

2017

RAJYA SABHA REPLIES

**WINTER SESSION, 2017 [Two
Hundred and Forty Fourth
Session of the Rajya Sabha]**

**[15th December, 2017 to 5th
January, 2018]**

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NM

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

RAJYA SABHA

UNSTARRED QUESTION NO. 103.

TO BE ANSWERED ON FRIDAY, THE 15TH DECEMBER, 2017.

All India Judicial Service

103. SHRI C.M. RAMESH:

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

- (a) whether it is a fact that Government has reopened the proposal to have an All India Judicial Service to appoint District Judges through a process conducted by UPSC;**
- (b) whether any discussions have been held inside or outside the Ministry on this subject; and**
- (c) if so, the details thereof?**

ANSWER

**MINISTER OF STATE FOR LAW AND JUSTICE AND CORPORATE AFFAIRS
(SHRI P. P. CHAUDHARY)**

- (a) : No, Sir.**
- (b) & (c): A comprehensive proposal was formulated for the constitution of an All India Judicial Service (AIJS) and the same was approved by the Committee of Secretaries in November, 2012. The proposal was discussed as an agenda item in the Conference of Chief Ministers and Chief Justices of the High Courts held in April, 2013 wherein it was decided that the issue needed further deliberation and consideration. Views on the proposal have also been sought from the State Governments and High Courts.**

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GOVERNMENT OF INDIA
MINISTRY OF LAW & JUSTICE
DEPARTMENT OF JUSTICE

RAJYA SABHA

UNSTARRED QUESTION NO. 105.

TO BE ANSWERED ON FRIDAY, THE 15TH DECEMBER, 2017.

Appointment of additional judges

105. SHRIMATI RAJANI PATIL:
SHRI P. BHATTACHARYA:

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

- (a) whether it is a fact that more judges are required to dispose of the cases pending at different levels in the courts in the country within appropriate time-frame;
- (b) if so, the facts in this regard and the assessment made by Government thereon; and
- (c) whether Government has fixed any time-frame for appointment of additional judges as per the requirement, if so, the details thereof?

ANSWER

MINISTER OF STATE FOR LAW AND JUSTICE AND CORPORATE AFFAIRS

(SHRI P. P. CHAUDHARY)

(a) & (b): Judges of High Courts are appointed under Articles 217 (1) and 224 of the Constitution. As per the existing Memorandum of Procedure (MoP) for appointment and transfer of Chief Justices and Judges of High Courts, the proposal for initiation of filling up of vacancies in the High Courts vests with the Chief Justice of concerned high Court. As per the existing MOP, the Chief Justice of the High Court is required to initiate the proposal for filling up of vacancies of a Judge in a High Court six months prior to the occurrence of vacancies. However, no time frame can be fixed for appointment of Additional Judges in High Courts as filling up of vacancies is a continuous process and requires consultation and approval from various Constitution Authorities

The issue of shortage of judges is being addressed through a two-pronged strategy. First, by filling up of existing vacancies in the subordinate judiciary and secondly, by increasing the sanctioned strength of judges. The Central Government takes up the matters of increase of strength of subordinate judiciary and filling up of vacant posts with State Governments and relevant High Courts from time to time. As a result, the

sanctioned strength of Judges of District / Subordinate Courts has increased from 20,214 in the year 2014 to 22,658 in 2017.

(c): For efficiently dealing with arrears of pending cases, in addition to other actions by the Judiciary, the Government undertakes the review of the strength of the Judges in High Courts at periodic intervals. During the Joint Conference of Chief Justices and Chief Ministers held on 07.04.2013, it was *inter alia* resolved to increase the sanctioned strength of judges of the High Courts by 25%. Following this, the sanctioned strength of Judges of High Courts has been increased from 906 judges in 2014 to 1079 judges as of November, 2017. Out of this, 685 judges are in position, leaving 394 vacancies of Judges in the High Courts to be filled up. During 2017, 115 fresh appointments of Judges in High Courts were made and 28 Additional Judges were made Permanent. In addition, the tenure of five Additional Judges of the High Courts was also extended. Further, eight Chief Justices of the High Courts were appointed. The sanctioned strength of the Judges in the Supreme Court (including the Chief Justice of India) is 31. As on 12.12.2017, 25 Judges are in position, and there are six vacancies of Judges in the Supreme Court.

As per the Constitutional framework, the selection and appointment of judges in subordinate courts is the responsibility of State Governments and the High Courts concerned. As per information made available by the High Courts and respective State Governments, as on 31.10.2017, the sanctioned strength of Judges / Judicial Officers of District and Subordinate Courts is 22,658 while the number of Judges in position and vacant posts are 16,704 and 5954, respectively.

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

RAJYA SABHA

UNSTARRED QUESTION NO. 106.

TO BE ANSWERED ON FRIDAY, THE 15TH DECEMBER, 2017.

Average time taken for disposal of cases

106. SHRI DARSHAN SINGH YADAV:

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

- (a) whether it is a fact that courts in the country take more time to dispose of the cases in comparison to the developed countries of the world, if so, the facts in this regard;**
- (b) the average time taken by the Supreme Court, High Courts, District Courts and Subordinate Courts to dispose of civil and criminal cases; and**
- (c) the assessment regarding the time taken for the same in USA, England, Japan, France and other European countries?**

ANSWER

**MINISTER OF STATE FOR LAW AND JUSTICE AND CORPORATE AFFAIRS
(SHRI P. P. CHAUDHARY)**

(a) to (c): Courts in various countries operate in different environment on account of difference in availability of infrastructure facilities, use of technology, number of judicial officers per million of population (judge-population ratio), docket ratio (population case filing ratio), provisions of substantive laws and procedures in courts etc. However, a comparison of time taken for disposal of cases in India *vis-à-vis* developed countries may not be valid. The assessment in this regard has to be made by the respective courts. The Government does not maintain data on average time taken for disposal of cases in different courts.

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GOVERNMENT OF INDIA
MINISTRY OF LAW & JUSTICE
DEPARTMENT OF JUSTICE

RAJYA SABHA

UNSTARRED QUESTION NO. 107.

TO BE ANSWERED ON FRIDAY, THE 15TH DECEMBER, 2017.

CCTV cameras in District Courts

107. SHRIMATI SASIKALA PUSHPA:

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

- (a) whether Government has drawn any comprehensive plan to install CCTV cameras in the District Courts across the country pursuant to the order passed by the Apex Court;
- (b) if so, the details thereof;
- (c) whether Government has earmarked any fund for this purpose for the current fiscal;
- (d) if so, the details thereof; and
- (e) if not, the reasons therefor?

ANSWER

MINISTER OF STATE FOR LAW AND JUSTICE AND CORPORATE AFFAIRS
(SHRI P. P. CHAUDHARY)

(a) & (b): In Writ Petition (Criminal) No. 99 of 2015 (Pradyuman Bisht versus Union of India & others), the Hon'ble Supreme Court *vide* order dated 14.08.2017 *inter-alia* directed that it is desirable that CCTV cameras are installed in all subordinate courts in such phased manner as may be considered appropriate by the High Courts. In pursuance of the above direction of the Hon'ble Court, a copy of the order of the Hon'ble Supreme Court was forwarded to Registrars General of all High Courts and Chief Secretaries / Administrators of all States / UT by the Department of Justice, Ministry of Law and Justice *vide* D.O. letter No.15018 / 10 / 2015-Jus.II / e-Courts dated 28th August, 2017 for taking action to install cameras in all Subordinate Courts. The respective High Courts are to decide and take action for installation of CCTV cameras in the subordinate courts in their jurisdiction as considered appropriate by them.

(c) to (e) : Funds for this purpose are to be provided by the respective State Governments.

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

Jus. II

RAJYA SABHA

UNSTARRED QUESTION NO.108

TO BE ANSWERED ON FRIDAY, THE 15TH DECEMBER, 2017

Adherence of laid down procedures by Fast Track Courts

108. SHRI A.K. SELVARAJ:

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

- (a) whether it is a fact that only one out of the four Fast Track Courts was found to be adhering to the laid down procedures, if so, the details thereof;
- (b) whether it is also a fact that the guidelines provide that in every trial, proceeding will be held on day-to-day basis, until all the witnesses have been examined; and
- (c) whether it is also a fact that according to a study, no evidence of counselling provided to survivors was found except in two of the sixteen cases recently?

ANSWER

MINISTER OF STATE FOR LAW & JUSTICE AND
CORPORATE AFFAIRS
(SHRI P.P. CHAUDHARY)

(a): The task of setting up of Fast Track Courts (FTCs) and their functioning is in accordance with the laid down procedures and it lies within the domain of the State Governments as per their need and resources, in consultation with the concerned High Courts. This is in accordance with the award of the 14th Finance Commission wherein States have been provided additional fiscal space for the purpose.

(b) & (c): Suitable amendments have been made to deal with cases relating to heinous crimes under FTCs in Section 309 of the Code of Criminal Procedure, 1973 which provides that, in every inquiry or trial, the proceedings shall be held as expeditiously as possible, and in particular, when the examination of witnesses has once begun, the same shall be continued on day-to-day basis until all the witnesses in attendance have been examined, unless the Court finds the adjournment of the same beyond the following day to be necessary for reasons to be recorded. Counselling is provided as per rules framed by the State Government in consultation with the concerned High Court.

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

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RAJYA SABHA

UNSTARRED QUESTION NO. 111.

TO BE ANSWERED ON FRIDAY, THE 15TH DECEMBER, 2017.

Courtrooms for Subordinate Judiciary

111. SHRIMATI SAROJINI HEMBRAM:

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

- (a) whether it is a fact that the number of courtrooms available for lower courts in the country is less than the sanctioned strength of judges in the Subordinate Judiciary, if so, the details thereof, and
(b) the appropriate action being taken by Government in this regard?

ANSWER

**MINISTER OF STATE FOR LAW AND JUSTICE AND CORPORATE AFFAIRS
(SHRI P. P. CHAUDHARY)**

(a): As per information made available by the various High Courts as of November 2017, there were 17,836 court halls / court rooms available for District and Subordinate Courts in the country and 2,824 court halls / court rooms were under construction. Comparing these figures with the working strength of 16,726 judges / judicial officers reported by High Courts, adequate court rooms / court halls are available for the current strength of judicial officers.

