2011

LOK SABHA REPLIES

MONSOON SESSION, 2011
[8th SESSION OF 15th LOK SABHA][1st February, 2011 to 8th September, 2011]

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

M. Cell

LOK SABHA
UNSTARRED QUESTION NO. 713

TO BE ANSWERED ON THURSDAY, THE 4TH AUGUST, 2011

Under Trial Prisoners

713. SHRI P. VISWANATHAN:

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

(a) whether the Government has launched Mission Mode Programme for the release of under trial prisoners;

(b) if so, the progress made so far under the programme; and

(c) the steps taken by the Government to ensure speedy justice delivery system in the country?

ANSWER
MINISTER OF LAW & JUSTICE
(SHRI SALMAN KHURSHID)

(a)&(b) Yes, Madam. Ministry of Law & Justice has launched a 'Mission Mode Programme for Delivery of Justice and Legal Reforms – Undertrials Programme' with effect from 26th January, 2010 with an aim to reduce the congestion in jails. As per information received from the Registry of the High Courts/ State Governments, 5,62,397 undertrial prisoners have been released on bail and 77,940 undertrial prisoners has been discharged during the period from 26.01.2010 to 31.05.2011.

(c) 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 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 Ministry 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.

JR Desk

GOVERNMENT OF INDIA
MINISTRY OF LAW AND JUSTICE
DEPARTMENT OF JUSTICE

LOK SABHA

UNSTARRED QUESTION NO. +720

TO BE ANSWERED ON THURSDAY, THE 4TH AUGUST, 2011

Judicial Residential Building

+720. SHRIMATI KAMLA DEVI PATLE:

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

(a) whether the Government has received any proposal from the Government of Chhattisgarh for construction of judicial and residential buildings under ten years prospective plan;

(b) if so, the details thereof;

(c) whether the proposed amount for the construction of new court rooms and reconstruction of old court rooms and residential buildings for first two years have been sanctioned; and

(d) if so, the details thereof?

ANSWER

MINISTER OF LAW AND JUSTICE
(SHRI SALMAN KHURSHID)

(a) Yes, Madam.

(b) The Department of Justice is implementing a Centrally Sponsored Scheme for development of infrastructure facilities for the judiciary since

Cont.....2/-

1993-94 to augment the resources of the State Governments / UTs in this regard. The scheme covers construction of court buildings and residential accommodation of judicial officers/judges covering Subordinate Courts.

During preparation of Eleventh Five Year Plan, information regarding requirement of funds for construction of Court Buildings and Residential Quarters was called from all States/UTs for the next ten years under Ten Years Perspective Plan. The Government of Chhattisgarh had projected a total requirement of ₹ 67.27 crore for construction of Court Building and Residential Quarters for a period of ten years, out of which ₹ 29.56 crore was for the first two years. Against the total projected requirement of ₹ 3000 crore for all the States / UTs, Planning Commission had provided ₹ 701.08 crore for the Eleventh Five Year Plan period.

(c) & (d) During the first two years of the Eleventh Five Year Plan, an amount of ₹ 9.56 crore was released to the Government of Chhattisgarh. The total releases made to the Govt. of Chhattisgarh during the Eleventh Five Year Plan upto 31.7.2011 is ₹ 39.39 crore, including an amount of ₹ 16.78 crore released in 2011-12.

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JR Desk

GOVERNMENT OF INDIA
MINISTRY OF LAW AND JUSTICE
DEPARTMENT OF JUSTICE

LOK SABHA

UNSTARRED QUESTION NO. +738

TO BE ANSWERED ON THURSDAY, THE 4TH AUGUST, 2011

Mobile Courts in Gujarat

+738. SHRI MANSUKH BHAI D. VASAVA:

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

(a) whether the Government has taken any step to establish mobile courts in backward region of Gujarat;

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

(c) if not, the reaction of the Government thereto; and

(d) the corrective steps being taken by the Government in this regard?

ANSWER

MINISTER OF LAW AND JUSTICE
(SHRI SALMAN KHURSHID)

(a) to (d) The decision to establish mobile court is to be taken by the State Government of Gujarat in consultation with High Court of Gujarat. So far no such court has been established in the backward region of Gujarat.

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JR DESK

GOVERNMENT OF INDIA
MINISTRY OF LAW AND JUSTICE
DEPARTMENT OF JUSTICE

LOK SABHA

UNSTARRED QUESTION NO. +799

TO BE ANSWERED ON THURSDAY, THE 4TH AUGUST, 2011

Right to Justice

+799. SHRI DATTA MEGHE:

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

(a) whether the Government proposes to bring any law like Right to Justice in the country;

(b) if so, the details thereof;

(c) whether the Government has stipulated any time-frame for the same; and

(d) if so, the details thereof?

ANSWER

MINISTER OF LAW AND JUSTICE
(SHRI SALMAN KHURSHID)

(a) No, Madam.

(b) to (d) Do not arise.

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GOVERNMENT OF INDIA
MINISTRY OF LAW AND JUSTICE
DEPARTMENT OF JUSTICE

DS(Jus)/Desk

LOK SABHA
UNSTARRED QUESTION NO.806

TO BE ANSWERED ON 04.08.2011

Investigation against Judges

+806. DR. MURLI MANOHAR JOSHI:
SHRI RAJIV RANJAN SINGH:
ALIAS LALAN SINGH:

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

(a) whether it is a fact that an investigation was carried out against large number of judges during April, 2010 to March, 2011;

(b) if so, the total number of judges who were subjected to judicial probe;

(c) the number of judges among them at the level of courts, lower to Supreme Court, separately; and

(d) the details of the main charges found during the probe against these judges?

ANSWER
MINISTER OF LAW AND JUSTICE
(SHRI SALMAN KHURSHID)

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

M-Cell

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

LOK SABHA
UNSTARRED QUESTION NO. 844

TO BE ANSWERED ON THURSDAY, THE 4TH AUGUST, 2011

Fast Track Court in Uttar Pradesh

+844. SHRI ASHOK KUMAR RAWAT:

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

(a) whether the Union Government has received any proposal from Government of Uttar Pradesh in regard to 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) the time by which this proposal is likely to be finalised?

ANSWER
MINISTER OF LAW & JUSTICE
(SHRI SALMAN KHURSHID)

(a)&(b) Yes, madam. A proposal was received from the Government of Uttar Pradesh for release of central grant of ₹ 41.52 crore per year (recurring) and ₹ 26.18 crore (non-recurring) as 100% central grant for establishing 308 additional Fast Track Courts in the State.

(c)&(d) Out of 1562 Fast Track Courts in the country, only 242 Fast Track Courts was earmarked for Uttar Pradesh and accordingly central grant was released to the State Government as per the norms of the approved scheme i.e. ₹ 4.80 lakh per court per annum (recurring) and ₹ 8.60 lakh (non-recurring). The State Government was informed that it was not possible to consider central assistance in excess of the approved norms. The scheme of central funding to States for Fast Track Courts has not been extended beyond 31.3.2011.

GOVERNMENT OF INDIA
MINISTRY OF LAW AND JUSTICE
DEPARTMENT OF JUSTICE

LOK SABHA

Tue. dec.

UNSTARRED QUESTION NO.865

TO BE ANSWERED ON THURSDAY, THE 4TH AUGUST, 2011

Retirement Age and Vacancies of Judges

865. SHRI SARDAR SUKHDEV SINGH LIBRA:
DR. SANJEEV GANESH NAIK:
SHRIMATI SUPRIYA SULE:
SHRI SURENDRA SINGH NAGAR:

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

(a) whether the retirement age of High court judges be raised at par with that of Supreme Court judges;

(b) if so, the details thereof;

(c) the strength of Supreme Court and High Court judges as on date;

(d) the vacancies of judges being vacant in various courts as on date;

(e) the pending cases in each High Court till 31st July, 2011 in the country; and

(f) the steps taken to fill up the vacancies and reduce pendency of cases in various courts?

ANSWER

MINISTER OF LAW & JUSTICE
(SALMAN KHURSHID)

(a) & (b) : Yes, Madam. A Bill namely. The Constitution (One Hundred and Fourteenth Amendment) Bill, 2010 was introduced in the Lok Sabha on 25th August, 2010. The Bill seeks to amend clause (1) of article 217 and clause (3) of article 224 of the Constitution of India to provide for increase in the age of retirement of Judges, additional or acting Judges of High Courts from the existing age of sixty-two years to sixty-five years.

(c) & (d) : A statement showing the approved strength and vacancies of Judges in the Supreme Court of India and various High Courts as on 1st August, 2011 is annexed as **Annexe-I**.

...2/-

As regards the judge strength in the District and subordinate courts, the primary responsibility for taking necessary action for increasing the judge strength vests with the respective State Governments and the High Courts. No data in this regard is maintained.

(e) : A statement indicating pendency position as on 30.09.2010, as accessed from the website of the Supreme Court, is annexed as **Annexe-II**.

(f) : 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. 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.

