Lok Sabha to suitably amend the relevant articles of the Constitution.

GOVERNMENT OF INDIA
MINISTRY OF LAW & JUSTICE
DEPARTMENT OF JUSTICE

DS (Jus)

RAJYA SABHA

UNSTARRED QUESTION NO.2867

TO BE ANSWERED ON MONDAY, the 29.8.2011

Appointment of Judges in higher judiciary

2867. SHRI JAI PRAKASH:
SHRIMATI SHOBHANA BHARTIA:

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

- (a) whether the present collegium system of appointment of Judges to the Supreme Court and High Courts needs drastic changes;
- (b) if so, whether Government has taken steps to deal with the issue;
- (c) if so, whether a National Judicial Commission would be set up to ensure greater transparency in the appointment of Judges to the Supreme Court and the High Courts; and
- (d) if so, the steps taken by Government in this direction?

ANSWER

MINISTER OF LAW AND JUSTICE

(SHRI SALMAN KHURSHID)

(a) to (d): The existing procedure for appointment of Judges of the Supreme Court of India and the High Courts, which 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, has been debated in various fora and there have been demands to change the same. There is, at present, no specific proposal under consideration of the Government to reconsider this procedure.

GOVERNMENT OF INDIA
 MINISTRY OF LAW & JUSTICE
 RAJYA SABHA
 QUESTION NO 2873
 ANSWERED ON 29.08.2011

DS (Jus)

RECOMMENDATIONS BY GUJARAT HIGH COURT.

2873 SHRI PARIMAL NATHWANI

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

- (a) the details of the names recommended by Gujarat High Court during the last three years;
- (b) the details of the names accepted and rejected; and
- (c) the reasons for rejection of recommended names by Government?

ANSWER

MINISTER OF LAW AND JUSTICE

(SHRI SALMAN KHURSHID)

(a) to (c) : The then Chief Justice of the Gujarat High Court had in 2009 recommended the names of Shri Darshan Mahesh Parikh, Shri Rashmin Manharrai Chhaya, Shri Mehul Hiralal Rathod, Shri Jamshed Burjor Pardiwala, Shri Asim Jayantbhai Pandya, and Smt. Manisha Lavkumar Shah, Advocates, and Shri Gautam Babubhai Shah, Shri Pranav Bhadrakumh Desai, Miss Bela Madhurya Trivedi, Shri Pradip Premshankar Bhatt, Miss Sonia Girdhar Gokani and Shri Giriraj Kanubhai Upadhyaya, Judicial Officers, for appointment as Judges of the Gujarat High Court. Of these, notification for the appointment of Shri Rashmin Manharrai Chhaya, Shri Jamshed Burjor Pardiwala, Shri Gautam Babubhai Shah, Miss Bela Madhurya Trivedi, Shri Pradip Premshankar Bhatt, and Miss Sonia Girdhar Gokani, as Additional Judges of the Gujarat High Court, was issued on 14.2.2011, as approved by the competent authority and others were rejected on the ground of suitability. The Chief Justice of the Gujarat High Court has recently recommended the names of 9 Advocates and 4 Judicial Officers for appointment as Additional Judges in the Gujarat High Court. ...2/-

: 2 : The Supreme Court Collegium did not recommend the names of remaining 4 Advocates and 2 Judicial Officers for elevation to the High Court Bench. Their names were remitted to the Chief Justice of the Gujarat High Court on 08.03.2011. ...

GOVERNMENT OF INDIA
MINISTRY OF LAW & JUSTICE
RAJYA SABHA
QUESTION NO 2874
ANSWERED ON 29.08.2011

Jus-Sec.

CREATION OF ALL INDIA JUDICIAL SERVICE.

2874 SHRI RAM VILAS PASWAN

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

- (a) whether Government would create All India Judicial Service on the pattern of Indian Administrative Service and Indian Police Service;
- (b) if not, whether it is a violation of article 312 of the Constitution; and
- (c) by when Government would create this service?

ANSWER

MINISTER OF LAW & JUSTICE

(SHRI SALMAN KHURSHID)

(a) to (c) : The Government is seized of the matter of creation of an All India Judicial Service under article 312 of the Constitution which requires a Resolution to be passed by the Rajya Sabha enabling the Parliament to enact necessary laws.

GOVERNMENT OF INDIA
 MINISTRY OF LAW & JUSTICE
 RAJYA SABHA
 QUESTION NO 2876
 ANSWERED ON 29.08.2011

M. Cell

SPECIAL COURTS FOR SPEEDY TRIALS.

2876 SHRI MOINUL HASSAN

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

- (a) whether backlog in the number of pending cases has been on the rise; and
- (b) whether Government intends to mandate all States to set up special courts to ensure the speedy trial of cases under the Protection of Civil Rights Act and the Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act?