(b): The primary responsibility for development of infrastructural facilities for judiciary in the States, including construction of court halls / court rooms, rests with the State Governments. The Central Government augments the resources of the State Governments by providing financial assistance under a Centrally Sponsored Scheme (CSS) for the Development of Infrastructure Facilities for Judiciary. A sum of Rs.6,006 crore has so far been sanctioned to State Governments / UTs under the Scheme since its inception in the year 1993-94, out of which a sum of Rs.2,562 crore has been sanctioned since the year 2014-15, which includes release of Rs.527.90 crore in 2017-18 as on December 13, 2017.

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

RAJYA SABHA

STARRED QUESTION NO. *77

TO BE ANSWERED ON FRIDAY, 22ND DECEMBER, 2017.

Setting up of new judicial courts

***77. SHRI K. RAHMAN KHAN:**

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

- (a) whether it is a fact that Government is committed to double the number of judicial courts in the country;**
- (b) if so, the number of new courts established in the country during the last three years, the details thereof, State-wise; and**
- (c) by when Government is going to appoint new judicial officers/Judges to fill-up the posts in these new courts?**

ANSWER

**MINISTER OF LAW AND JUSTICE AND ELECTRONICS AND
INFORMATION TECHNOLOGY
(SHRI RAVI SHANKAR PRASAD)**

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

**STATEMENT REFERRED TO IN REPLY TO PARTS (a) TO (c) of RAJYA SABHA
STARRED QUESTION NO. *77 FOR ANSWER ON 22ND DECEMBER, 2017.**

(a) : In the case of *Imtiyaz Ahmed versus State of Uttar Pradesh and others*, the Supreme Court had asked the Law Commission of India to evolve a method for scientific assessment of the number of additional courts required to clear the backlog of cases. In 245th report (2014), the Law Commission has observed that filing of cases *per capita* varies substantially across geographic units as filings are associated with economic and social conditions of the population. As such the Law Commission did not consider the judge population ratio to be a scientific criterion for determining the adequacy of the judge strength in the country. The Law Commission found that in the absence of complete and scientific approach to data collection across various High Courts in the country, the "Rate of Disposal" method, to calculate the number of additional judges required to clear the backlog of cases as well as to ensure that new backlog is not created, is more pragmatic and useful. In May, 2014, the Supreme Court asked the State Governments and the High Courts to file their response to the recommendations made by the Law Commission. In August 2014, the Supreme Court asked the National Court Management System Committee (NCMS Committee) to examine the recommendations made by the Law Commission and to furnish its recommendations in this regard. NCMS Committee submitted its report to the Supreme Court in March, 2016. The report, *inter-alia*, observes that in the long term, the judge strength of the subordinate courts will have to be assessed by a scientific method to determine the total number of "Judicial Hours" required for disposing of the case load of each court. In the interim, the Committee has proposed a "weighted" disposal approach *i.e.* disposal weighted by the nature and complexity of cases in local conditions. As per the direction of the Hon'ble Supreme Court in its Order dated 02.01.2017, the Department of Justice has forwarded a copy of interim report of the NCMS Committee to all the State Governments and High Courts to enable them to take follow up action to determine the required Strength of district and subordinate judiciary.

(b) : The new courts at District and below District / Subordinate (Tehsil / Taluka) level are established by the respective State Governments in consultation with the concerned High Courts. As per information made available by High Courts and State Governments, sanctioned strength of Judicial Officers of District / Subordinate Courts has increased from 20,214 in the year 2014 to 22,677 in 2017. The State-wise details of sanctioned strength of Judicial Officers of District / Subordinate Courts in the years 2014 and 2017 are given in a Statement at ***Annexure-I***.

Judges of Supreme Court of India are appointed under Article 124 (2) and the Judges of High Courts are appointed under Articles 217 (1) and 224 of the Constitution. As per the provision in the existing Memorandum of Procedure (MoP) for appointment of Judges of Supreme Court and High Courts, the proposals are initiated by the Chief Justice of India after consultation with the Collegium of Supreme Court and the Chief Justice of the High Court after consultation with the Collegium of the High Court respectively, for filling up of vacancies of Judges in the Supreme Court and related High Courts. The details of vacancies of Judges in the Supreme Court and High Courts are given in **Annexure-II.**

(c): As per the Constitutional framework, the selection and appointment of judges in subordinate courts is the responsibility of State Governments and the High Courts concerned. In so far as recruitment of judicial officers in the states is concerned, respective High Courts do it in certain states, whereas the High Courts do it in consultation with the State Public Service Commissions in other states. The details are given **Annexure-III.**

As per information made available by the High Courts and respective State Governments, as on 30.11.2017 the sanctioned strength of Judicial Officers of District and Subordinate Courts is 22,677, number of Judges in position and vacant posts is 16,693 and 5,984, respectively.

It may be mentioned that the Central Government is fully committed to speedy disposal of cases in accordance with Article 21 of the Constitution. It has undertaken many steps towards achieving this objective. One of these steps is, strengthening of judicial infrastructure in districts through the Centrally Sponsored Scheme (CSS) for Development of Infrastructure Facilities for Judiciary a total of Rs. 6006 crore has been released since 1993-94, out of which Rs. 2,562 crore (42.66%) has been released since April, 2014. 17,848 Court Halls and 14,085 Residential Accommodations have been made available for Judicial Officers of District and Subordinate Courts under this scheme as on 30.11.2017. Out of this 2429 Court Halls and 4172 Residential Accommodations were constructed since 2014 to till date. In addition, 3,143 Court Halls and 1,682 Residential Accommodations are under construction. The Central Government has approved continuation of the Centrally Sponsored Scheme (CSS) for Development of Infrastructure

facilities for Judiciary beyond the 12th Five Year Plan period *i.e.* from 01.04.2017 to 31.03.2020 with an estimated outlay of Rs.3,320 crore.

Under the Phase-I of the eCourts Mission Mode Project undertaken by the Central Government from 2010 to 2015, against a total target of computerisation of 14249 courts, the computerisation of 13672 district and subordinate courts has been achieved. This includes the software installation of hardware, the LAN and software. This has enabled the courts to upload the case status and orders online. Status of cases and copies of judgments have also been made available on the websites of the respective District and Subordinate Court Complexes which have been computerised.

The Central Government has approved Phase II of the eCourts Mission Mode Project in July, 2015 upto 31 March 2019 at an outlay of Rs.1,670 crores. The facilities of e-services such as cause lists, case status, daily orders, judgments *etc.* are being provided under the supervision of e-Committee of the Supreme Court and Computer Committees of respective High Courts. A total of 16,089 Courts have been computerised under the eCourts Project till date. Video Conferencing facility has also been operationalised between 500 courts and corresponding prisons during the period 2015-17 for faster and timely recording of evidence. Development of National Judicial Data Grid under this project provides updated information on civil and criminal cases, including pending cases, for the computerised district/subordinate courts in the country.

Statement referred to Rajya Sabha Starred Question No. *77 dated 22nd December, 2017 regarding Setting up of new Judicial Courts

Sanctioned Strength of Judicial Officers in District and Subordinate Courts in the years 2014 and 2017.

Sl. No	States	Sanctioned Strength as on 31.12.2014	Sanctioned Strength as on 30.11.2017
1	Andhra Pradesh & Telangana	1034	987**
2	Arunachal Pradesh	16	28
3	Assam	403	428
4	Bihar	1670	1826**
5	Chhattisgarh	354	398
6	Goa	52	55
7	Gujarat	1963	1511**
8	Haryana	644	644
9	Himachal Pradesh	146	159**
10	Jammu & Kashmir	244	253
11	Jharkhand	578	672**
12	Karnataka	1085	1303**
13	Kerala & Lakshadweep	447	537**
14	Madhya Pradesh	1460	2021
15	Maharashtra	2072	2096
16	Manipur	40	49
17	Meghalaya	55	97
18	Mizoram	67	63
19	Nagaland	27	34
20	Orissa	690	862
21	Punjab	672	674
22	Rajasthan	1145	1223**
23	Sikkim	18	23**
24	Tamil Nadu	997	1257*
25	Tripura	104	107
26	Uttar Pradesh	2097	3204
27	Uttarakhand	289	291**
28	West Bengal and A & N Island	994	1013**
29	Chandigarh	30	30
30	D & N Haveli AND Daman & Diu	7	7**
31	Delhi	793	799**
32	Pondicherry	21	26*
Total		20,214	22,677

* as on 7.11.2017

**as on 31.10.2017

Annexure -

Statement referred to Rajya Sabha Starred Question No. *77 for reply on 22nd December, 2017.

Vacancies of Judges in the Supreme Court and various High Courts as on 01.12.2017

Sr. No.	Name of the Court	Vacancies of Judges as on 01.12.2017.
1.	Supreme Court of India	6

Sr. No.	Name of the High Court	Vacancies of Judges as on 01.12.2017.
1.	Allahabad High Court	51
2.	Calcutta High Court	39
3.	Karnataka High Court	37
4.	Punjab & Haryana High Court	35
5.	High Court of Telengana and Andhra Pradesh	30
6.	Delhi High Court	23
7.	Bombay High Court	21
8.	Gujarat High Court	21
9.	Patna High Court	20
10.	Madhya Pradesh High Court	19
11.	Madras High Court	15
12.	Rajasthan High Court	15
13.	Jharkhand High Court	11
14.	Kerala High Court	10
15.	Orissa High Court	10
16.	Chhattisgarh High Court	10
17.	Guahati High Court	06
18.	Jammu and Kashmir High Court	06
19.	Himachal Pradesh High Court	05
20.	Manipur High Court	03
21.	Tripura High Court	02
22.	Meghalaya High Court	02
23.	Uttarakhand High Court	01
24.	Sikkim High Court	00
Total		392

Statement referred to Rajya Sabha Starred Question No. *77 for reply on 22nd December, 2017.