The Government has taken a number of measures to facilitate expeditious disposal of cases in courts as mentioned below:-

(i) The Government has approved setting up of 'National Mission' for Justice Delivery and Legal Reforms'. The major goals are (a) increasing access by reducing delays and arrears in the system, and (b) enhancing accountability through structural changes and by setting performance standards and capacities.

(ii) The Government has accepted the recommendations of the Thirteenth Finance Commission to provide a grant of Rs.5000 crore to the States for improving the justice delivery system in the country over a five year period 2010-15. A grant of Rs.1000 crore 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, organize 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 buildins.

(iii) In order to computerize the justice delivery system Government is implementing e-Courts Project for the District and Subordinate Courts in the country and upgradation of ICT infrastructure in superior courts at an estimated cost of Rs.935 crore. The target is to computerize 12000 Courts by 31st March, 2012 and 14249 Courts by 31st March, 2014.

...3/-

(iv) Enactment of the Gram Nyayalayas Act, 2008 which provides for establishment of Gram Nyayalayas to improve access to justice to marginalized. The current year allocation has been increased from Rs.40 crore to Rs.150 crore. So far, 151 Gram Nyayalayas have been notified by the States.

(v) All the Chief Justices of High Courts have been requested 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.

Annexure -I

Annexure referred to in reply to parts (c) & (d) of Lok Sabha Unstarred Question No.865 for answer on 04.08.2011

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

Annexe - II

Annexure referred to in reply to part (e) of Lok Sabha Unstarred Question No.865 for answer on 04.08.2011.

COURT NEWS OCTOBER - DECEMBER, 2010

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

S. No	NAME OF HIGH COURT	Civil Cases				Criminal Cases				Total
		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	Pendency of Civil and Criminal Cases at the end of 30-09-10
1	Allahabad	688989	44405	45426	687968	300943	33488	28803	305631	993599
2	Andhra Pradesh	168167	14847	13244	169770	25833	4804	5716	24921	194691
3	Bombay	293819	33055	26035	302839	44658	7428	7307	44779	347618
4	Calcutta	260402	15992	12488	263904	48180	7133	8454	46859	333763
5	Chhattisgarh	40390	4075	5095	39370	16775	2550	2633	16732	56102
6	Delhi	49714	8235	8315	49634	12353	3528	3860	11741	61375
7	Gujarat	89955	16239	15460	72735	25385	5455	8447	25393	98128
8	Gauhati	51142	8233	12965	44410	8974	2787	2771	8990	53400
9	Himachal Pradesh	43134	7585	10257	40462	6449	1723	1335	6236	46698
10	Jammu & Kashmir	60515	4188	1930	62771	3006	410	281	3134	65905
11	Jharkhand	30793	2093	2628	31218	25532	5731	5263	26000	57218
12	Karnataka	177634	45409	32614	189429	20067	6359	5982	20414	209843
13	Kerala	88382	16041	13422	91303	28800	6235	5374	29461	120764
14	Madhya Pradesh	143818	20187	17355	146823	65757	11202	9919	67100	213028
15	Madras	407088	52137	57863	401362	41090	21316	18789	43617	444979
16	Orissa	256237	15140	8475	244902	28825	10648	9423	30150	275362
17	Patna	80475*	9043	11130	78293	46784	16132	12916	49000	128293
18	Punjab & Haryana	193792	16680	22075	188295**	49037	13386	13160	48263	237658
19	Rajasthan	211723	17995	13072	216835	61214	9717	7740	63191	280826
20	Sikkim	60	14	38	36	19	7	10	16	52
21	Uttarakhand	12173	1885	2266	11792	5439	1261	1781	5819	17611
	TOTAL	3318477	355291	335570	3338256	986768	171840	158861	981647	4217903

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

* Closing balance of Civil cases as on 30.06.2010 revised by High Court concerned.
** 2 RFA transferred to the District and Sessions Judges concerned.

GOVERNMENT OF INDIA
MINISTRY OF LAW AND JUSTICE
DEPARTMENT OF JUSTICE

DS(Jus)/Desk

LOK SABHA
UNSTARRED QUESTION NO.918

TO BE ANSWERED ON 04.08.2011

Appointment of Judges

+918 SHRI HARSH VARDHAN:
SHRI UDAY SINGH:
SHRI MAHABAL MISHRA:
SHRI N. CHALUVARAYA SWAMY:
SHRI ARJUN MEGHWAL:

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

(a) whether Government is considering any proposal to change the procedure for appointment of Judges to the High Courts and the Supreme Court so as to make it more transparent;

(b) if so, the details thereof; and

(c) the time by which the proposal is likely to be implemented?

ANSWER
MINISTER OF LAW AND JUSTICE
(SHRI SALMAN KHURSHID)

(a) to (c) The existing procedure for appointment of Judges of the Supreme Court and the High Courts is based on the Supreme Court Judgment dated October 6, 1993 in the case of Supreme Court Advocates on Record & Anr. Vs. Union of India, and the Advisory Opinion of the Supreme Court dated October 28, 1998. The procedure has been debated in various fora and there have been demands to change the same. However, there is, at present, no specific proposal under consideration of the Government to bring about any change in the present system of appointment of Judges in the Supreme Court and the High Courts.

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DS(JUS)

GOVERNMENT OF INDIA
MINISTRY OF LAW AND JUSTICE
DEPARTMENT OF JUSTICE

LOK SABHA
STARRED QUESTION NO.+*169

TO BE ANSWERED ON 11.08.2011

Appointment and Reservation of Judges

+*169.SHRIMATI USHA VERMA:
SHRI A. VENKATA RAMI REDDY:

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

(a) whether Government has received suggestions from the Law Commission of India regarding appointment of judges in higher Courts;

(b) if so, the details thereof alongwith the steps taken by the Government to implement the suggestions;

(c) whether the Government is considering to make a provision of reservation for women/SCs/STs/OBCs/minority communities in the judiciary; and

(d) if so, the details thereof?

ANSWER
MINISTER OF LAW AND JUSTICE
(SHRI SALMAN KHURSHID)

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

Statement referred to in reply to parts (a) to (d) of the Lok Sabha Starred Question No.169 for answer on 11.08.2011

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The Law Commission in its 214th Report (2008) has suggested to change the appointment procedure of judges in the higher judiciary and has given two alternatives:-

(i) An entire reconsideration of I, II & III judges cases – S.P. Gupta Vs UOI reported in AIR 1982 Supreme Court 149, Supreme Court Advocate on Record Association Vs UOI reported in 1993(4) SCC 441 and Special Reference 1 of 1998 reported in 1998(7) SCC 739, in order to bring about clarity and consistency in the process of Appointment of Supreme Court and High Court Judges.

(ii) A law may be passed restoring the primacy of the Chief Justice of India and the power of the executive to make the appointments.

In order to formulate a viable proposition to address the issues concerning appointment of Judges of the Supreme Court and High Courts, wide ranging discussions have been held. However, no specific proposal has been finalized for consideration of the Government to amend the present procedure.

The constitution does not provide for any reservation for women/SCs/STs/OBCs/minority communities in the higher judiciary. There is no proposal to amend this constitutional provision.

GOVERNMENT OF INDIA

MINISTRY OF LAW AND JUSTICE

LOK SABHA

Ds(J)

UNSTARRED QUESTION NO 1846

ANSWERED ON 11.08.2011

APPOINTMENT OF JUDGES IN HOME STATE

1846 Meghwal Shri Arjun Ram

Gandhi Shri Dilip Kumar Mansukhlal

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

(a) whether the process of changing the policy of appointing High Court judges in then-respective home State is under consideration of the Government; and

(b) if so, the details thereof?

ANSWER

MINISTER OF LAW AND JUSTICE (SHRI SALMAN KHURSHID)

(a): The existing procedure for appointment of judges of the High Court is based on the Supreme Court Judgment dated October 6, 1993 in the case of Supreme Court Advocates on Record & Anr. Vs. Union of India and the Advisory Opinion of the Supreme Court dated October 28, 1998. There is, at present, no specific proposal under consideration of the Government to reconsider this procedure.

(b): Does not arise.

JR Desk

GOVERNMENT OF INDIA

MINISTRY OF LAW AND JUSTICE

LOK SABHA

UNSTARRED QUESTION NO 1851

ANSWERED ON 11.08.2011

INFRASTRUCTURE OF TRIAL COURTS

1851 Singh Alias Pappu Singh Shri Uday

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

(a)whether the Union Government has agreed to provide assistance to States for development of infrastructure facilities for the judiciary; and

(b) if so, the details thereof and funds provided to various State Governments during the year 2010-11?

ANSWER

MINISTER OF LAW AND JUSTICE (SHRI SALMAN KHURSHID)

(a): Yes, Madam.