ANSWER

MINISTER OF LAW AND JUSTICE:

(SHRI SALMAN KHURSHID)

(a): As per latest available information, the number of cases pending in the Courts for the last three years is given below:

As on	Cases pending in the High Courts	Cases pending in the Subordinate Courts
31.12.07	38,16,983	2,54,18,165
31.12.08	38,74,090	2,64,09,011
31.12.09	40,76,837	2,72,75,953

(b): Yes, Sir. The Protection of Civil Rights Act, 1955 and the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, are implemented by respective State Governments and Union Territory Administrations. In accordance with section 14 of the Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act, 1989, the State Government, for the purpose of providing for speedy trial, with the concurrence of the Chief Justice of the High Court, by notification in the official Gazette, specifies for each district, a Court of Session to be Special Court to try the offences under the Act. For ensuring speedy trial of cases under the Act, total 177 exclusive Special Courts have also been reportedly set up in the States.

GOVERNMENT OF INDIA
 MINISTRY OF LAW & JUSTICE
 RAJYA SABHA
 QUESTION NO 3485
 ANSWERED ON 05.09.2011

M. Cell

DISPOSAL OF PENDING CASES IN HIGH COURTS.

3485 Shri Ramchandra Prasad Singh

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

- (a) whether it is a fact that the pending cases in High Courts of the country are rising constantly since March 31, 2009;
- (b) if so, the facts in this regard and the number of cases pending as on March 31, 2009 and July 31, 2011 respectively; and
- (c) the total number of cases disposed of by the said courts from March 31, 2009 to July 31, 2011?

ANSWER

MINISTER OF LAW AND JUSTICE

(SHRI SALMAN KHURSHID)

(a) & (b): As per the available information, the number of cases pending in the High Courts upto 31.12.2010 is given below: Qtr. ending on Cases pending in the High Courts 31.03.09 39,55,224
 31.12.10 42,49,344

(c): As per latest available information, the number of cases disposed of in the High Courts from 01.04.2009 to 31.12.2009 is 12,41,393 and from 01.01.2010 to 31.12.2010, is 16,77,863.

GOVERNMENT OF INDIA
 MINISTRY OF LAW & JUSTICE
 RAJYA SABHA
 QUESTION NO 3486
 ANSWERED ON 05.09.2011

JA DESK

COMPUTERIZATION AND DISPOSAL OF CASES IN COURTS.

3486 SHRI RAMA CHANDRA KHUNTIA

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

- (a) whether it is possible to dispose of all cases in any higher or lower court within a time-frame of one year;
- (b) whether all courts in the country are computerized; and
- (c) if not, whether Government can give a specific time-frame to computerize all courts?

ANSWER

MINISTER OF LAW AND JUSTICE

(SHRI SALMAN KHURSHID)

(a) Disposal of cases is within the domain of Courts. By utilising the funds under 13th Finance Commission for pendency clearance, courts have been requested to clear pending cases in a campaign mode.

(b) & (c) Government is implementing e-Courts Mission Mode Project under which it is envisaged to computerise 12000 courts in 2100 court complexes by 3pt March, 2012 and the balance 2249 courts in 969 court complexes by 3pt March 2014.

GOVERNMENT OF INDIA
MINISTRY OF LAW & JUSTICE
RAJYA SABHA
QUESTION NO 3488
ANSWERED ON 05.09.2011

Jus. Sec.

JUDGE POPULATION RATES.

3488 SHRI MOINUL HASSAN

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

- (a) whether there are only eleven judges representing every one million people in India as compared to advanced countries where the number of judges exceeds hundred;
- (b) if so, the reasons therefor; and
- (c) if not, the details thereof?

ANSWER

MINISTER OF LAW & JUSTICE

(SHRI SALMAN KHURSHID)

(a) to (c) : The Law Commission in its 120th Report recommended that the strength of judges per one million population may be increased from 10.5 to 50 judges per million population. The judge strength of the High Courts is reviewed every three years. The data received from the High Courts for the triennial review of the judge strength of the High Courts are analyzed in accordance with the guidelines fixed for the increase of the strength which is based on number of cases filed and disposed. With regard to subordinate judiciary, the Supreme Court, in its judgment of 21st March, 2002, in All India Judges' Association & Ors Vs. Union of India & Ors, directed the States that an increase in the Judge strength from the existing 10.5 or 13 per 10 lakh people to 50 judges per 10 lakh people should be effected and implemented within a period of five years. The Central Government filed a modification petition in the Supreme Court praying that the increase in judge strength in the Union Territories for which Central Government is administratively responsible be allowed based on workload and pendency of cases.

**GOVERNMENT OF INDIA
MINISTRY OF LAW & JUSTICE
RAJYA SABHA
QUESTION NO 3489
ANSWERED ON 05.09.2011**

Desk Side

VACANCIES IN GAUHATI HIGH COURT.