Statement on Authority conducting selection for appointment of Judicial Officers/Judges to State Higher Judicial Services and Lower State Judicial Services:

Sr. No.	Name of State	Higher Judicial Service	Lower Judicial Service
1	Andhra Pradesh	High Court	High Court
2	Arunachal Pradesh	High Court of Gauhati	50% by High Court of Gauhati & 50% by State Public Service Commission
3	Assam	High Court	High Court
4	Bihar	High Court	State Public Service Commission
5	Chhattisgarh	High Court	State Public Service Commission
6	Delhi	High Court	High Court
7	Goa	High Court of Bombay	High Court of Bombay
8	Gujarat	High Court	High Court
9	Haryana	High Court	State Public Service Commission
10	Himachal Pradesh	High Court	State Public Service Commission
11	Jammu & Kashmir	High Court	State Public Service Commission
12	Jharkhand	High Court	State Public Service Commission
13	Karnataka	High Court	High Court
14	Kerala	High Court	High Court
15	Madhya Pradesh	High Court	State Public Service Commission
16	Maharashtra	High Court	State Public Service Commission
17	Manipur	High Court	High Court
18	Meghalaya	High Court	State Public Service Commission
19	Mizoram	High Court	State Public Service Commission
20	Nagaland	High Court	High Court
21	Orissa	High Court	State Public Service Commission
22	Punjab	High Court	State Public Service Commission
23	Rajasthan	High Court	High Court
24	Sikkim	High Court	High Court
25	Tamil Nadu	High Court	State Public Service Commission
26	Tripura	High Court	State Public Service Commission
27	Uttar Pradesh	High Court	State Public Service Commission
28	Uttarakhand	High Court	State Public Service Commission
29	West Bengal	High Court	State Public Service Commission

NM/JR

GOVERNMENT OF INDIA
MINISTRY OF LAW & JUSTICE
DEPARTMENT OF JUSTICE

RAJYA SABHA

UNSTARRED QUESTION NO. 911.

TO BE ANSWERED ON FRIDAY, THE 22ND DECEMBER, 2017.

Gram Nyayalayas in Andhra Pradesh

911. SHRI V. VIJAYASAI REDDY:

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

- (a) whether there is not even a single Gram Nyayalayas in Andhra Pradesh;
- (b) whether it is a fact that, in view of Government of Andhra Pradesh not coming forward for setting up of Gram Nyayalayas, no financial assistance has been provided to the State so far;
- (c) whether the Ministry has tried to find out the reasons behind not setting up of Gram Nyayalayas in spite of increase in crime rate in Andhra Pradesh, particularly in rural areas; and
- (d) the efforts being made to persuade Government of Andhra Pradesh to set up Gram Nyayalayas?

ANSWER

MINISTER OF STATE FOR LAW AND JUSTICE AND CORPORATE AFFAIRS
(SHRI P. P. CHAUDHARY)

(a): Yes, Sir. As per the information available, no Gram Nyayalaya has been established by the State Government of Andhra Pradesh. In terms of Section 3 (1) of the Gram Nyayalayas Act, 2008, the State Governments are responsible for establishing Gram Nyayalayas in consultation with the respective High Courts.

(b) : Under the Central Government's Scheme of '*Assistance to States for Establishing and Operationalising Gram Nyayalayas*', the financial assistance is sanctioned only after the issue of notification for establishing Gram Nyayalayas by the respective State Governments and their operationalisation.

(c) : The issues affecting operationalization of the Gram Nyayalayas were discussed in the Conference of Chief Justices of High Courts and Chief Ministers of the States on 7th April, 2013. In the case of the State of Andhra Pradesh, the views were that since the jurisdiction of the Gram Nyayalayas overlap the jurisdiction of the regular courts, hence, it was, *inter-alia*, decided in the Conference that the State Governments and High Courts should decide the question of establishment of Gram Nyayalayas wherever feasible, taking into account the local issues and situation.

(d) : The Central Government has been making regular requests to the Chief Ministers of States and Chief Justices of High Courts for establishment of Gram Nyayalayas in the respective States. Recently, the Central Government has requested all State Governments, including the State Government of Andhra Pradesh, to set up Gram Nyayalayas and seek financial assistance for operationalising them under the Scheme mentioned in part (b) above.

GOVERNMENT OF INDIA
MINISTRY OF LAW & JUSTICE
DEPARTMENT OF JUSTICE

NM

RAJYA SABHA

UNSTARRED QUESTION NO. 912.

TO BE ANSWERED ON FRIDAY, THE 22ND DECEMBER, 2017.

All India Judicial Service

912. SHRIMATI WANSUK SYIEM:

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

- (a) whether Government would go for an All India Judicial Service with an all-India entrance examination for judges for uniform recruitment, in view of recent scams surfacing regarding recruitment of judges for the lower judiciary, eroding the confidence and trust of the public in judiciary;
- (b) whether the report of the 116th Law Commission includes many workable solutions to do away with the problems faced in lower and higher courts; and
- (c) if so, the Government's stance thereon?

ANSWER

MINISTER OF STATE FOR LAW AND JUSTICE AND CORPORATE AFFAIRS
(SHRI P. P. CHAUDHARY)

(a) to (c) : Law Commission in its 116th Report (1986) observed that time has come to set up a body composed of experts in the judicial service to take over the functions of setting up, manning, running and dealing with judicial service from the grassroot to the top level. Law Commission recommended All India Judicial Service for the subordinate judiciary and a National Judicial Service Commission for appointments to High Courts and Supreme Court to overcome the delay in disposal of cases. A comprehensive proposal was formulated for the constitution of an All India Judicial Service (AIJS) and the same was approved by the Committee of Secretaries in November, 2012. The proposal was discussed as an agenda item in the Conference of Chief Ministers and Chief Justices of the High Courts held in April, 2013 wherein it was decided that the issue needed further deliberation and consideration. Views on the proposal have also sought from the State Governments and High Courts.

LAP

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

RAJYA SABHA

UNSTARRED QUESTION NO. 913

TO BE ANSWERED ON FRIDAY, THE 22nd DECEMBER, 2017

Provision of legal aid at police stations

913. SHRIMATI VANDANA CHAVAN:

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

- (a) whether Government has taken steps to provide legal aid to persons at police stations in furtherance of Article 39A of the Constitution;
- (b) if so, the names of the schemes/ regulations formulated to provide legal aid alongwith the total number of persons who were given legal assistance at police stations during the last one year, State-wise; and
- (c) if not, whether the Ministry proposes to develop any schemes in this regard?

ANSWER

**MINISTER OF STATE FOR LAW & JUSTICE
AND CORPORATE AFFAIRS
(SHRI P.P.CHAUDHARY)**

- (a) Under Article 39-A of the Constitution, the Government and the Judiciary are committed to provide free legal aid to poor, weaker sections of society and to promote justice on the basis of equal opportunity. At present legal aid is provided by legal services authorities to eligible persons at police stations as and when request for such services are received.
- (b) &(c) There is no specific scheme for providing free legal aid to persons at police stations. Yet all persons in police custody requiring legal aid are provided requisite services through lawyers whose panel is maintained by State and District Legal Services Authorities. As per data available with National Legal Services Authority, 7.41 lakhs persons in custody have been provided legal services through various legal services institutions from the operationalisation in 1995 of Legal Services Authorities Act 1987 till September 2017. The State-wise data of persons who are provided legal assistance at police stations is not maintained centrally. There is no proposal at present to develop a separate scheme for providing free legal aid to persons at police stations.

GOVERNMENT OF INDIA
MINISTRY OF LAW & JUSTICE
DEPARTMENT OF JUSTICE

RAJYA SABHA

UNSTARRED QUESTION NO. 914.

TO BE ANSWERED ON FRIDAY, THE 22ND DECEMBER, 2017.

Vacancies in courts

914. SHRI RAMKUMAR VERMA:

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

- (a) the number of vacancies in the various District Courts, High Courts across the country and the Supreme Court, the details thereof, State-wise; and
- (b) whether Government has any plan to fill up the vacancies in the various courts of the country?

ANSWER

MINISTER OF STATE FOR LAW AND JUSTICE AND CORPORATE AFFAIRS
(SHRI P. P. CHAUDHARY)

(a): The details of vacancies of Judges in Supreme Court and various High Courts are given in Statement at **Annexure – I** and details of vacancies of Judges / Judicial Officers in various District and Subordinate Courts in the country, State-wise, as per the information made available by High Courts / State Governments, are given in Statement at **Annexure – II**.

(b) : Judges of Supreme Court of India are appointed under Article 124 (2) and the Judges of High Courts are appointed under Articles 217 (1) and 224 of the Constitution. As per the provision in the existing Memorandum of Procedure (MoP) for appointment of Judges of Supreme Court and High Courts, the proposals are initiated by the Chief Justice of India after consultation with the Collegium of Supreme Court and the Chief Justice of the High Court after consultation with the Collegium of the High Court respectively, for filling up of vacancies of Judges in the Supreme Court and related High Courts. No time frame can be fixed for appointment of Additional Judges in High Courts as filling up of vacancies is a continuous process and it requires consultation and approval from various Constitutional Authorities. Vacancies also keep on arising on account of retirement, resignation or elevation of Judges which is a continuous process. As per the Constitutional framework, the selection and appointment of judges in subordinate courts is the responsibility of State Governments and the High Courts concerned.

Statement referred to Rajya Sabha Unstarred Question No. 914 for reply on 22nd December, 2017.

Vacancies of Judges in the Supreme Court and various High Courts as on 01.12.2017

Sr. No.	Name of the Court	Vacancies of Judges as on 01.12.2017.
1.	Supreme Court of India	6

Sr. No.	Name of the High Court	Vacancies of Judges as on 01.12.2017.
1.	Allahabad High Court	51
2.	Calcutta High Court	39
3.	Karnataka High Court	37
4.	Punjab & Haryana High Court	35
5.	High Court of Telengana and Andhra Pradesh	30
6.	Delhi High Court	23
7.	Bombay High Court	21
8.	Gujarat High Court	21
9.	Patna High Court	20
10.	Madhya Pradesh High Court	19
11.	Madras High Court	15
12.	Rajasthan High Court	15
13.	Jharkhand High Court	11
14.	Kerala High Court	10
15.	Orissa High Court	10
16.	Chhattisgarh High Court	10
17.	Guahati High Court	06
18.	Jammu and Kashmir High Court	06
19.	Himachal Pradesh High Court	05
20.	Manipur High Court	03
21.	Tripura High Court	02
22.	Meghalaya High Court	02
23.	Uttarakhand High Court	01
24.	Sikkim High Court	00
Total		392

Statement referred to Rajya Sabha Unstarred Question No. 914 for reply on 22nd December, 2017.