(b) : The Department of Justice is implementing a Centrally Sponsored Scheme for development of infrastructure facilities for the judiciary since 1993-94 to augment the resources of the State Governments / UTs in this regard. Earlier, the scheme covering construction of court buildings and residential accommodation of judicial officers/judges of the High Courts and the Subordinate Courts. The Government has approved setting up of the National Mission for Justice Delivery and Legal Reforms in June 2011 under which the infrastructure development for the judiciary is a thrust area under the mission with Centrally Sponsored Scheme funds now supporting infrastructure for subordinate judiciary only.

Under the modified scheme, the ratio of central assistance has been increased from 50:50 basis to 75:25 basis, except in the case of the States in North Eastern Region, where the Centre / State share ratio is on 90:10 basis. The releases to States/UTs are made based on their demand, the resources available with the centre and the receipt of utilization certificate (including State`s share) for the past releases.

The details of funds provided to various State Governments/Union Territories during the year 2010-11 are annexed.

GOVERNMENT OF INDIA

MINISTRY OF LAW AND JUSTICE

LOK SABHA

JR Desk

UNSTARRED QUESTION NO 1889

ANSWERED ON 11.08.2011

HEARING OF CASES IN TWO SHIFTS

1889 Ju Dev Shri Dilip Singh

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

(a) whether there is any scheme to arrange hearing of the cases in two shifts in courts for early disposal of cases lying pending in Hon`ble Supreme Court and High Courts alongwith hiring the services of retired Judges on contract basis; and

(b) if so, the time by which it is proposed to be implemented?

ANSWER

MINISTER OF LAW AND JUSTICE (SHRI SALMAN KHURSHID)

(a) No, Madam, there is no such Scheme for High Courts and Supreme Court.

(b) Does not arise.

DS(JLS)

GOVERNMENT OF INDIA

MINISTRY OF LAW AND JUSTICE

LOK SABHA

UNSTARRED QUESTION NO 1890

ANSWERED ON 11.08.2011

JUDICIAL STANDARDS AND ACCOUNTABILITY BILL

1890 Yadav Shri Madhusudan

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

(a) whether the Government has made any provision to fix the time limit to pronounce Judgement after the final hearing of the case in the proposed Judicial Standards and Accountability Bill;

(b) if so, the details thereof; and

(c) if not, the reasons therefor?

ANSWER

MINISTER OF LAW AND JUSTICE (SHRI SALMAN KHURSHID)

(a): No Madam.

(b); Does not arise.

(c): The Bill inter alia seeks to provide a statutory mechanism for enquiring into complaints, including from individuals, against judges of the High Courts and the Supreme Court, enabling declaration of assets and liabilities by the Judges and laying down judicial standards to be followed by Judges.

GOVERNMENT OF INDIA

MINISTRY OF LAW AND JUSTICE

LOK SABHA

M. Cell

UNSTARRED QUESTION NO 1921

ANSWERED ON 11.08.2011

FAST TRACK COURTS

1921 Pratapsinh Shri Chauhan Prabhatsinh

Mahendrasinh Shri Chauhan

Naranbhai Shri Kachhadia

Patil Shri C. R.

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

(a)whether the scheme of Fast Track Courts (FTC) was started as a 100 percent centrally sponsored scheme;

(b)if so, whether the amount of central assistance has been reduced substantially;

(c)whether the state of Gujarat has borne the extra burden of more than Rs. 856.80 lakh per annum and Rs. 4284 lakhs for the period of extension of the scheme i.e. upto 2010;

(d)if so, whether the Government is considering to reimburse the amount to the state of Gujarat and other States, State-wise; and

(e)the details thereof?

ANSWER

MINISTER OF LAW & JUSTICE (SHRI SALMAN KHURSHID)

(a); The scheme of Fast Track Courts (FTCs) was started in the year 2000 for a period of five years on the recommendations of the Eleventh Finance Commission. The central assistance to the States was provided at the rate of Rs.5.00 lakh per court for non recurring expenditure which included Rs.3.4 lakh for construction and Rs.1.6 lakh for computer and library. For recurring expenditure an amount of Rs.4.8 lakh per court per year was provided.

(b): The scheme was extended for a period of five years beyond 31.3.2005 i.e. upto 31.3.2010. For the extended period, the approved norm for assistance to the States for Fast Track Courts provided for an additional amount of Rs.8.6 lakhs to be provided to the States in the first two years towards the cost of constructions for additional space in the court room and Rs.4.8 lakhs per court per year towards recurring expenditure. The scheme was further extended for a period of one year i.e. up to 31.3.2011 at the same level of central assistance. Thus, the amount of central assistance was not reduced during the extended period,

(c) : A grant of Rs. 43.48 crore has been released to the State Government of Gujarat during the extended period (2005-06 to 2010-11). However, the State Government reported expenditure in excess of the central grant.

(d): Central Grant to the States has been released as per the norm approved by the Government and therefore reimbursement of any excess expenditure incurred by the State Governments including the Government of Gujarat cannot be considered. It has been decided not to extend the scheme of central assistance for Fast Track Courts beyond 31.3.2011.

(e); Does not arise

M-Cell

GOVERNMENT OF INDIA

MINISTRY OF LAW AND JUSTICE

LOK SABHA

UNSTARRED QUESTION NO 1944

ANSWERED ON 11.08.2011

DISPOSAL OF PENDING CASES

1944 Bhagat Shri Sudarshan

Agarwal Shri Jai Prakash

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

(a) the number of cases disposed off in Supreme Court,High Court and Lower Courts during the last three years,State-wise;

(b) whether the Government has prepared a scheme to dispose off all the pending cases within three years;

(c) if so,the details thereof;

(d) if not,the reasons therefor; and

(e) the steps taken by the Government in this regard?

ANSWER

MINISTER OF LAW AND JUSTICE (SHRI SALMAN KHURSHID)

(a): As per information available from the Registries of the High Courts, two statements indicating the number of cases disposed off in High Courts and Lower Courts during the last three years. State-wise are annexed. As per the information received from the Registry of the Supreme Court,the number of cases disposed off in Supreme Court during the last three years is given below;

Year ending 31st Dec.	Disposal
2008	67459
2009	71179
2010	79589

(b) & (c): Government has requested the Chief Justices of all the High Courts to take up a campaign for pendency reduction for a period of six months from 1st July to 31st December,2011,

(d): Does not arise.

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

I. To provide timely delivery of justice to all, the Government has approved on 23.06.2011 the setting up of the National Mission for Delivery of Justice and Legal Reforms. The major goals of the National Mission are:

Increasing access by reducing delays and arrears in the system.

Enhancing accountability through structural changes and by setting performance standards and capacities

II. 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 Crore to 500 Crore. Central/ State share ratio has also been revised from 50:50 to 75:25 (75% being Central Share) for the states other than North Eastern States. The Central/ State share ratio for the North Eastern states is 90:10.

III. The Government has accepted the recommendations of the Thirteenth Finance Commission to provide a grant of ? 5000 Crore to the States for improving the justice delivery system in the country over a five year period 2010-15. A grant of ? 1000 Crore 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.

IV. 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.

V. The Thirteen Finance Commission while recommending a grant of ? 5000 Crore 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.

VI. Enactment of the Gram Nyayalayas Act, 2008 which provides for establishment of Gram Nyayalayas to improve access to justice to people at grass roots level. The current year allocation has been increased from ? 40 Crore to ? 150 Crore So far 151 Gram Nyayalayas have been notified by the states.

GOVERNMENT OF INDIA

MINISTRY OF LAW AND JUSTICE

LOK SABHA

DI(JUS)

UNSTARRED QUESTION NO 1968

ANSWERED ON 11.08.2011

BENCHES OF SUPREME COURT

1968 Sardinha Shri Francisco

Premajibhai Dr. Solanki Kiritbhai

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

(a) the criteria and provision laid down by his ministry for establishment of circuit benches of Supreme Court in the State;

(b) if so, the details thereof and number of circuit Supreme Court benches so far established, State-wise;

(c) the number of proposals under consideration or pending with his ministry as on date, State-wise;

(d) whether there is a specific proposal for establishing circuit Supreme Court benches of Supreme Court at Gandhinagar and Kolkata; and

(e) if so, the time by which these benches are likely to be established?

ANSWER

MINISTER OF LAW AND JUSTICE (SHRI SALMAN KHURSHID)

(a); Article 130 of the Constitution stipulates that the Supreme Court shall sit in Delhi or in such other place or places, as the Chief Justice of India may, with the approval of the President, from time to time, appoint.

(b): So far no circuit bench of the Supreme Court has been established.

(c) : There is no such proposal before the Government.

(d) & (e) There is no proposal before the Government for establishing circuit bench of the Supreme Court at Gandhinagar and Kolkata.

M-Cell

GOVERNMENT OF INDIA

MINISTRY OF LAW AND JUSTICE

LOK SABHA

UNSTARRED QUESTION NO 1979

ANSWERED ON 11.08.2011

FAST TRACK COURT AND VIDEO CONFERENCING

1979 Panda Shri Baijayant

Biju Shri P. K.