3489 Shri Avinash Rai Khanna

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

- (a) the number of sanctioned posts in Gauhati High Court;
- (b) the number of vacancies therein;
- (c) by when these vacancies would be filled up;
- (d) whether it is a fact that no Judge has been appointed from Arunachal Pradesh and Meghalaya;
- (e) if so, whether Government is planning to appoint Judges from these States to fill up the vacancies and if not, the reasons therefor; (f) by when these posts would be filled up; and (g) whether there is a demand for separate High Court in Arunachal Pradesh and if so, what is the policy of Government?

ANSWER

MINISTER OF LAW AND JUSTICE

(SHRI SALMAN KHURSHID)

(a), (b) & (c) : Against the approved strength of 24 Judges of the Gauhati High Court, 18 Judges were in position as on 1.9.2011 leaving 6 vacancies to be filled up. Proposals received from the Chief Justice, Gauhati High Court are under consideration ..

(d): Out of the 18 Judges in position at present, no one is from Arunachal Pradesh and Meghalaya.

(e) & (f): 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 a Judge of a High Court rests with the Chief Justice of the concerned High Court and in this case the Chief Justice of the Gauhati High Court. (g) : The Government have decided to set up separate High Courts for each of the North Eastern States. Setting up of a High Court is subject to creation of necessary infrastructural facilities by the respective State Governments. The State of Arunachal Pradesh has not provided adequate infrastructural facilities so far.

GOVERNMENT OF INDIA
MINISTRY OF LAW AND JUSTICE
DEPARTMENT OF JUSTICE

RAJYA SABHA
UNSTARRED QUESTION NO.3491

TO BE ANSWERED ON 05.09.2011

Supreme Court benches

Desk Side

+3491. : SHRIMATI BIMLA KASHYAP SOOD:

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

- (a) whether with the increasing population the number of disputes have also increased and it has become necessary to establish benches of the Supreme Court in other cities of the country;
- (b) if so, whether the Department related Parliamentary Standing Committee on Personnel, Public Grievances, Law and Justice has expressed its displeasure in its sixth report on Demand for Grants of the Ministry for 2005-06;
- (c) if so, whether the Committee has observed the need for discussing the matter again and also to explore the feasibility of establishing benches at other major places in the country; and
- (d) if so, the outcome thereof?

ANSWER
MINISTER OF LAW AND JUSTICE
(SHRI SALMAN KHURSHID)

(a) to (d) : Representations have been received from time to time from various sources, for establishment of Benches of Supreme Court in various parts of the country. However, the Chief Justice of India has not agreed for setting up benches of the Supreme Court outside Delhi.

The Department Related Parliamentary Standing Committee on Personnel Public Grievances, Law and Justice has expressed its displeasure to the persistent opposition for establishing benches of the Supreme Court in its sixth report on Demand for Grants of the Ministry for 2005-06 and advised the Government to discuss the issues once again with the Supreme Court.

The matter was referred to the Chief Justice of India, who informed that after consideration of the matter, the Full Court in its meeting held on 18th February, 2010 found no justification for setting up of benches of the Supreme Court outside Delhi.

GOVERNMENT OF INDIA
MINISTRY OF LAW & JUSTICE
DEPARTMENT OF JUSTICE

RAJYA SABHA

UNSTARRED QUESTION NO.3492

TO BE ANSWERED ON MONDAY, the 05.09.2011

Appointment of Supreme Court Judge from the Bar

3492. SHRI PARIMAL NATHIWANI:

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

- (a) whether it is a fact that the Supreme Court has one post for appointing a Judge through the Bar directly under Article 124 (3);
- (b) whether it is also a fact that Hon'ble Justice Kuldip Singh was the last Judge appointed from the Bar directly in the Supreme Court under the said Article, and
- (c) whether Government is continuing with this Article or does not wish to use this Article and also why no appointment has been made, so far, since the last such appointment?

ANSWER

MINISTER OF LAW AND JUSTICE

(SHRI SALMAN KHURSHID)

(a) : No, Sir.

(b) : Shri Justice N. Santosh Hegde was the last Supreme Court Judge appointed directly from the Bar.

(c) : Pursuant to the Supreme Court Judgment of October 6, 1993 in the Supreme Court Advocates-on-Record & Anr. Vs. Union of India, read with the Advisory Opinion of October 28, 1998, the process of initiation of proposal for appointment of a Judge of the Supreme Court lies with the Chief Justice of India.

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**GOVERNMENT OF INDIA
MINISTRY OF LAW & JUSTICE
RAJYA SABHA
QUESTION NO 3493
ANSWERED ON 05.09.2011**

JP Desk

FUNCTIONING OF GRAM NYAYALAYAS.