Vacancies of Judges / Judicial Officers in the District and Subordinate Courts

Sl. No	States	Vacancies as on 30.11.2017
1	Uttar Pradesh	1,344
2	Bihar**	825
3	Madhya Pradesh	748
4	Gujarat**	385
5	Tamil Nadu*	341
6	Karnataka**	325
7	Delhi**	316
8	Jharkhand**	251
9	Orissa	204
10	Maharashtra	149
11	Haryana	147
12	Punjab	136
13	Andhra Pradesh & Telangana**	114
14	Rajasthan**	96
15	West Bengal and A & N Island**	84
16	Assam	76
17	Kerala**	73
18	Chhattisgarh	63
19	Uttarakhand**	61
20	Meghalaya	58
21	Jammu & Kashmir	39
22	Mizoram	33
23	Tripura	31
24	Manipur	18
25	Pondicherry*	14
26	Goa	12
27	Arunachal Pradesh	11
28	Nagaland	11
29	Himachal Pradesh**	10
30	Sikkim**	8
31	Lakshadweep**	1
32	Chandigarh	0
33	D & N Haveli AND Daman & Diu**	0
Total		5,984

* as on 7.11.2017

**as on 31.10.2017

GOVERNMENT OF INDIA
MINISTRY OF LAW AND JUSTICE
DEPARTMENT OF JUSTICE

Desk Side

RAJYA SABHA
UNSTARRED QUESTION NO. 917

TO BE ANSWERED ON FRIDAY, THE 22.12.2017

Reservation of seats for SC and ST Judges in Supreme Court

917. SHRI RONALD SAPA TLAU :

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

- (a) whether it is a fact that Government is eager to provide maximum benefits to the deserving/qualified minority groups like SCs, STs, etc, even in high places like Supreme Court;
- (b) if so, the present number of Judges belonging to the SC, ST etc. in the Supreme Court;
- (c) the number of such posts lying vacant in Supreme Court today; and
- (d) the action being taken by Government in promoting more seats for SC and ST Judges in the Supreme Court?

ANSWER
MINISTER OF STATE FOR LAW AND JUSTICE AND CORPORATE
AFFAIRS
(SHRI P.P. CHAUDHARY)

(a) to (d): As on 18.12.2017, there are 6 vacancies in the Supreme Court. Appointment of Judges of the Supreme Court is made under Article 124 of the Constitution of India. The Article does not provide for reservation for any caste or class of persons. Therefore, no caste or class-wise data of Judges is maintained.

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

LAP

RAJYA SABHA

UNSTARRED QUESTION NO. 918

TO BE ANSWERED ON FRIDAY, THE 22nd DECEMBER, 2017
Prisoners benefitted from legal aid by NALSA

918. SHRI HARSHVARDHAN SINGH DUNGARPUR

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

- (a) whether the National Legal Services Authority (NALSA) gives legal aid to the poor prisoners languishing in various jails;
- (b) if so, the number of legal assistance establishments set up in each State, State-wise;
- (c) the total number of persons languishing in jails due to lack of legal assistance; and
- (d) the number of poor prisoners benefitted through NALSA till date?

ANSWER

**MINISTER OF STATE FOR LAW & JUSTICE
AND CORPORATE AFFAIRS
(SHRI P.P.CHAUDHARY)**

- (a) Under Section 12 of the Legal Services Authorities Act, 1987, a person in custody is eligible for free and competent legal services.
- (b) National Legal Services Authority has set up 25 legal assistance establishments, one each in the states of Bihar, Chhattisgarh, Goa, Gujarat, Haryana, Himachal Pradesh, Jammu & Kashmir, Jharkhand, Karnataka, Kerala, Madhya Pradesh, Maharashtra, Manipur, Odisha, Punjab, Sikkim, Tamil Nadu, Tripura, Uttar Pradesh, Uttarakhand, West Bengal, U.T. of Chandigarh, Dadra & Nagar Haveli, Delhi and Puducherry.
- (c) & (d) The persons currently lodged in various jails are provided legal assistance as per their eligibility and requirement. The identification of such needy persons requiring legal aid is done by Undertrial Review Committee and through legal aid clinics and regular visits by panel lawyers to jails. Since the Legal Services Authorities Act, 1987 came into operation in the year 1995 till September, 2017, a total of 7.41 lakh persons in custody have been provided legal aid by legal services institutions at various levels.

GOVERNMENT OF INDIA
MINISTRY OF LAW & JUSTICE
DEPARTMENT OF JUSTICE

AM

RAJYA SABHA

UNSTARRED QUESTION NO. 919.

TO BE ANSWERED ON FRIDAY, THE 22ND DECEMBER, 2017.

Recruitment of Judges and disposal of cases

919. SHRI RAM KUMAR KASHYAP:

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

- (a) whether nearly 23 per cent of posts in the lower judiciary are lying vacant;
- (b) if so, the steps taken to recruit Judges to fill up vacant posts;
- (c) whether speedy trial is a part of reasonable, fair and just procedure guaranteed under Article 21 of the Constitution;
- (d) if so, whether any time-frame has been fixed for deciding a case in lower and High Courts; and
- (e) the total number of cases pending in lower, High and Supreme Courts and the number of them which are pending for more than five years and ten years, respectively?

ANSWER

MINISTER OF STATE FOR LAW AND JUSTICE AND CORPORATE AFFAIRS
(SHRI P. P. CHAUDHARY)

(a) & (b): As per the Constitutional framework, the selection and appointment of judges in subordinate courts is the responsibility of State Governments and the High Courts concerned. As per information made available by the High Courts and respective State Governments, as on 30.11.2017, the sanctioned strength of Judicial Officers of District and Subordinate Courts is 22,677, and number of Judicial Officers in position and vacant posts is 16,693 and 5,984, respectively.

(c): Yes Sir. Article 21 of the Constitution guarantees speedy trial as part of reasonable, fair and just procedure. The Supreme Court of India has observed in various judgments that fair, just and reasonable procedure which is implicit in Article 21 of the Constitution creates a right in the accused for speedy trial.

(d) : Disposal of cases in courts is within the domain of the judiciary. The time taken for disposal of a case depends on several factors *such as* category of the case (civil or criminal), complexity of the facts involved, nature of evidence, co-operation of stakeholders *viz.* bar, investigation agencies, witnesses and litigants besides the availability of physical infrastructure, supporting court staff and applicable rules of procedure. No time frame has been prescribed for disposal of various kinds of cases by the respective courts.

(e) : As per latest information available on the website of the Supreme Court of India, 55,259 cases were pending in Supreme Court of India as on 01.11.2017. As per information available on the web-portal of National Judicial Data Grid (NJDG), 34.23 lakh cases were pending in High Courts (*excluding* High Courts of Allahabad and Jammu & Kashmir) as on 20.12.2017, out of which 7.47 lakh cases were 5 to 10 years old, and 6.43 lakh cases were more than 10 years old. 2.60 crore cases were pending in various District and Subordinate Courts of the country (*excluding* District and Subordinate Courts in the States of Arunachal Pradesh, Nagaland, and Union Territories of Lakshadweep and Puducherry) as on 20.12.2017, out of which 41.82 lakh cases were 5 to 10 years old, and 22.62 lakh cases were more than 10 years old.

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

Jus. II

RAJYA SABHA

UNSTARRED QUESTION NO.921

TO BE ANSWERED ON FRIDAY, THE 22ND DECEMBER, 2017

Fast Track Courts for crimes against women

921. SHRIMATI VANDANA CHAVAN:

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

- (a) the total number of operational Fast Track Courts (FTCs) for crimes against women in the country;
- (b) whether there has been any shutdown of FTCs in few States and the reasons therefor;
- (c) whether Government has conducted periodic monitoring to assess the effectiveness of the said court, if not, the reasons therefor; and
- (d) the details of any measures being undertaken by Government to ensure that all the State Governments set up FTCs?

ANSWER

MINISTER OF STATE FOR LAW & JUSTICE AND
CORPORATE AFFAIRS
(SHRI P.P. CHAUDHARY)

(a) & (b): The setting up of Fast Track Courts (FTCs) and their monitoring lies within the domain of the State Governments as per their need and resources, in consultation with the concerned High Courts. Information relating to number of operational FTCs for crimes against women in the country is not maintained centrally. However, as per information received from the High Courts, at present, 722 FTCs are functional in the country (Annexure).

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

(c) & (d): The Union Government has adopted a coordinated approach to assist judiciary for phased liquidation of arrears and pendency in judicial systems, which, inter-alia, involves better infrastructure for court including computerisation, increase in strength of judicial officers/judges, policy and legislative measures in the areas prone to excessive litigation and emphasis on human resource development .

The Government of India had proposed setting up of 1800 FTCs as a component of its Memorandum to the 14th Finance Commission (FC) to dispose of cases pertaining to heinous crimes involving women, children etc at a cost of `4144 crore. The 14th Finance Commission endorsed the proposal of the Union Government and urged the State Governments to use the additional fiscal space provided by the Commission in the tax devolution to meet such requirements.

The Central Government has urged the State Governments to allocate funds for the activities mentioned in the 14th FC recommendations from their State budgets from 2015-16 onwards. Further, this issue was also discussed in the Chief Ministers' and Chief Justices' Conference held on the 24th April, 2016 wherein it was resolved to strengthen the existing coordination and monitoring mechanism between the State Governments and the Judiciary for effective implementation of the recommendations of the 14th FC. The Minister of Law & Justice has also written letters to all the Chief Ministers of the States and Chief Justices of High Courts to implement the resolution of the Conference including the recommendations of the 14th Finance Commission related to FTCs.

Annexure

STATEMENT REFERRED TO IN REPLY TO PARTS (a) & (b) OF THE RAJYA SABHA UNSTARRED QUESTION NO.921 TO BE ANSWERED ON THE 22ND DECEMBER, 2017 REGARDING FTCs FOR CRIMES AGAINST WOMEN

Name of the Status/UTs	No of Fast Track Courts functional as on 30.09.2017
Andhra Pradesh , Telangana	72
Assam, Arunachal Pradesh, Nagaland, Mizoram	0
Bihar	55
Chhattisgarh	21
Delhi	14
Goa	4
Gujarat	0
Haryana	0
Himachal Pradesh	0
Jammu & Kashmir	0
Jharkhand	14
Karnataka	0
Kerala	0
Madhya Pradesh	0
Maharashtra	100
Manipur	3
Meghalaya	0
Odisha	0
Punjab	0
Puducherry	0
Rajasthan	0
Sikkim	2
Tamil Nadu	69
Tripura	3
Uttar Pradesh	273
Uttarakhand	4
West Bengal	88
Total	722

GOVERNMENT OF INDIA
MINISTRY OF LAW AND JUSTICE
DEPARTMENT OF JUSTICE

RAJYA SABHA
UNSTARRED QUESTION NO. 922

Desk Side

TO BE ANSWERED ON FRIDAY, THE 22.12.2017

Appointment of Judges to Supreme Court and High Courts

922. SHRI VIVEK K. TANKHA:

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

- (a) whether it is a fact that nine High Courts are functioning with acting Chief Justices;
- (b) if so, whether this could be described as unprecedented situation amid a lingering standoff between the judiciary and the Government and inter-collegium differences;
- (c) the action Government proposes to take to remedy the situation; and
- (d) whether it is a fact that in the past three months, there has not been a single meeting for considering any appointment to the Supreme Court, having six vacancies as of today, if so, the reasons therefor?