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

(a)the totai number of fast track courts functioning in the country at present, State-wise;

(b)the total fund allocated for setting up of fast track courts,State-wise;

(c)the status of fast track courts in the country to clear backlog of pending cases; and

(d)the action plan of the Government to dispose of court cases through video conferencing?

ANSWER

MINISTER OF LAW & JUSTICE (SHRI SALMAN KHURSHID)

(a): As per the information received from the Registry of the High Courts/State Governments upto March 2011, a statement of number of fast track courts functional In the states is enclosed as Annexure-I.

(b): A statement indicating the funds allocated for setting-up and operation of Fast Track Courts since inception to the year 2010-11 is enclosed as annexure-II.

(c): The Eleventh Finance Commission recommended a schenu. creation of 1734 Fast Track Courts (FTCs) in the country for disposal of long pending Sessions and other cases. 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 315t March, 2010 This scheme was further extended for a further period of one year i.e. upto 31.03.2011. It has been decided that there will be no central funding for Fast Track Courts beyond 31-03-2011.

As per information received from the Registry of the High Courts/State Governments, out of 38.90 lakh cases transferred to fast track courts, 32.34 lakh cases were disposed and 6.56 lakh cases was pending in the fast track courts as on March, 2011.

(d): There is no such plan of the Government.

GOVERNMENT OF INDIA

MINISTRY OF LAW AND JUSTICE

LOK SABHA

DS(Jus)

UNSTARRED QUESTION NO 1990

ANSWERED ON 11.08.2011

SEPARATE HIGH COURT IN MANIPUR

1990 Meinya Dr. Thokchom

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

(a) whether the State Government of Manipur is now going to have a separate High Court;

(b) if so, the details thereof;

(c) whether the delinking process of the Imphal Bench from the main Guwahati High Court has started; and

(d) if so, the details thereof?

ANSWER

MINISTER OF LAW AND JUSTICE (SHRI SALMAN KHURSHID)

(a) and (b): The Government of Manipur have created infrastructure facilities for establishment of a separate High Court in Manipur and amendment to the North-Eastern Area (Reorganisation) Act, 1971 is required for the formal establishment and functioning of a separate High Court.

(c): No Madam.

(d): Does not arise.

GOVERNMENT OF INDIA

MINISTRY OF LAW AND JUSTICE

LOK SABHA

DS(JW)

UNSTARRED QUESTION NO 1995

ANSWERED ON 11.08.2011

JASWANT SINGH COMMISSION

1995 Ramshankar Dr.

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

(a) whether the Government is aware that Jaswant Singh Commission was constituted for setting up a Bench of High Court in Western Uttar Pradesh;

(b) if so, the details thereof;

(c) whether the Commission has submitted its report;

(d) if so, the salient features of the report; and

(e) the steps being taken by the Government for setting up the Bench of High Court in the Western Uttar Pradesh?

ANSWER

MINISTER OF LAW AND JUSTICE (SHRI SALMAN KHURSHID)

(a) to (e); In 1981, the Government of India appointed a three-member commission headed by Justice Jaswant Singh, a retired Judge of Supreme Court, to consider all aspects arising out of the demand for the constitution of a bench of the Allahabad High Court for the western districts of Uttar Pradesh. The terms of reference of the Commission were enlarged by the Government in 1983, requiring it inter-alia to examine and report, on all aspects of the general question of establishing benches of High Courts and on the broad principles and criteria to be followed in this regard.

The Commission presented its report to the Government on April 30, 1985, wherein it recommended establishment of a permanent Bench of the Allahabad High Court in Western Uttar Pradesh at Agra and two circuit Benches thereof at Nainital and Dehradun. The report was laid on the Table of the Rajya Sabha on 20.04.1987 and LoK Sabha on 21.04.1987.

The recommendations of the Commission were referred to the Government of Uttar Pradesh in 1986 for their views and comments, in consultation with the Chief Justice of Allahabad High Court. No specific and complete proposal has been received from the Government of Uttar Pradesh, in consultation with the Chief Justice of Allahabad High Court for setting up a bench of the Allahabad High Court in Western Uttar Pradesh.

The then Chief Justice of the Allahabad High Court in 2001 conveyed that with the bifurcation of Uttar Pradesh into two States of Uttar Pradesh and Uttaranchal, several districts of Western U.P. have gone under the territorial jurisdiction of Uttaranchal High Court and therefore, he found no justification for creation of any Bench of the Allahabad High Court in Western Uttar Pradesh.

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GOVERNMENT OF INDIA

MINISTRY OF LAW AND JUSTICE

LOK SABHA

JR Desk

UNSTARRED QUESTION NO 2010

ANSWERED ON 11.08.2011

GRAM NYAYALAYAS

2010 Lagadapati Shri Rajagopal

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

(a) the number of Gram Nyayalayas functioning in the country, State-wise;

(b) the number of cases that came before them and disposed off by Gram Nyayalayas in the country during the last three years, State-wise; and

(c) the details of mobile courts in the country, State-wise?

ANSWER

MINISTER OF LAW AND JUSTICE (SHRI SALMAN KHURSHID)

(a): As per information available, the number of Gram Nyayalayas functioning in the country is 47 as mentioned below:-

Sr.No.	State	No. of Gram Nyayalayas Notified	Functional
1	Madhya Pradesh	89	40
2	Rajasthan	45	0
3	Orissa	8	1
4	Maharashtra	9	6
	Total	151	47

(b) and (c); The information is not maintained centrally by the Government.

GOVERNMENT OF INDIA

MINISTRY OF LAW AND JUSTICE

LOK SABHA

Jus. Sec.

UNSTARRED QUESTION NO 2013

ANSWERED ON 11.08.2011

SHORTAGE OF JUDGES IN TRIBUNAL

2013 Deka Shri Ramen

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

(a) whether the Government is aware of the fact that there is shortage of Judges in Central Administrative Tribunal at Guwahati; and

(b) if so, the steps taken to fill up the vacant posts?

ANSWER

MINISTER OF LAW & JUSTICE (SHRI SALMAN KHURSHID)

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

GOVERNMENT OF INDIA

MINISTRY OF LAW AND JUSTICE

LOK SABHA

DS(JWS)

UNSTARRED QUESTION NO 2016

ANSWERED ON 11.08.2011

APPOINTMENT AND TRANSFER POLICY FOR JUDGES

2016 Natrajan Meenakshi

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

(a) whether the Government proposes to select and appoint the Judges of High Courts and Supreme Court of India under the Indian Judicial Service itself:

(b) the concrete steps proposed to be taken to make appointment and working of Judges transparent;

(c) whether their transfer policy will be reconsidered; and

(d) if so, the details thereof?

ANSWER

MINISTER OF LAW AND JUSTICE (SHRI SALMAN KHURSHID)

(a): No, Madam.

(b) to (d): Appointment of Judges of the Supreme Court and the High Courts is made under Articles 124 and 217 of the Constitution of India respectively and transfer of a Judge including Chief Justice from one High Court to another is made under Article 222 of the Constitution.

The existing procedure for appointment of judges of the Supreme Court and the High Courts and transfer of judges including the Chief Justices of the High Courts from one High Court to another is based on the Supreme Court Judgment dated October 6, 1993 in the case of Supreme Court Advocates on Record & Anr. Vs. Union of India and the Advisory Opinion of the Supreme Court dated October 28, 1998. There is, at present, no specific proposal under consideration of the Government to reconsider this procedure.

GOVERNMENT OF INDIA

MINISTRY OF LAW AND JUSTICE

M-Cell

LOK SABHA

UNSTARRED QUESTION NO 2041

ANSWERED ON 11.08.2011

PENDING COURT CASES

2041 Shukla Shri Balkrishna Khanderao Balu Shukla

Panda Shri Prabodh

Ahir Shri Hansraj Gangaram

Singh Alias Pappu Singh Shri Uday

Jindal Shri Naveen

Vishwanath Shri katti Ramesh

Naranbhai Shri Kachhadia

Pratapsinh Shri Chauhan Prabhatsinh

Dhurve Jyoti

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

(a) the details of the cases pending in Supreme Court, High Courts, Sessional Courts, Lower Courts and Local Courts till July 2011;

(b) whether the Union Government proposes to launch special programme or proposes to set up National Arrears Grid to dispose off 40 per cent of the pending court cases in coming six months across the country;

(c) if so, the details thereof alongwith the measures being provided for disposal of pending cases during the last three years; State-wise;

(d) the expenditure likely to be incurred thereon;

(e) whether the Ministry of Finance has agreed to provide funds to implement the aforesaid programme; and

(f) if so, the details thereof?

ANSWER

MINISTER OF LAW AND JUSTICE (SHRI SALMAN KHURSHID)

(a) As per the information received from the Supreme Court, of 57179 total filed matters as on 30.6.11, if connected matters are excluded, the number is only 33538 matters. Out of these 57179 matters as on 30.6.11, 20253 matters are current filings less than one year old and thus arrears (i.e. cases pending more than a year) are only 36926 matters as on 30.6.11. The total number of cases in the High Courts and the Subordinate judiciary were 42,17,903 and 2,79,53,070 respectively as on 30.9.2010.