3493

Smt. Gundu Sudharani

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

- (a) the number of Gram Nyayalayas in the country, State-wise;
- (b) the number of cases filed and disposed by these courts during the last three years, year-wise and State-wise;
- (c) the details of mobile courts in the country, State-wise; and
- (d) how- mobile courts are helping the Gram Nyayalayas in speedy disposal of cases?

ANSWER

MINISTER OF LAW AND JUSTICE

(SHRI SALMAN KHURSHID)

(a) As per information available, the details of the number of Gram Nyayalayas in the country, State-wise are as under :-

Sr. No.	State	No. of Gram Nyayalayas	
		Notified	Functional
1.	Madhya Pradesh	89	48
2.	Rajasthan	45	8
3.	Orissa	8	1
4.	Maharashtra	9	6
	Total	151	47

(b) to (d): The information is not maintained centrally by the Government.

GOVERNMENT OF INDIA
MINISTRY OF LAW & JUSTICE
DEPARTMENT OF JUSTICE

Desk Side

RAJYA SABHA

UNSTARRED QUESTION NO.3494

TO BE ANSWERED ON MONDAY, the 05.09.2011

Vacancies in Supreme Court

3494. SHRI R.C. SINGH:

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

- (a) whether it is a fact that in the coming eight months nine judges if the Supreme Court are retiring and if two existing vacancies are also added to it, there would be 11 vacancies of Judges in the Court; and
- (b) if so, the steps the Ministry has taken to fill these vacancies in time?

ANSWER

MINISTER OF LAW AND JUSTICE

(SHRI SALMAN KHURSHID)

(a) : There would be 11 vacancies of Judges in the Supreme Court of India upto 31.05.2012 including existing 4 vacancies of Judges as on 31.8.2011.

(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 a Judge of a Supreme Court of India rests with the Chief Justice of India. The proposals received from the Supreme Court are under consideration of the Government.

**GOVERNMENT OF INDIA
MINISTRY OF LAW & JUSTICE
RAJYA SABHA
QUESTION NO 3495
ANSWERED ON 05.09.2011**

JR Desk

GRAM NYAYALAYAS.

3495

SHRI R.C. SINGH

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

- (a) the details of Gram Nyayalayas established by each State since implementation of the Gram Nyayalayas Act, 2008;
- (b) whether it is a fact that many States have not set up Gram Nyayalayas;
- (c) if so, the reasons therefor; and
- (d) the details of assistance provided by Government for setting up of Gram Nyayalayas in the States?

ANSWER

MINISTER OF LAW AND JUSTICE

(SHRI SALMAN KHURSHID)

(a) As per information available, the details of the number of Gram Nyayalayas in the country, State-wise are as under:-

Sr. No.	State	No. of Gram Nyayalayas	
		Notified	Functional
1.	Madhya Pradesh	89	48
2.	Rajasthan	45	8
3.	Orissa	8	1
4.	Maharashtra	9	6
	Total	151	47

to set up Gram Nyayalayas. Many States expressed support and willingness and some States like Madhya Pradesh, Rajasthan, Maharashtra and Orissa notified Gram Nyayalayas soon after the Act came into force. Some States have, however, requested for higher central financial assistance while indicating their willingness to establish Gram Nyayalayas. Uttar Pradesh and West Bengal are such States. Some States, however, have for different reasons, not felt the need to set up Gram Nyayalayas. Tamilnadu, Uttarakhnad, Chandigarh, Lakshadweep and Delhi are such States. A statement indicating the views received from States / UTs is annexed.

(d) As per the scheme for assistance to State Governments for establishing and operating Gram Nyayalayas, the Central Government provides 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 for the first three years.

M. C. C.

GOVERNMENT OF INDIA
 MINISTRY OF LAW & JUSTICE
 RAJYA SABHA
 QUESTION NO 3497
 ANSWERED ON **05.09.2011**

AMENDMENT TO SECTION A OF IPC.

3497 SHRI RANJITSINH VIJAYSINH MOHITE PATIL

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

- (a) whether it is a fact that more than a lakh cases are pending under Section 498-A of Indian Penal Code as reported in the newspaper;
- (b) whether, in view of this and a nation wide consultations and the overwhelming response received by the Law Commission, the Commission is considering to amend the Section to make the offence compoundable; and
- (c) if so, the Government's reation thereto?

ANSWER

MINISTER OF LAW AND JUSTICE

(SHRI SALMAN KHURSHID)

(a): Information is being collected and will be laid on the Table of the House.

(b) & (c): As per the information received from the Law Commission of India, the Law Commission has taken up the study of the subject and has prepared a Consultation Paper-cum-Questionnaire regarding Section 498-A of Indian Penal Code and circulated to all concerned to elicit views thereon. The Law Commission has received a large number of responses from various quarters and the same are being examined by them. As far as compoundability of the offence is concerned, the report of the Law Commission under the heading "Compoundable Offences" is not finalised.