ANSWER

**MINISTER OF STATE FOR LAW AND JUSTICE AND CORPORATE AFFAIRS
(SHRI P.P. CHAUDHARY)**

(a): Yes, Sir. As of 19.12.2017 nine High Courts have acting Chief Justices.

(b) to (d): Filling up of vacancies in the High Courts is a continuous and collaborative process of the Judiciary and Executive. As per the existing Memorandum of Procedure, the process of appointment of Chief Justice of High Court must be initiated well in time by Chief Justice of India in consultation with Supreme Court Collegium to ensure the completion at least one month prior to the date of anticipated vacancy. The initiation of the proposal for appointment of Judges of the Supreme Court is done by the Chief Justice of India in consultation with a Collegium of four senior-most Judges of the Supreme Court. The Government of India has not received any proposal for filling up of the 6 vacancies of Judges in the Supreme Court and for appointment of Chief Justices in the nine High Courts which are functioning with acting Chief Justices.

The Supreme Court passed an order dated 16.12.2015 for improving the Collegium system of appointments by supplementing the existing Memorandum of Procedure (MoP). As the process was likely to take some time, at the initiative of the Government, the matter was taken up with Supreme Court and the appointment process was continued with the existing MoP. During 2016, 4 Judges in the Supreme Court and 14 Chief Justices of High Courts were appointed. Besides, 126 fresh appointments of Judges were made in High Courts which is the highest number in a calendar year. During 2017, as on 19.12.2017, 5 Judges in the Supreme Court, 8 Chief Justices of High Courts and 115 fresh appointments of Judges in the High Courts have been made.

GOVERNMENT OF INDIA
MINISTRY OF LAW & JUSTICE
DEPARTMENT OF JUSTICE

RAJYA SABHA

UNSTARRED QUESTION NO. 925.

TO BE ANSWERED ON FRIDAY, THE 22ND DECEMBER, 2017.

Strength of Judicial Officers and Prosecutors

925. SHRI HUSAIN DALWAI:
SHRIMATI VANDANA CHAVAN:

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

- (a) the sanctioned strength and vacancies for Judicial Officers and Prosecutors State-wise and rank-wise;
- (b) the steps taken by Government to reduce the gap between their sanctioned and actual strength;
- (c) the total number of training academics / institutes with their trainee capacities available for the training of Judicial Officers and Prosecutors State-wise; and
- (d) the total number of Judicial Officers and Prosecutors, who have been imparted basic training 2014 onwards State-wise and rank-wise?

ANSWER

MINISTER OF STATE FOR LAW AND JUSTICE AND CORPORATE AFFAIRS
(SHRI P. P. CHAUDHARY)

(a) : Judicial Officers in District and Subordinate Courts are recruited and appointed by the respective High Courts and State Governments. Prosecutors are also recruited and appointed by the respective State Governments. Hence, State / UT-wise and rank-wise strength and vacancies of Judicial Officers of District and Subordinate Courts and Prosecutors are not maintained centrally. However, as per the information made available by the State Governments / High Courts, State / UT-wise details of sanctioned / working strength and vacancies of Judicial Officers in District and Subordinate Courts are given in Statement at **Annexure – I**.

(b) : As per the Constitution, the selection and appointment of judges in subordinate courts is the responsibility of State Governments and the High Courts concerned. However, the Central Government takes up the matters regarding the strength of subordinate judiciary and filling up of vacant posts with the State Governments and relevant High Courts from time to time.

(c) & (d) : As per the information available, a list of National and State Judicial Academies is given in Statement at **Annexure – II**. The Central Government does not maintain the details of trainings imparted to the Judicial Officers and Prosecutors.

Statement referred to in reply to part (a) of the Rajya Sabha Unstarred Question No. 925 for reply on 22nd December, 2017.

Sanctioned Strength, Working Strength and Vacancies of Judicial Officers of District and Subordinate Courts as on 30.11.2017.

Sl. No	States	Sanctioned Strength as on 30.11.2017	Working Strength as on 30.11.2017	Vacancies as on 30.11.2017
1	Andhra Pradesh & Telangana**	987	873	114
2	Arunachal Pradesh	28	17	11
3	Assam	428	352	76
4	Bihar**	1826	1001	825
5	Chhattisgarh	398	335	63
6	Goa	55	43	12
7	Gujarat**	1511	1126	385
8	Haryana	644	497	147
9	Himachal Pradesh**	159	149	10
10	Jammu & Kashmir	253	214	39
11	Jharkhand**	672	421	251
12	Karnataka**	1303	978	325
13	Kerala**	534	461	73
14	Madhya Pradesh	2021	1273	748
15	Maharashtra	2096	1947	149
16	Manipur	49	31	18
17	Meghalaya	97	39	58
18	Mizoram	63	30	33
19	Nagaland	34	23	11
20	Orissa	862	658	204
21	Punjab	674	538	136
22	Rajasthan**	1223	1127	96
23	Sikkim**	23	15	8
24	Tamil Nadu*	1257	916	341
25	Tripura	107	76	31
26	Uttar Pradesh	3204	1860	1344
27	Uttarakhand**	291	230	61
28	West Bengal and A & N Island**	1013	929	84
29	Chandigarh	30	30	0
30	D & N Haveli AND Daman & Diu**	7	7	0
31	Delhi**	799	483	316
32	Lakshadweep**	3	2	1
33	Pondicherry*	26	12	14
Total		22,677	16,693	5,984

* as on 7.11.2017

**as on 31.10.2017

Statement referred to in reply to in parts (C) & (d) of the Rajya Sabha Unstarred Question No. 925 for reply on 22nd December, 2017.

List of Judicial Academies

1. National Judicial Academy, Bhopal.
2. Judicial Training & Research Institute, Uttar Pradesh.
3. Andhra Pradesh Judicial Academy
4. Maharashtra Judicial Academy, Thane.
5. West Bengal Judicial Academy.
6. Chhattisgarh State Judicial Academy.
7. Delhi Judicial Academy, New Delhi.
8. Assam State Judicial Academy.
9. Gujarat State Judicial Academy.
10. Himachal Pradesh Judicial Academy.
11. Jammu & Kashmir State Judicial Academy.
12. Judicial Academy, Jharkhand.
13. Karnataka Judicial Academy
14. Kerala Judicial Academy
15. Madhya Pradesh State Judicial Academy.
16. Tamil Nadu State Judicial Academy.
17. Odisha Judicial Academy
18. Bihar Judicial Academy
19. Chandigarh Judicial Academy
20. Rajasthan State Judicial Academy
21. Uttarakhand Judicial and Legal Academy.
22. Sikkim Judicial Academy.

Desk Side

GOVERNMENT OF INDIA
MINISTRY OF LAW AND JUSTICE
DEPARTMENT OF JUSTICE

**RAJYA SABHA
UNSTARRED QUESTION NO. 1381**

TO BE ANSWERED ON FRIDAY, THE 29.12.2017

Status of finalization of MoP for appointment of Judges

1381. SHRIMATI AMBIKA SONI:
DR. T. SUBBARAMI REDDY:

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

- (a) whether Government has finalized the Memorandum of Procedure (MoP) for appointment of Judges to the Supreme Court and the High Courts;
- (b) if not, the reasons for the delay;
- (c) whether the Supreme Court has also made observations on the delay in finalizing MoP;
- (d) if so, the response of Government and by when the MoP would be ready;
and
- (e) how many High Courts are having Acting Chief Justices at present and by when regular incumbents would be appointed?

**ANSWER
MINISTER OF STATE FOR LAW AND JUSTICE AND CORPORATE
AFFAIRS**

(SHRI P.P. CHAUDHARY)

- (a) to (d): In accordance with the order of the Supreme Court of India in Writ Petition (Civil) No. 13 of 2015 dated 16.12.2015 for improvement in the "Collegium System", directed the Government of India may finalize the existing Memorandum of Procedure (MoP) by supplementing it in consultation with the Supreme Court Collegium taking into consideration factors such as eligibility

:2:

criteria, transparency, establishment of Secretariat, and mechanism to deal with complaints. The Government of India after due deliberations, proposed changes in the existing MoP and the draft MoP was sent to the Hon'ble Chief Justice of India vide letter dated 22.03.2016. The response of the Chief Justice of India thereon was received on 25.05.2016 and 01.07.2016. The views of the Government were conveyed to the Chief Justice of India on 03.08.2016. The inputs on the MoP of the Supreme Court Collegium were received from Chief Justice of India vide letter dated 13.03.2017.

Meanwhile, in another judgment dated 4.7.2017 of Supreme Court in a suo moto contempt proceeding against a Judge of the Calcutta High Court, the Supreme Court has underlined the need to revisit the process of selection and appointment of Judges to the Constitutional Courts. The Government of India has conveyed the need to make improvement on the draft MoP to the Secretary General of the Supreme Court vide letter dated 11.07.2017.

(e) As on 26.12.2017, nine High Courts have acting Chief Justices. As per the existing Memorandum of Procedure, the process of appointment of Chief Justice of High Court must be initiated well in time by Chief Justice of India in consultation with Supreme Court Collegium to ensure the completion at least one month prior to the date of anticipated vacancy. The Government of India has not received any proposals from the Supreme Court Collegium for appointment of Chief Justices in the nine High Courts which are functioning with acting Chief Justices.

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

RAJYA SABHA

UNSTARRED QUESTION NO. 1383.

TO BE ANSWERED ON FRIDAY, THE 29TH DECEMBER, 2017.

Complaints of sexual harassment at workplace by women working in Judiciary

**1383. SHRIMATI VANDANA CHAVAN:
SHRI A. U. SINGH DEO:**

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

- (a) whether Government maintains a State-wise record of complaints of sexual harassment at workplace by women working in Judiciary as per the recommendations made by the Parliamentary Committee on Empowerment of Women in its Action Taken Report (2014) on the "Working Conditions of Women in Police Force"; and**
- (b) if so, the details thereof, and the number of such complaints received, disposed of, and the action taken against the implicated officials?**

ANSWER

**MINISTER OF STATE FOR LAW AND JUSTICE AND CORPORATE AFFAIRS
(SHRI P. P. CHAUDHARY)**

- (a): No, Sir. This information is not maintained by Government of India because such records are maintained by the Hon'ble Supreme Court and the High Courts themselves.**
- (b) : Does not arise.**

GOVERNMENT OF INDIA
MINISTRY OF LAW AND JUSTICE
DEPARTMENT OF JUSTICE

Desk Side

RAJYA SABHA
UNSTARRED QUESTION NO. 1384
TO BE ANSWERED ON FRIDAY, THE 29.12.2017
Filling up of vacancies in High Court of Tamil Nadu

1384. SHRIMATI SASIKALA PUSHPA:

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

- (a) whether Government has initiated any action to fill up the vacancies that are existing in High Court of Tamil Nadu, if so, the details thereof; and
- (b) whether Government has formulated any plan to fill up the vacancies in the High Courts in a time-bound manner, if so, the details thereof?