(b): Yes, Madam. The Government has launched the following special initiatives to reduce pendency of cases in courts:

(i) Government has requested all the Chief Justices of High Courts to launch a campaign for pendency reduction in courts from July-December, 2011.

(ii) 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

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and capacities

National Arrears Grid will be established under e-courts project when completed.The grid is not meant for immediate disposal of court cases but for monitoring arrears and judicial data.

(c) to (f): A number of other measures are also being undertaken by the Government for disposing of the cases pending in the courts. Budget provision for the purpose has also been considerably enhanced. The details are given below:

I. 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 Crore to ?500 Crore Funding pattern has also been increased from 50:50 to 75:25 for the non-special States and it is to continue on 90:10 basis for the NE States.

II. The Government has accepted the recommendations of the Thirteenth Finance Commission to provide a grant of 5000 Crore to the States for improving the justice delivery system in the country over a five year period 2010-15. A grant of ? 1000 Crore 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 reduced 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.

IV.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 Crore to ? 150 Crore

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GOVERNMENT OF INDIA
MINISTRY OF LAW AND JUSTICE
LOK SABHA

STARRED QUESTION NO. 252
ANSWERED ON: 16.08.2011
FAST TRACK COURTS FOR CORRUPTION CASES
M. JAGANNATH

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

(a) the criteria for setting up of fast track courts;

(b) whether the cases pertaining to corruption are proposed to be heard/adjudicated through these fast track courts;

(c) if so, the details, thereof, and

(d) the time by which a final decision is likely to be taken in this regard?

ANSWER

MINISTER OF LAW & JUSTICE (SHRI SALMAN KHURSHID)

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

STATEMENT REFERRED TO IN REPLY TO PARTS (a) TO (c) OF LOK SABHA STARRED QUESTION NO. 252 REGARDING FAST TRACK COURTS FOR CORRUPTION CASES FOR ANSWER ON 16TH AUGUST 2011

Fast Track Courts are set-up by the State Governments in consultation with the respective High Courts. 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. The term of scheme of Fast Track Courts which were recommended by the Eleventh Finance Commission ended on 31st march, 2005. 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. The scheme was further extended for a period of one year i.e. upto 31.3.2011 and it was decided that there will be no central funding for Fast Track Courts beyond 31-03-2011. The State Governments can however continue the Fast Track Courts from their own resources.

Fast Track Courts established under the Eleventh Finance Commission funding were set-up to expeditiously dispose of long pending cases in the Sessions Courts and long pending cases of undertrial prisoners. Government has no proposal to set-up Fast Track Courts exclusively for hearing the cases pertaining to corruption. However, Government has decided to set up 71 additional courts of Special Judges to try cases under Prevention of Corruption Act investigated by CBI to facilitate quicker disposal of long pending cases by applying the norm of not more than 50 cases in each court. State Governments have been requested to set-up the Special Courts. Out of these 71

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Additional Courts to be set-up, orders of 68 courts have been issued and 30 courts have started functioning. 46 Special Courts are already in existence in addition to 71 Additional Courts referred to above.

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M. Cell

GOVERNMENT OF INDIA

MINISTRY OF LAW AND JUSTICE

LOK SABHA

UNSTARRED QUESTION NO 2762

ANSWERED ON 18.08.2011

CRIME AGAINST WOMEN

2762 Ajmal Shri Badruddin

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

(a) whether a large number of cases of crime against women are pending in various courts in the country;

(b) if so, the measures taken/being taken by the Government to deal with increased crime against women in the country and early completion of pending cases in various courts?

ANSWER

MINISTER OF LAW AND JUSTICE (SHRI SALMAN KHURSHID)

(a) & (b) The information is being collected and will be laid on the Table of the House.

GOVERNMENT OF INDIA

MINISTRY OF LAW AND JUSTICE

JR Desk

LOK SABHA

UNSTARRED QUESTION NO 2765

ANSWERED ON 18.08.2011

NATIONAL MISSION FOR JUSTICE DELIVERY AND LEGAL REFORMS

2765 Ramasubbu Shri S.

Baitha Shri Kameshwar

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

(a) whether the Government has given clearance to the National Mission forJustice Delivery and Legal Reforms in the country;

(b) if so, the details of reforms likely to take place in the judicial system with the introduction of National Mission for Justice Delivery and Legal Reforms;

(c) whether the recommendations of Law Commission have been included in the National Mission forjustice Delivery and Legal Reforms;

(d) if so, the details thereof; and

(e) if not, the reasons therefor alongwith the report thereon?

ANSWER

MINISTER OF LAW AND JUSTICE (SHRI SALMAN KHURSHID)

(a) to (e) : Yes, Madam. The Government has embarked upon drawing up reform measures with a view to deal with one of the major problems affecting Judicial administration and Justice Delivery in India, that of a huge backlog of cases and high pendency in the Courts. The Ministry of Law and Justice held a National Consultation for Strengthening the Judiciary towards reducing pendency and delays on 24th -25th October, 2009 on how best to tackle this problem. In the National Consultation, the Vision document prepared by the Ministry of Law and Justice was considered, deliberated and was endorsed by a resolution at the end of the consultation. The Government has approved in June, 2011 the setting up of National Mission for Justice Delivery and Legal Reforms. The National Mission spanning 5 years from 2011-2016 would focus on two major goals of (i) increasing access by reducing delays and arrears in the system, and (ii) enhancing accountability through structural changes and by setting performance standards and capacities. The National Mission would comprise of Advisory Council, Governing Council, National Mission Leader and the Mission Directorate.

The National Mission will implement the roadmap envisaged in the Vision Document 2009 and an action plan covering Policy and legislative changes, re-engineering procedures and alternate methods of dispute resolution, focus on human resource development, leveraging ICT for better justice delivery and improving infrastructure will be formulated and implemented by the National Mission. Infrastructure development for the subordinate judiciary is the major thrust area of the National Mission.

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GOVERNMENT OF INDIA

MINISTRY OF LAW AND JUSTICE

LOK SABHA

M-Cell

UNSTARRED QUESTION NO 2772

ANSWERED ON 18.08.2011

MISUSE OF SECTION 498A

2772 Owaisi Shri Asaduddin

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

(a) whether keeping in view the misuse of section 498A of the Indian Penal Code relating to dowry harassment cases, Hon*ble Supreme Court recently requested the Law Commission to examine the issue suggesting changes in this regard;

(b) if so, the details thereof; and

(c) the reaction of the court as well as the Law Commission thereto?

ANSWER

MINISTER OF LAW & JUSTICE(SHRI SALMAN KHURSHID)

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

GOVERNMENT OF INDIA

MINISTRY OF LAW AND JUSTICE

LOK SABHA

D(J&S)

UNSTARRED QUESTION NO 2887

ANSWERED ON 18.08.2011

PRACTICE BY LAWYERS

2887 Gaikwad Shri Eknath Mahadeo

Bapurao Shri Khatgaonkar Patil Bhaskarrao

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

(a) whether instances of the kith and kin of some judges practicing as lawyers in the same court have been reported;

(b) if so, the guidelines/conduct rules framed in this regard;

(c) whether the Government proposes to introduce new law in this regard; and

(d) if so, the time by which a final decision is likely to be taken thereon?

ANSWER

MINISTER OF LAW AND JUSTICE (SHRI SALMAN KHURSHID)

(a): Yes, Madam.

(b)to (d) : To ensure greater accountability and transparency in the higher judiciary, a Bill titled `The Judicial Standards and Accountability Bill, 2010` which incorporates a mechanism for enquiring into complaints against the Judges of the Supreme Court and the High Courts, enabling declaration of assets and liabilities of Judges and laying down judicial standards to be followed by the Judges has been introduced in the Lok Sabha on 01.12.2010.

GOVERNMENT OF INDIA

MINISTRY OF LAW AND JUSTICE

LOK SABHA

DS(JWS)

UNSTARRED QUESTION NO 2900

ANSWERED ON 18.08.2011

REPRESENTATION OF WOMEN IN JUDICIARY

2900 Rao Shri Sambasiva Rayapati

Siricilla Shri Rajaiah

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

(a) the number of women judges in the Supreme Court, High Courts and Subordinate Courts, as on date, Court-wise;

(b) the reasons for low representation of women in Judiciary; and

(c) the steps taken to increase women representation in the Judiciary ?

ANSWER

MINISTER OF LAW AND JUSTICE (SHRI SALMAN KHURSHID)

(a): A statement showing the number of women judges in the Supreme Court and the High Courts as on 1st August, 2011 is annexed.

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 such information is maintained in Government of India.

(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. The Government has been requesting the Chief Justices of High Courts to locate, inter alia, women from the Bar for recommending for appointment as Judges of High Courts.

Annexure

Annexure referred to in reply to part (a) of Lok Sabha Unstarred Question No.2900 for answer on 18.08.2011

Sl. No.	Name of the Court	No. of women judges as on 01.08.2011
A.	Supreme Court of India	1
B.	High Court	
1	Allahabad	**03**
2	Andhra Pradesh	01
3	Bombay	07
4	Calcutta	03
5	Chhattisgarh	—
6	Delhi	06
7	Gauhati	01
8	Gujarat	03
9	Himachal Pradesh	—
10	Jammu & Kashmir	—
11	Jharkhand	02
12	Karnataka	02
13	Kerala	02
14	Madhya Pradesh	04
15	Madras	06
16	Orissa	02
17	Patna	05
18	Punjab& Haryana	**04**
19	Rajasthan	**03**
20	Sikkim	—

21	Uttarakhand	
Total		54

GOVERNMENT OF INDIA

MINISTRY OF LAW AND JUSTICE

LOK SABHA

D.S(JWS)

UNSTARRED QUESTION NO 2916

ANSWERED ON 18.08.2011

NATIONAL JUDICIAL COMMISSION

2916 Rajesh Shri M. B.

Sayeed Muhammed Hamdulla A. B.

Meghwal Shri Arjun Ram

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

(a) whether the Government proposes to set up a National Judicial Commission;

(b) if so, the details thereof;

(c) whether the Government proposes to introduce a constitutional code of conduct for Judges;

(d) if so, whether the Government intends to introduce any mechanism for periodical assessement of performance of Judges; and

(e) the measures proposed to be taken by the Government to enhance the quality and standard of Judicial Service?

ANSWER

MINISTER OF LAW AND JUSTICE (SHRI SALMAN KHURSHID)

(a)& (b) : In order to formulate a viable proposition to address the issues concerning appointment of Judges of the Supreme Court and High Courts, various options including National Judicial Commission were examined. However, no specific proposal has been finalized.

(c) to (e): To ensure greater accountability and transparency m. the higher judiciary, a Bill titled `The Judicial Standards and Accountability Bill, 2010` which incorporates a mechanism for enquiring into complaints against the Judges of the Supreme Court and the High Courts, enabling declaration of assets and liabilities of Judges and laying down judicial standards to be followed by the Judges has been introduced in the Lok Sabha on 01.12.2010.

GOVERNMENT OF INDIA

MINISTRY OF LAW AND JUSTICE

Jus. Sec.

LOK SABHA

UNSTARRED QUESTION NO 2978

ANSWERED ON 18.08.2011

ALL INDIA JUDICIAL SERVICE

2978 Choudhry Smt. Shruti

Meghwal Shri Arjun Ram

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

(a) whether the Government has received any recommendations from the Law Commission regarding constitution of All India Judicial Service;

(b) if so, the details thereof;

(c) whether the Government intends to introduce the said Service;

(d) if so, the details thereof and time-frame set for its introduction; and

(e) if not, the reasons therefor?

ANSWER

MINISTER OF LAW & JUSTICE (SHRI SALMAN KHURSHID)

(a) Yes, Madam.

(b) The Eleventh Law Commission in its 116th Report (1986) felt that the creation of All India Judicial Service, through competitive examination, would attract brilliant young men and women and thus the best talent all over the country would come to the judiciary, as in respect of the All India Civil Services. Such a service would also serve as a powerful unifying influence and counteract growing regional tendencies.

(c) to (e) 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 Parliament to enact necessary laws.

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GOVERNMENT OF INDIA
MINISTRY OF LAW AND JUSTICE
LOK SABHA

STARRED QUESTION NO. 321
ANSWERED ON: 25.08.2011
COMPULSORY RETIREMENT OF JUDGES
BHUPENDRA SINGH

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

(a) the details of the institutionalized mechanism in place to inquire into cases of alleged misconduct, irregularities and corruption charges levelled against judges of various courts in the country;

(b) whether suggestions have been received from various quarters including the Law Commission to amend/review the aforesaid mechanism/statute in this regard;

(c) if so, the details thereof alongwith the follow-up action taken thereon;

(d) the number of judges compulsorily retired as well as dismissed on account of misconduct, during the last three years;

(e) whether instances of compulsorily retired/dismissed judges undertaking practice in various courts have been reported; and

(f) if so, the reaction of the Government thereon?

ANSWER

MINISTER OF LAW & JUSTICE (SHRI SALMAN KHURSHID)

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

Statement referred to in reply to parts (a) to (f) of Lok Sabha Starred Question No.321 for answer on 25.08.2011

The Judges of the Supreme Court and the High Courts can be removed on the ground of proved misbehavior or incapacity only by following the process of impeachment as provided under Articles 124 and 217 of the Constitution respectively and after following the procedure prescribed under the Judges (Inquiry) Act, 1968.

As regards mechanism to deal with cases of misconduct etc of District and subordinate courts, the administrative control over such courts vests with the respective High Courts under article 235 of the Constitution.

The issue of judicial accountability in the higher judiciary was discussed at the Conference of Chief Justices held in 1990 and on the basis of the broad consensus emerging out of the deliberations, the Chief Justice of India summed up the position as follows:

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"The Chief Justice of the High Court has the competence to receive complaints against the conduct of the Judges of his court and when he receives any he would look into it for finding out if it deserves to be closely looked into. Where he is satisfied that the matter requires to be examined, he shall have facts ascertained in such manner as he considers appropriate keeping the nature of allegations in view and if he is of the opinion that the matter is such that it should be reported to the Chief Justice of India, he shall do so. The Chief Justice of India shall act in a similar manner in regard to complaints relating to conduct of Judges of the Supreme Court and in regard to conduct of Chief Justices of the High Courts. On the basis of the facts ascertained, the Chief Justice of the High Court or the Supreme Court, as the case may be, shall take such appropriate action as may be considered proper, keeping the interests of the judiciary as the paramount consideration."

The Government had prepared Judges (Inquiry) Bill, 2005 to devise a suitable legislative frame work to deal with complaints against Judges of Supreme Court and High Courts and to repeal the Judges (Inquiry) Act 1968. The draft Bill was sent to Law Commission of India for examination and report. The Commission in its 195th Report examined the draft Judges (Inquiry) Bill, 2005. Based on the recommendations of the Law Commission, the Judges (Inquiry) Bill, 2006 was introduced in the Lok Sabha on 19.12.2006. The Bill was referred to the Department related Parliamentary Standing Committee based on whose suggestions a new Bill titled "The Judges

(Inquiry) Amendment Bill, 2008" was drafted which sought to retain the Judges (Inquiry) Act, 1968 and amend its provisions by adding a Chapter. It was decided to withdraw the Judges (Inquiry) Bill, 2006 and introduce this new Bill. This could not be done due to dissolution of the 14th Lok Sabha. Based on the attempts made so far and various suggestions received, a revised and comprehensive 'The Judicial Standards and Accountability Bill, 2010' which incorporates a mechanism for enquiring into complaints against the Judges of the Supreme Court and High Courts, lays down judicial standards and requires Judges to declare their assets and liabilities has been introduced in the Lok Sabha on 01.12.2010.

There is no Constitutional provision for compulsory retirement and dismissal of judges of higher judiciary. Information regarding dismissal and compulsory retirement of judges of District/subordinate courts is not maintained by the Central Government as it is the concern of respective High Courts and State Governments.

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DS(Jus)

GOVERNMENT OF INDIA

MINISTRY OF LAW AND JUSTICE

LOK SABHA

UNSTARRED QUESTION NO 3722

ANSWERED ON 25.08.2011

CHIEF JUSTICE OF HIGH COURT

3722 Gulshan Smt. Paramjit Kaur

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

(a) whether more than one Chief Justice has been appointed in any High Court during the last five years;

(b) if so, the details thereof;

(c) whether the Government proposes to appoint two Chief Justice for Punjab and Haryana High Courts, it being one of the largest High Courts in the country;

(d) if so, the details thereof; and

(e) if not, the reasons therefor?

ANSWER

MINISTER OF LAW AND JUSTICE (SHRI SALMAN KHURSHID)

(a): No, Madam.

(b): Does not arise.

(c): No, Madam.

(d)to (e) : As per Article 216 of the Constitution of India,every High Court shall consist of a Chief Justice and such other Judges as the President may from time to time deem it necessary to appoint.

GOVERNMENT OF INDIA

MINISTRY OF LAW AND JUSTICE

LOK SABHA

UNSTARRED QUESTION NO 3723

ANSWERED ON 25.08.2011

MODEL LANDLORD-TENANT AGREEMENT

M.Cell

3723 Singh Chaudhary Lal

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

(a) whether it is a fact that Supreme Court has laid guidelines for a model Landlord-Tenant Agreement;

(b) if so, the details thereof; and

(c) the action taken by the Government to implement the guidelines?