ANSWER
MINISTER OF STATE FOR LAW AND JUSTICE AND CORPORATE
AFFAIRS

(SHRI P.P. CHAUDHARY)

(a) and (b): As per the existing Memorandum of Procedure (MoP) for appointment and transfer of Chief Justices and Judges of High Courts, the proposal to fill up vacancies in the High Courts is initiated by the Chief Justice of concerned High Court. Filling up of vacancies in the High Courts is a continuous and collaborative process, between the Judiciary and Executive. It requires consultation and approval of various Constitutional Authorities. While every effort is made to fill up the existing vacancies expeditiously; vacancies do keep on arising on account of retirement, resignation or elevation of Judges and increase in Judge Strength from 906 in 30.06.2014 to 1079 as on today.

Due to the combined efforts of Executive and Judiciary, 126 fresh appointment of Judges were made in the High Court in the year 2016, which is the highest ever in a given year. During the current year 115 fresh appointment of Judges have been made in the High Courts. In so far as Madras High Court is concerned, 25 Judges were appointed during the year 2016 and 12 Judges have been appointed during the current year.

GOVERNMENT OF INDIA
MINISTRY OF LAW & JUSTICE
DEPARTMENT OF JUSTICE

NM

RAJYA SABHA

UNSTARRED QUESTION NO. 1386.

TO BE ANSWERED ON FRIDAY, THE 29TH DECEMBER, 2017.

Centralised recruitment of Judges for lower judiciary

1386. SHRI PRASANNA ACHARYA:

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

- (a) the number of sanctioned posts of Judges in the lower judiciary in the country;
- (b) the number of posts which are lying vacant and since when, the details thereof, State-wise;
- (c) whether Government is considering evolving a centralised selection mechanism to recruit Judicial Officers for the lower judiciary to expedite and rationalize the process of selection; and
- (d) the opinion of the Supreme Court and various State Governments in this regard?

ANSWER

MINISTER OF STATE FOR LAW AND JUSTICE AND CORPORATE AFFAIRS
(SHRI P. P. CHAUDHARY)

(a) & (b): As per information made available by the High Courts and respective State Governments, as on 30.11.2017, the sanctioned strength of Judicial Officers of District and Subordinate Courts is 22,677, and number of Judicial Officers in position and vacant posts is 16,693 and 5,984, respectively. The State / UT-wise details of sanctioned / working strength and vacancies of Judicial Officers in District and Subordinate Courts are given in Statement at *Annexure*.

(c) & (d): The appointment of Judges and Judicial Officers in the District and Subordinate Courts falls within the domain of the High Courts and State Governments concerned in which the Central Government has no role. However, in order to facilitate regular filling up of these vacancies in a smooth and time-bound manner, the Department of Justice *vide* its letter dated 28th April, 2017 suggested certain options to the Hon'ble Supreme Court for creation of a Central Selection Mechanism. The Hon'ble Supreme Court *suo. motu* converted the Government's suggestions into a writ petition on 09th May, 2017 and directed all State Governments (including Union Territories) to file their responses and suggestions by way of affidavits. The above matter is *subjudice* at present.

Statement referred to Rajya Sabha Unstarred Question No. 1386 for reply on 29th December, 2017.

Sanctioned Strength, Working Strength and Vacancies of Judicial Officers of District and Subordinate Courts as on 30.11.2017.

Sl. No	States	Sanctioned Strength as on 30.11.2017	Working Strength as on 30.11.2017	Vacancies as on 30.11.2017
1	Andhra Pradesh & Telangana**	987	873	114
2	Arunachal Pradesh	28	17	11
3	Assam	428	352	76
4	Bihar**	1826	1001	825
5	Chhattisgarh	398	335	63
6	Goa	55	43	12
7	Gujarat**	1511	1126	385
8	Haryana	644	497	147
9	Himachal Pradesh**	159	149	10
10	Jammu & Kashmir	253	214	39
11	Jharkhand**	672	421	251
12	Karnataka**	1303	978	325
13	Kerala**	534	461	73
14	Madhya Pradesh	2021	1273	748
15	Maharashtra	2096	1947	149
16	Manipur	49	31	18
17	Meghalaya	97	39	58
18	Mizoram	63	30	33
19	Nagaland	34	23	11
20	Orissa	862	658	204
21	Punjab	674	538	136
22	Rajasthan**	1223	1127	96
23	Sikkim**	23	15	8
24	Tamil Nadu*	1257	916	341
25	Tripura	107	76	31
26	Uttar Pradesh	3204	1860	1344
27	Uttarakhand**	291	230	61
28	West Bengal and A & N Island**	1013	929	84
29	Chandigarh	30	30	0
30	D & N Haveli AND Daman & Diu**	7	7	0
31	Delhi**	799	483	316
32	Lakshadweep**	3	2	1
33	Pondicherry*	26	12	14
Total		22,677	16,693	5,984

* as on 7.11.2017

**as on 31.10.2017

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

R A J Y A S A B H A
UNSTARRED QUESTION NO.1387

TO BE ANSWERED ON FRIDAY, THE 29TH DECEMBER, 2017

Sharing of expenditure on Fast Track Courts

1387. SHRI RAM KUMAR KASHYAP:

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

- (a) the present number of Fast Track Courts (FTCs) in each State and the policy regarding sharing of expenditure between the Centre and State Governments; and
- (b) whether a large number of FTCs in various States have been closed due to issues related to sharing of expenditure, if so, the details thereof, State-wise?

ANSWER

MINISTER OF STATE FOR LAW & JUSTICE AND
CORPORATE AFFAIRS
(SHRI P.P. CHAUDHARY)

(a) & (b): The setting up of subordinate courts that include Fast Track Courts (FTCs) and their functioning lie within the domain of the State Governments who set up such courts as per their need and resources, in consultation with the concerned High Courts. As per information received from the States, at present, 722 FTCs are functional in the country (Annexure-A).

The Government of India had proposed setting up of 1800 FTCs in its Memorandum to the 14th Finance Commission to dispose of cases pertaining to heinous crimes involving women, children etc at a cost of Rs.4144 crore. The 14th Finance Commission endorsed the proposal of the Union Government and urged the State Governments to use the additional fiscal space provided by the Commission in the tax devolution to meet such requirements. The tax devolution to the States has increased from 32% to 42% with the acceptance of the recommendations of the 14th Finance Commission. The States are, therefore, setting up FTCs on the basis of their respective requirements from the additional tax devolution provided to them.

Annexure-A

STATEMENT REFERRED TO IN REPLY TO PARTS (a) & (b) OF THE RAJYA SABHA UNSTARRED QUESTION NO.1387 TO BE ANSWERED ON THE 29TH DECEMBER, 2017 REGARDING SHARING OF EXPENDITURE ON FAST TRACK COURTS

Name of the States/UTs	No of Fast Track Courts functional
Andhra Pradesh , Telangana	72
Assam, Arunachal Pradesh, Nagaland, Mizoram	0
Bihar	55
Chhattisgarh	21
Delhi	14
Goa	4
Gujarat	0
Haryana	0
Himachal Pradesh	0
Jammu & Kashmir	0
Jharkhand	14
Karnataka	0
Kerala	0
Madhya Pradesh	0
Maharashtra	100
Manipur	3
Meghalaya	0
Odisha	0
Punjab	0
Puducherry	0
Rajasthan	0
Sikkim	2
Tamil Nadu	69
Tripura	3
Uttar Pradesh	273
Uttarakhand	4
West Bengal	88
Total	722

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

RAJYA SABHA

UNSTARRED QUESTION NO. 1388.

TO BE ANSWERED ON FRIDAY, THE 29TH DECEMBER, 2017.

Appointment of Judges

1388. SHRI D. RAJA:

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

- (a) whether it is a fact that about 2.5 crore cases are pending in the courts across States as nearly 23 per cent of posts in lower judiciary remain vacant;**
- (b) whether it is also a fact that the Supreme Court's time-frame for appointments in lower judiciary is not being followed by many States delaying the appointment of Judges;**
- (c) if so, the details of pending cases, the vacant posts of Judges and the time-frame fixed to fill up the vacancies, State-wise; and**
- (d) the measures being taken by Central Government to improve the situation?**

ANSWER

**MINISTER OF STATE FOR LAW AND JUSTICE AND CORPORATE AFFAIRS
(SHRI P. P. CHAUDHARY)**

(a) to (c): Data on the pendency of cases in courts is maintained by the Supreme Court and High Courts. As per information available on the web-portal of National Judicial Data Grid (NJDG), 2.60 crore cases were pending in various District and Subordinate Courts of the country (*excluding* District and Subordinate Courts in the States of Arunachal Pradesh, Nagaland, and Union Territories of Lakshadweep and Puducherry) as on 26.12.2017. As per the Constitution, the selection and appointment of judges in subordinate courts is the responsibility of State Governments and the High Courts concerned. As per information made available by the High Courts and respective State Governments, as on 30.11.2017, the sanctioned strength of Judicial Officers of District and Subordinate Courts is 22,677, and the number of Judicial Officers in position and vacant posts is 16,693 and 5,984 (26.38%), respectively. The Supreme Court has devised a process and time schedule to be followed for the filling up of vacancies in lower judiciary. The order of January 2007 stated that the process for recruitment of judges in the subordinate courts would commence on March 31 of a calendar year and end by October 31 of the same year. The Supreme Court has permitted State Governments / High Courts to seek variations in the time schedule in case of any difficulty having regard to the peculiar geographical and climatic conditions in the State or other relevant conditions. The details of State / UT – wise pending cases are given in a Statement at **Annexure – I**. The details of vacancies of

Judicial Officers in the District and Subordinate Courts are given in a Statement at
Annexure – II.

(d) : It may be mentioned that the Central Government is fully committed to speedy disposal of cases in accordance with Article 21 of the Constitution. It has undertaken many steps towards achieving this objective. One of these steps is, strengthening of judicial infrastructure in districts through the Centrally Sponsored Scheme (CSS) for Development of Infrastructure Facilities for Judiciary a total of Rs. 6,006 crore has been released since 1993-94, out of which Rs. 2,562 crore (42.66%) has been released since April 2014. 17,848 Court Halls and 14,085 Residential Accommodations have been made available for Judicial Officers of District and Subordinate Courts under this scheme as on 30.11.2017. Out of this 2,429 Court Halls and 4,172 Residential Accommodations were constructed since 2014 to till date. In addition, 3,143 Court Halls and 1,682 Residential Accommodations are under construction. The Central Government has approved the continuation of the Centrally Sponsored Scheme (CSS) for Development of Infrastructure Facilities for Judiciary beyond the 12th Five Year Plan period i.e. from 01.04.2017 to 31.03.2020 with an estimated outlay of Rs.3,320 crore.

Under the Phase-I of the eCourts Mission Mode Project undertaken by the Central Government from 2010 to 2015, against a total target of computerisation of 14,249 courts, the computerisation of 13,672 district and subordinate courts has been achieved. This includes the installation of hardware, the LAN and software. This has enabled the courts to upload the case status and orders online. Status of cases and copies of judgments have also been made available on the websites of the respective District and Subordinate Court Complexes which have been computerised.

The Central Government has approved Phase II of the eCourts Mission Mode Project in July, 2015 upto 31st March 2019 at an outlay of Rs.1,670 crores. The facilities of e-services such as cause lists, case status, daily orders, judgments etc. are being provided under the supervision of e-Committee of the Supreme Court and Computer Committees of respective High Courts. A total of 16,089 Courts have been computerised under the eCourts Project till date. Video Conferencing facility has also been operationalised between 500 courts and corresponding prisons during the period 2015-17 for faster and timely recording of evidence. Development of National Judicial Data Grid under this project provides updated information on civil and criminal cases, including pending cases for the computerised district / subordinate courts in the country.

Statement referred to Rajya Sabha Unstarred Question No. 1388 for reply on 29th December, 2017

Details of Pending Cases in District & Subordinate Courts as on 26.12.2017 (NJDG)

S. No.	State	Total Number of Cases pending as on 26.12.2017
1.	Uttar Pradesh	61,58,607
2.	Maharashtra	33,22,148
3.	West Bengal	17,59,094
4.	Bihar	16,58,225
5.	Gujarat	16,45,334
6.	Rajasthan	14,22,570
7.	Karnataka	13,72,120
8.	Madhya Pradesh	13,14,930
9.	Kerala	11,47,508
10.	Orissa	10,21,011
11.	Tamil Nadu	10,02,466
12.	Haryana	6,45,647
13.	Delhi	6,06,973
14.	Punjab	5,68,017
15.	Andhra Pradesh	4,96,831
16.	Telangana	4,14,028
17.	Jharkhand	3,33,494
18.	Chhattisgarh	2,71,063
19.	Assam	2,28,934
20.	Uttarakhand	2,10,587
21.	Himachal Pradesh	2,09,767
22.	Jammu And Kashmir	1,22,121
23.	Goa	39,657
24.	Chandigarh	38,628
25.	Tripura	25,191
26.	Andaman And Nicobar	11,185
27.	Manipur	9,604
28.	Meghalaya	7,013
29.	Dnh At Silvassa	3,545
30.	Mizoram	3,306
31.	Dadra and Nagar Haveli	1,729
32.	Sikkim	1,442
Total Pending Cases		2,60,72,775

Note: Data on pending cases not available on NJDG in respect of State / UTs of Arunachal Pradesh, Nagaland, Lakshdweep and Puducherry.

Data Source: NJDG web-portal.

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GOVERNMENT OF INDIA
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RAJYA SABHA

UNSTARRED QUESTION NO. 1389.

TO BE ANSWERED ON FRIDAY, THE 29TH DECEMBER, 2017.

Pendency of cases and strength of Judges

1389. SHRI VIVEK K. TANKHA:

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

- (a) the number of cases pending in the Supreme Court and various High Courts along with the details thereof;**
- (b) the total shortfall of Judges *vis-a-vis* sanctioned strength in the Supreme Court and High Courts along with the details thereof;**
- (c) whether there is any time-line / policy for Government to process the names of Judges approved by the Collegium, if so, the details thereof; and**
- (d) the number of such recommendations of the Collegium for appointment / transfer in the Supreme Court or High Courts which have not been processed further or withheld for more than a month along with the details thereof with names?**

ANSWER

**MINISTER OF STATE FOR LAW AND JUSTICE AND CORPORATE AFFAIRS
(SHRI P. P. CHAUDHARY)**

(a): Data of pendency of cases is maintained by the Supreme Court and High Courts. As per latest information made available by the Supreme Court of India, 54,714 cases were pending in Supreme Court of India as on 18.12.2017. As per information available on the web-portal of National Judicial Data Grid (NJDG), 34.27 lakh cases were pending in High Courts (*excluding* High Courts of Allahabad and Jammu & Kashmir) as on 26.12.2017.

(b) : The details of sanctioned / working strength and vacancies of Judges in Supreme Court and High Courts are given in a Statement at **Annexure**.

(c) & (d): Filling up of vacancies in the High Courts is a continuous and collaborative process of the Judiciary and Executive involving various Constitutional Authorities. Hence, the precise time frame for filling up the post of Judges of Supreme Court and High Courts cannot be indicated. As per the existing Memorandum of Procedure, the process of appointment of Chief Justice of High Court must be initiated well in time by Chief Justice of India in consultation with Supreme Court Collegium to ensure the completion at least one month prior to the date of anticipated vacancy. The initiation of the proposal for appointment

of Judges of the Supreme Court is done by the Chief Justice of India in consultation with a Collegium of four senior-most Judges of the Supreme Court. The Government of India has not received any proposal for filling up of the 6 vacancies of Judges in the Supreme Court and for appointment of Chief Justices in the nine High Courts which are functioning with acting Chief Justices.

The Supreme Court passed an order dated 16.12.2015 for improving the Collegium system of appointments by supplementing the existing Memorandum of Procedure (MoP). As the process was likely to take some time, at the initiative of the Government, the matter was taken up with Supreme Court and the appointment process was continued with the existing MoP. During 2016, 4 Judges in the Supreme Court and 14 Chief Justices of High Courts were appointed. Besides, 126 fresh appointments of Judges were made in High Courts which is the highest number in a calendar year. During 2017, as on 19.12.2017, 5 Judges in the Supreme Court, 8 Chief Justices of High Courts and 115 fresh appointments of Judges in the High Courts have been made.

Statement referred to Rajya Sabha Unstarred Question No.1389 for reply on 29.12.2017

Annexure

Statement showing the approved strength, working strength and vacancies of Judges in the Supreme Court and High Courts as on 26.12.2017.

Sl. No.	Name of the Court	Approved Strength	Working Strength	Vacancies as per Approved Strength
A.	Supreme Court of India	31	25	06
B.	High Court			
1	Allahabad	160	109	51
2	Telangana & Andhra Pradesh	61	31	30
3	Bombay	94	70	24
4	Calcutta	72	33	39
5	Chhattisgarh	22	12	10
6	Delhi	60	37	23
7	Gauhati	24	18	06
8	Gujarat	52	31	21
9	Himachal Pradesh	13	08	05
10	Jammu & Kashmir	17	11	06
11	Jharkhand	25	14	11
12	Karnataka	62	25	37
13	Kerala	47	37	10
14	Madhya Pradesh	53	34	19
15	Madras	75	60	15
16	Manipur	05	02	03
17	Meghalaya	04	02	02
18	Orissa	27	17	10
19	Patna	53	33	20
20	Punjab & Haryana	85	50	35
21	Rajasthan	50	35	15
22	Sikkim	03	03	0
23	Tripura	04	02	02
24	Uttarakhand	11	10	01
Total		1079	684	395

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

RAJYA SABHA

UNSTARRED QUESTION NO. 1391.

TO BE ANSWERED ON FRIDAY, THE 29TH DECEMBER, 2017.

Plan of action for disposal of pending cases

1391. SHRI C. P. NARAYANAN:

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

- (a) the number of cases pending in courts for more than five years and ten years respectively;**
- (b) whether Government intends to reduce their number substantially within next few years;**
- (c) if so, the plan of action therefor; and**
- (d) if not, whether it would lead to justice delayed and thereby justice denied to people?**

ANSWER

**MINISTER OF STATE FOR LAW AND JUSTICE AND CORPORATE AFFAIRS
(SHRI P. P. CHAUDHARY)**

(a) : Data on pendency of cases is maintained by the Supreme Court and High Courts. As per the information made available by the Supreme Court of India, the total number of pending cases in the Supreme Court as on 18.12.2017 is 54,719. The number of cases which are pending in the Supreme Court for more than 5 years and 10 years as on 18.12.2017 is 15,929 and 1,550 respectively. As per information available on the web-portal of National Judicial Data Grid (NJDG), 34.27 lakh cases were pending in High Courts (*excluding* High Courts of Allahabad and Jammu & Kashmir) as on 26.12.2017, out of which 7.46 lakh cases were 5 to 10 years old, and 6.42 lakh cases were more than 10 years old. 2.60 crore cases were pending in various District and Subordinate Courts of the country (*excluding* District and Subordinate Courts in the States of Arunachal Pradesh, Nagaland, and Union Territories of Lakshadweep and Puducherry) as on 26.12.2017, out of which 41.95 lakh cases were 5 to 10 years old, and 22.65 lakh cases were more than 10 years old.

(b) & (c) : Disposal of cases pending in courts is within the domain of judiciary. During the Joint Conference of Chief Ministers of States and Chief Justices of High Courts held at New Delhi in April 2015, reduction of pendency and backlog of cases in courts emerged as an area which required focused attention at the High Court level. The Chief Justices of High Courts in the Conference held on 03rd and 04th April 2015 have resolved that each High Court shall establish an Arrears Committee, which would go into the factors responsible for the delays and prepare an action plan to clear the backlog of cases pending for more than five years. As per information

available, all High Courts have set up Arrears Committees. The Supreme Court has also constituted an Arrears Committee consisting of two Hon'ble Judges to formulate steps to reduce pendency of cases in High Courts and District Courts.