ANSWER

MINISTER OF LAW & JUSTICE (SHRI SALMAN KHURSHID)

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

GOVERNMENT OF INDIA

MINISTRY OF LAW AND JUSTICE

M. Cell

LOK SABHA

UNSTARRED QUESTION NO 3724

ANSWERED ON 25.08.2011

PRESERVATION OF BIOLOGICAL SAMPLES

3724 Gandhi Shri Feroze Varun

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

(a) whether the Government is taking any steps for the preservation of biological samples in criminal cases, so as to prevent their decaying before they are sent for forensic tests;

(b) if so, the details thereof; and

(c) if not, the reasons therefor?

ANSWER

MINISTER OF LAW & JUSTICE (SHRI SALMAN KHURSHID)

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

GOVERNMENT OF INDIA

MINISTRY OF LAW AND JUSTICE

M. Cell

LOK SABHA

UNSTARRED QUESTION NO 3728

ANSWERED ON 25.08.2011

PROTECTION OF JOURNALISTS

3728 Jeyadural Shri S. R.

Lagadapati Shri Rajagopal

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

(a) whether the Union Government proposes to enact a law aimed at protecting journalists from criminals and other elements inimical to them;

(b) if so, the details thereof:

(c) the salient features of the proposed legislation; and

(d)the time by which such an act is likely to be enacted?

ANSWER

MINISTER OF LAW & JUSTICE(SHRI SALMAN KHURSHID)

(a): No Madam.

(b)to (d): Do not arise.

M. Cell

GOVERNMENT OF INDIA

MINISTRY OF LAW AND JUSTICE

LOK SABHA

UNSTARRED QUESTION NO 3785

ANSWERED ON 25.08.2011

STRENGTH OF COURTS

3785 Adityanath Shri Yogi

Chowdhury Shri Adhir Ranjan

Pandey Saroj

Rajesh Shri M. B.

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

(a) the details of the total number of Village Courts, Lower Courts, Family Courts, tribunals functioning in the country at present, State-wise;

(b) the funds allocated to the States in this regard during the last three years, State-wise; and

(c) the total estimated number of courts required to be constituted for speedy disposal of pending cases in the country?

ANSWER

MINISTER OF LAW & JUSTICE (SHRI SALMAN KHURSHID)

(a)&(b): As per the information available in the Department, Statements indicating the number of Family Courts and Gram Nyayalayas in the country are enclosed at Annexure I . Grants released in this regard State-wise is enclosed at Annexure-II. A Statement indicating the number of Lower Courts High Court-wise as per available information is enclosed at Annexure-III.The lower courts are created by the concerned State Governments in consultation with the respective High Courts.

As regards,tribunals, there are about 62 tribunals/authorities set up by the various Ministries/Department of the Central Government.

(c) : No such assessment has been made by the Central Government as the lower courts are created by concerned State Governments in consultation with the respective High Court.

GOVERNMENT OF INDIA

MINISTRY OF LAW AND JUSTICE

LOK SABHA

JR Desk UNSTARRED QUESTION NO 3793

ANSWERED ON 25.08.2011

VILLAGE COURTS IN UP

3793 Rana Shri Jagdish Singh

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

(a) whether the Government has received any proposal from the Government of Uttar Pradesh with regard to setting up of village courts in the State;

(b) if so, the details thereof;

(c) the latest position of this proposal; and

(d) the reasons for delay in this regard?

ANSWER

MINISTER OF LAW AND JUSTICE (SHRI SALMAN KHURSHID)

(a) & (b) The Government of Uttar Pradesh has requested for establishment of 1132 Gram Nyayalayas with 100% central assistance at a total cost of 452.80 crore with a provision of 15.00 lakh towards recurring expenditure per year per Gram Nyayalaya and ?25.00 lakh towards non-recurring expenditure per Gram Nyayalaya. Similar requests for enhanced central assistance have also been received from some other States.

(c) & (d) As per the existing scheme, the Government is providing assistance to the States for meeting the non-recurring cost of setting up of Gram Nyayalayas @ ? 18.00 lakh per Gram Nyayalaya and recurring cost @ 3.20 lakh per annum per Gram Nyayalaya for the first three years of its operation. Thus it is not possible to consider the proposal under the existing scheme.

GOVERNMENT OF INDIA

MINISTRY OF LAW AND JUSTICE

LOK SABHA

DS(JWS)

UNSTARRED QUESTION NO 3821

ANSWERED ON 25.08.2011

BENCHES OF HIGH COURT IN NORTH EASTERN STATES

3821 Tagore Shri Manicka

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

(a) whether the Union Government has any plan to set up separate High Court in North Eastern States to expedite the pending cases in these States;

(b) if so, the details thereof;

(c) if not, the reasons therefor; and

(d) the time by which the High Court is likely to be set up?

ANSWER

MINISTER OF LAW AND JUSTICE (SHRI SALMAN KMURSHID)

(a) to (d): The Government have decided to set up separate High Courts for each of the North Eastern States, Setting up of separate High Courts is subject to creation of necessary infrastructure! facilities by the respective State Governments. At present, the Governments of Manipur, Meghalaya and Tripura have created necessary infrastructural facilities for establishment of separate High Courts in their States. Accordingly amendment to the North-Eastern Areas (Reorganisation) Act, 1971 is now required for the formal establishment and functioning of separate High Courts in these three States.

GOVERNMENT OF INDIA

MINISTRY OF LAW AND JUSTICE

LOK SABHA

m'cell

UNSTARRED QUESTION NO 3854

ANSWERED ON 25.08.2011

PENDING CASES

3854 Ju Dev Shri Dilip Singh

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

(a) whether there is any provision about rapid hearings and decisions for subjudice cases of senior citizens, disabled, widows and kins of deceased;

(b) if so, the details thereof;

(c) the number of cases of such categories pending in various High Courts as on 30th June, 2011, State-wise; and

(d) the details of pending cases in such Courts during the year 2009 and 2010?

ANSWER

MINISTER OF LAW AND JUSTICE (SHRI SALMAN KHURSHID)

(a) & (b): Disposal of cases in the courts is within the domain of the judiciary. However, Government has requested all the High Courts to launch a Mission Mode Programme for reduction of pendency in courts from 01.07.2011 to 31.12.2011. 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.

(c) & (d): Such information is not being maintained centrally.

GOVERNMENT OF INDIA

MINISTRY OF LAW AND JUSTICE

LOK SABHA

Jus-Sec'

UNSTARRED QUESTION NO 3857

ANSWERED ON 25.08.2011

PILs IN HINDI

3857 Agarwal Shri Rajendra

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

(a) whether it has come to the notice of the Government that the Supreme Court does not admit for consideration the Public Interest Litigations (PILs) submitted in Hindi;

(b) if so, the reasons therefor; and

(c) the corrective steps taken/proposed to be taken by the Government in this regard?

ANSWER

MINISTER OF LAW & JUSTICE (SHRI SALMAN KHURSHID)

(a) No, Madam.

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

GOVERNMENT OF INDIA

MINISTRY OF LAW AND JUSTICE

LOK SABHA

Jus-Sec'

UNSTARRED QUESTION NO 3858

ANSWERED ON 25.08.2011

FUNCTIONS OF EXECUTIVE, LEGISLATURE AND JUDICIARY

3858 Owaisi Shri Asaduddin

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

(a) whether the Government is considering to set up a Special Coordination Team for proper functioning of Judiciary, Executive and Legislature;

(b) if so, the details thereof; and

(c) the steps taken by the Government to amend constitution in this regard?

ANSWER

MINISTER OF LAW & JUSTICE (SHRI SALMAN KHURSHID)

(a) No, Madam. There is no such proposal before the Government.

(a) & (c) Do not arise.

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MINISTRY OF LAW AND JUSTICE
LOK SABHA

STARRED QUESTION NO: 517
ANSWERED ON: 08.09.2011
TASK FORCE ON JUDICIAL IMPACT ASSESSMENT
DARA SINGH CHAUHAN

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

(a) whether the Union Government had constituted any Task Force on Judicial Impact Assessment;

(b) if so, the details thereof;

(c) the salient features of the Task Force; and

(d) the follow-up action taken by the Government to implement the recommendations of the said Task Force?

ANSWER

MINISTER OF LAW AND JUSTICE (SHRI SALMAN KHURSHID)

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

STATEMENT REFERRED TO IN REPLY TO PARTS (a) to (d) OF LOK SABHA STARRED QUESTION NO.517 FOR ANSWER ON 8.9.2011

The Government had set-up a Task Force vide notification dated 15.02.2007 under the chairpersonship of Shri Justice M. Jagannadha Rao for examining the feasibility of implementing Judicial Impact Assessment in India as to follow up action on the directions of the Hon'ble Supreme Court in the case of Salem Advocates Bar Association Vs. Union of India. The Chairman of the Task Force presented the Report on 18.06.2008.

The major recommendations of the Task Force are as under:-

1. Judicial Impact Assessment must be made on scientific basis for estimating the extra case-load on the Courts due to a new Bill or Legislation.

2. The Government must estimate the requirement of funds for adjudication of additional cases due to a new Bill or Legislation and make adequate budgetary provisions for such cases.

3. Such impact assessment must be made in respect of Bills that are introduced in Parliament as well as Bills introduced in the State legislatures.

4. The State Governments should not be made to bear the financial burden of implementing Central laws passed under the Union List or Concurrent List, through the

Courts established by the State Governments.

5. The State Governments must likewise make adequate financial provision, at the stage of the Bills, for the implementation of the laws passed by the State Legislature with respect to subjects in the State List and Concurrent List.

6. The Central Government may also consider the various recommendations madeby the Commission for review of the Constitution, such as the constitution of Judicial Councils, preparation of budgets and appropriation of the funds for the courts.

7. The Planning Commission and the Finance Commission must, in consultation with the Chief Justice of India, allocate sufficient funds for the Judicial Administration in the Country to realize the basic human right of 'Access to Justice' and 'Speedy Justice'.

8. There must be constituted a Judicial Impact Office at Delhi to deal with the assessment of the probable number of cases and computing probable extra expenditure on courts in respect of the implementation of Central Bills/Legislation on subjects in the Union List and the Concurrent List.

9. There must be Judicial Impact Offices constituted at the level of the States located at the State capitals or at the place of the seat of the High Court, if the High Courts are not located at the State Capitals, to assess the probable number of cases and compute the probable extra expenditure on the Courts in respect of implementation of the Laws made by the State Legislature. In respect of Union Territories which have a separate legislature, the Impact Offices must be located at the place of the seat of the Legislature.

The Report of the Task Force on Judicial Impact Assessment had been forwarded to the concerned Ministries of the Central Government, all State Governments/Union Territories (UTs) and the High Courts for their views on the recommendations of the Task Force. While replies from 20 States/UTs and 14 High Courts have been received, the replies of remaining States/High Courts are awaited.

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GOVERNMENT OF INDIA

MINISTRY OF LAW AND JUSTICE

Tues. II

LOK SABHA

UNSTARRED QUESTION NO 5753

ANSWERED ON 08.09.2011

UNIFORMITY IN ADMINISTRATION IN TRIBUNALS

5753 Sharma Dr. Arvind Kumar

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

(a) whether Supreme Court in L. Chandra Kumar's case (1977) 3 SCC 261 has made observations that there is no uniformity in administration in 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, the details thereof; and

(c) the remedial steps taken by the Government in this regard?

ANSWER

MINISTER OF LAW & JUSTICE (SHRI SALMAN KHURSHID)

(a) : Yes, Madam.

(b) & (c) : 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

DS(T)

LOK SABHA

UNSTARRED QUESTION NO 5800

ANSWERED ON 08.09.2011

BENCH OF ORISSA HIGH COURT

5800 Satpathy Shri Tathagata

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

(a) whether the Government has received any proposal for setting up of a special bench of the Orissa High Court in the western and southern parts of the State;

(b) if so, the details thereof; and

(c) the steps taken by the Government in this regard?

ANSWER

MINISTER OF LAW AND JUSTICE (SHRI SALMAN KHURSHID)

(a) to (c) : 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

M. Cell

GOVERNMENT OF INDIA

MINISTRY OF LAW AND JUSTICE

LOK SABHA

UNSTARRED QUESTION NO 5888

ANSWERED ON 08.09.2011

PRESIDENTIAL REFERENCES

5888 Rao Shri Inderjit Singh

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

(a) the number and details of the Presidential references pending in Hon`ble Supreme Court as on date;

(b) the normal time schedule required for disposal of such references;

(c) whether the Government is aware that a presidential reference regarding the Ravi-Beas waters is pending in the Hon`ble Supreme Court;

(d) if so, the details thereof;

(e) if not, the reasons therefor; and

(f) the time by which it is likely to be taken up and disposed of?

ANSWER

MINISTER OF LAW & JUSTICE (SHRI SALMAN KHURSHID)

(a) to (f): As per the information furnished by the Hon`ble Supreme Court of India, three Presidential references including the Presidential reference relating to Ravi-Beas dispute are pending in the Supreme Court as per the details at Annexure. The cases are listed before the Court in due course on their turn and they are likely to be disposed of in regular course.

GOVERNMENT OF INDIA

MINISTRY OF LAW AND JUSTICE

Jus. II

LOK SABHA

UNSTARRED QUESTION NO 5912

ANSWERED ON 08.09.2011

INDEPENDENT AGENCY FOR TRIBUNALS

5912 Sharma Dr. Arvind Kumar

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

(a) whether the Constitution Bench of the Supreme Court in 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 has made certain recommendations;

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

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

(d) if so, the details in this regard; and

(e) the time by which an independent agency is likely to be set up for the administration of all tribunals?

ANSWER

MINISTER OF LAW & JUSTICE (SHRI SALMAN KHURSHID)

(a) & (b) Yes, Madam. In its judgement 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) & (d) The Government is seized of the matter and have made consultations with various Departments and Ministries presently administering the tribunals/authorities.

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

Jus 'I

GOVERNMENT OF INDIA

MINISTRY OF LAW AND JUSTICE

LOK SABHA

UNSTARRED QUESTION NO 5917

ANSWERED ON 08.09.2011

CONTEMPT OF COURT ACT

5917 Sayeed Muhammed Hamdulla A. B.

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

(a) whether there is any proposal to amend the Contempt of Courts Act, 1971; and

(b) If so, the details thereof?

ANSWER

MINISTER OF LAW & JUSTICE (SHRI SALMAN KHURSHID)

(a) No, Madam.

(b) Does not arise.

GOVERNMENT OF INDIA

MINISTRY OF LAW AND JUSTICE

LOK SABHA

JR Desk

UNSTARRED QUESTION NO 5929

ANSWERED ON 08.09.2011

E-COURTS

5929 Sugavanam Shri E.G.

Rathwa Shri Ramsinhbhai Patalbhai

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

(a) the number of courts in the country which are so far covered under e-court project, State-wise;

(b) whether the Government has formulated any proposal to cover more courts under the scheme in coming years;

(c) if so, the details thereof; and

(d) if not, the reasons therefor?

ANSWER

MINISTER OF LAW AND JUSTICE (SHRI SALMAN KHURSHID)

(a): Under the e-Courts Mission Mode Project, it is envisaged to computerize 12000 courts in 2100 court complexes by 31st March, 2012 and the balance 2249 courts in 969 court complexes by 31st March 2014. The High Court and State- wise details are annexed.

(b) to (d): No such proposal for coverage of additional courts is under consideration of the Government presently.

ANNEXURE

Annexure referred to in reply of Lok Sabha Unstarred Question No. 5929

S.no.	High Court	States covered	Number of Courts
1	Allahabad	Uttar Pradesh	2053
2	Andhra Pradesh	Andhra Pradesh	937
3	Bombay	Maharashtra	1843
4	Calcutta	West Bengal	759
5	Chhattisgarh	Chhattisgarh	313
6	Delhi	Delhi	303
7	Gujarat	Gujarat	800
8	Gauhati	Arunachal Pradesh, Assam, Manipur, Meghalaya, Mizoram, Nagaland, Tripura	378
9	Madhya Pradesh	Madhya Pradesh	1018
10	J&K	Jammu and Kashmir	172
11	Jharkhand	Jharkhand	532
12	Rajasthan	Rajasthan	789
13	Karnataka	Karnataka	773
14	Kerala	Kerala	402
15	Madras	Tamil Nadu	779
16	Orissa	Orissa	399
17	Patna	Bihar	1060
18	Punjab & Haryana	Punjab & Haryana	589
19	Shimla	Himachal Pradesh	108
20	Sikkim	Sikkim	10
21	Uttarakhand	Uttarakhand	232
	Total		14249

M. Cell

GOVERNMENT OF INDIA

MINISTRY OF LAW AND JUSTICE

LOK SABHA

UNSTARRED QUESTION NO 5961

ANSWERED ON 08.09.2011

DEFINITION OF RAPE

5961 Jagannath Dr. M.

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

(a) whether the Government proposes to change the definition of rape taking into consideration the increase in number of rape cases in the country;

(b) if so, the details thereof; and

(c) the time by which a final decision is likely to be taken in this regard?

ANSWER

MINISTER OF LAW & JUSTICE (SHRI SALMAN KHURSHID)

(a)to(c): The Law Commission of India in its 172nd Report on `Review of Rape Laws` has recommended changes for widening the scope of the offence in Section 375 IPC to replace the word `Rape` with `Sexual Assault` and to make it gender neutral. The National Commission for Women (NCW) has separately forwarded a private bill on the same subject to the Government, recommending that the word `Rape` be replaced with `Sexual Assault` in Section 375 of IPC and to widen the scope of the offence prescribed therein.

As the provisions relating to rape and crimes against women are sensitive in nature, a High Powered Committee was constituted under the chairmanship of Union Home Secretary to examine the issue on review of rape laws and to finalize the Bill in the matter. The Committee has submitted its report alongwith a draft Criminal Law (Amendment) Bill, 2011 and recommended to the Government for Its enactment.

Government is examining the bill. No time frame has been fixed in this regard.