(d) : It may be mentioned that the Central Government is fully committed to speedy disposal of cases in accordance with Article 21 of the Constitution. It has undertaken many steps towards achieving this objective. One of these steps is, strengthening of judicial infrastructure in districts through the Centrally Sponsored Scheme (CSS) for Development of Infrastructure Facilities for Judiciary a total of Rs. 6,006 crore has been released since 1993-94, out of which Rs. 2,562 crore (42.66%) has been released since April 2014. 17,848 Court Halls and 14,085 Residential Accommodations have been made available for Judicial Officers of District and Subordinate Courts under this scheme as on 30.11.2017. Out of this 2,429 Court Halls and 4,172 Residential Accommodations were constructed since 2014 to till date. In addition, 3,143 Court Halls and 1,682 Residential Accommodations are under construction. The Central Government has approved the continuation of the Centrally Sponsored Scheme (CSS) for Development of Infrastructure Facilities for Judiciary beyond the 12th Five Year Plan period *i.e.* from 01.04.2017 to 31.03.2020 with an estimated outlay of Rs.3,320 crore.

Under the Phase-I of the eCourts Mission Mode Project undertaken by the Central Government from 2010 to 2015, against a total target of computerisation of 14,249 courts, the computerisation of 13,672 district and subordinate courts has been achieved. This includes the software installation of hardware, the LAN and software. This has enabled the courts to upload the case status and orders online. Status of cases and copies of judgments have also been made available on the websites of the respective District and Subordinate Court Complexes which have been computerised.

The Central Government has approved Phase II of the eCourts Mission Mode Project in July, 2015 upto 31st March 2019 at an outlay of Rs.1,670 crores. The facilities of e-services *such* as cause lists, case status, daily orders, judgments *etc.* are being provided under the supervision of e-Committee of the Supreme Court and Computer Committees of respective High Courts. A total of 16,089 Courts have been computerised under the eCourts Project till date. Video Conferencing facility has also been operationalised between 500 courts and corresponding prisons during the period 2015-17 for faster and timely recording of evidence. Development of National Judicial Data Grid under this project provides updated information on civil and criminal cases, including pending cases, for the computerised district / subordinate courts in the country.

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

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RAJYA SABHA

STARRED QUESTION NO. *203

TO BE ANSWERED ON FRIDAY, 05TH JANUARY, 2018.

Early resolution of inter-Departmental cases

***203. SHRI RAM KUMAR KASHYAP:**

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

- (a) the total number of pending cases in various courts of the country;**
- (b) whether Government is the largest litigant in the country and about half of the pending cases in courts are related to inter-Departmental litigation, one department suing another;**
- (c) if so, the factual details in this regard;**
- (d) whether Government has prepared any strategy for disposal of pending cases in various courts, particularly the inter-Departmental cases; and**
- (e) if so, the details thereof and if not, the reasons for not paying special attention to such cases for their early resolution?**

ANSWER

**MINISTER OF LAW AND JUSTICE AND ELECTRONICS AND INFORMATION
TECHNOLOGY
(SHRI RAVI SHANKAR PRASAD)**

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

**STATEMENT REFERRED TO IN REPLY TO PARTS (a) TO (e) of RAJYA SABHA
STARRED QUESTION NO. *203 FOR ANSWER ON 05TH JANUARY, 2018.**

(a) : Data on pendency of cases is maintained by the Supreme Court and High Courts. As per the information made available by the Supreme Court of India, the total number of pending cases in the Supreme Court as on date is 55,459. As per information available on the web-portal of National Judicial Data Grid (NJDG), 34.27 lakh cases are pending in High Courts (*excluding* High Courts of Allahabad and Jammu & Kashmir), and 2.61 crore cases are pending in various District and Subordinate Courts of the country (*excluding* District and Subordinate Courts in the States of Arunachal Pradesh, Nagaland, and Union Territories of Lakshadweep and Puducherry) as on date.

(b) & (c): The 100th report of the Law Commission of India observed that bulk of litigation in the courts, including, in particular, writ petitions in the Supreme Court and the High Courts, consists of cases in which the Government is a party.

(d) & (e): Legal Information Management and Briefing System (LIMBS) is a comprehensive and integrated system for effective monitoring of court cases which uses a single database where updated information about the status and various stages of court cases is available. LIMBS is a web-based monitoring tool where various stakeholders viz. Ministry's users, higher officials, nodal officers, advocates, claimants, arbitrators etc. in a court case can update / share information on-line related to court cases being dealt with by them. In addition, the legislations are so drafted and designed so as to minimize inter-departmental disputes. Since 2014, the Government of India has repealed 1200 laws that were obsolete and outdated in order to reduce unnecessary legislation.

The Government is keen to explore options for Government Departments and Organisations and other related bodies for settlement of their disputes through alternate methods, *like* mediation, arbitration, conciliation, etc. either online or otherwise. For the purpose, the Government has gathered information about some Agencies / Institutions / Organisations working in the field of such alternate methods of dispute resolution and made their links available on the website of the Department of Justice to provide information about them to the users. The relevant Government Ministries were requested in April, 2017 to take necessary action for reducing number of court cases in which Government is a party. It was followed by a series of meetings held with various Ministries and Departments in the months of June and August 2017 requesting them to review their pending cases with a view to reduce number of litigation and to consider contempt cases in *particular* so as to weed out vexatious and unnecessary litigation pending in courts.

It may be mentioned that the Central Government is fully committed to speedy disposal of cases in accordance with Article 21 of the Constitution. It has undertaken many steps towards achieving this objective. One of these steps is, strengthening of judicial infrastructure in districts through the Centrally Sponsored Scheme (CSS) for Development of Infrastructure Facilities for Judiciary a total of Rs. 6009 crore has been released since 1993-94, out of which Rs. 2,565 crore (42.66%) has been released since April, 2014. 17,848 Court Halls and 14,085 Residential Accommodations have been made available for Judicial Officers of District and Subordinate Courts under this scheme as on date. Out of this 2,429 Court Halls and 4,172 Residential Accommodations were constructed since 2014 to till date. In addition, 3,143 Court Halls and 1,682 Residential Accommodations are under construction. The Central Government has approved continuation of the Centrally Sponsored Scheme (CSS) for Development of Infrastructure Facilities for Judiciary beyond the 12th Five Year Plan period *i.e.* from 01.04.2017 to 31.03.2020 with an estimated outlay of Rs.3,320 crore.

Under the Phase-I of the eCourts Mission Mode Project undertaken by the Centre Government from 2010 to 2015, against a total target of computerisation of 14,249 courts, the computerisation of 13,672 district and subordinate courts was achieved. This includes the installation of hardware, the LAN and software. This has enabled the courts to upload the case status and orders online. Status of cases and copies of judgments have also been made available on the websites of the respective District and Subordinate Court Complexes which have been computerised. Rs. 935.00 crore were allocated for Phase – I out of which Rs. 639.41 crore were utilized.

In the Phase II of the eCourts Mission Mode Project (July, 2015 upto 31 March 2019) an outlay of Rs.1,670 crores has been approved and Rs.921.75 crore has been released so far. The facilities of e-services such as cause lists, case status, daily orders, judgments etc. are being provided under the supervision of e-Committee of the Supreme Court and Computer Committees of respective High Courts. A total of 16,089 Courts have been computerised under the eCourts Project till date. Video Conferencing facility has also been operationalised between 488 court complexes and 342 corresponding prisons during the period 2015-17. The National Judicial Data Grid (NJDG) developed under this project provides updated information on civil and criminal cases, including pending cases, for the computerised district / subordinate courts in the country.

Another initiative that has been undertaken with a focus to improve access to justice is the Tele Law Scheme launched on 20th April, 2017, which is an effort to provide legal advice pro-actively to the marginalised sections of society through Common Service Centres (CSCs). This initiative facilitates delivery of legal advice through an expert panel of lawyers stationed at the State Legal Service Authorities (SLSA). Under this Scheme, Para Legal Volunteers (PLVs) connect potential litigants with lawyers through video conferencing facilities at CSCs which are, operated by Village Level Entrepreneurs. The Scheme has been launched in 1800 Gram Panchayats in 11 States (U.P., Bihar, J&K, Assam, Arunachal Pradesh, Meghalaya, Mizoram, Manipur, Tripura, Nagaland, Sikkim). A total of 11326 cases have been registered by PLVs under the scheme and legal advice has been provided in 8064 cases. The Government has also launched a scheme for Pro Bono Legal Services in April, 2017 in which interested lawyers and litigants can register on the website (www.doj.gov.in) to provide and avail pro-bono legal services as may be required. So far 195 lawyers have registered on the portal and more than 280 cases have been assigned for pro bono assistance.

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RAJYA SABHA
UNSTARRED QUESTION NO. 2184

TO BE ANSWERED ON FRIDAY, THE 05.01.2018

Establishment of a bench of Odisha High Court

2184. SHRI PRASANNA ACHARYA:

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

- (a) whether Government is aware of the recommendation of the State Government of Odisha to establish a bench of the Odisha High Court at a suitable place in western part of Odisha;
- (b) if so, the steps Central Government has initiated in this regard; and
- (c) whether Government is considering initiating a legislation in the coming Budget Session of Parliament for establishing a bench of Odisha High Court, if not, the reasons therefor?

ANSWER

**MINISTER OF STATE FOR LAW AND JUSTICE AND CORPORATE
AFFAIRS**

(SHRI P.P. CHAUDHARY)

(a) to (c): In accordance with the recommendations made by the Jaswant Singh Commission and judgment pronounced by the Apex Court in W.P. (Civil) No. 379 of 2000, Bench(es) of the High Court are established after due consideration of complete proposal received from the State Government, which has to provide infrastructure and meet the expenditure, along with the consent of the Chief Justice of the concerned High Court, which is required to look after the day to day administration of the High Court and its Bench. The proposal should also have the consent of the Governor of the concerned State. On receipt of all requisite approvals, Central Government initiates action for issue of necessary order for establishment of Bench of High Court.

The Government of Odisha has written to the Central Government in September, 2013, for establishment of two Benches of the Orissa High Court in the Western and Southern regions of Odisha and the matter has been referred to the Chief Justice, Orissa High Court. There is no proposal to initiate any legislation for establishing a Bench of the High Court of Orissa at present.

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RAJYA SABHA

UNSTARRED QUESTION NO. 2185.

TO BE ANSWERED ON FRIDAY, THE 05TH JANUARY, 2018.

Pendency of cases and appointment of Judges

2185. SHRI RIPUN BORA:

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

- (a) whether it is a fact that on an average around 4000 cases are pending with each subordinate court in the country;
- (b) if so, the details of courts, Judges, Judicial Officers and cases pending therewith, State-wise;
- (c) the comparative study of total posts in different categories of courts and the vacancies therein; and
- (d) the time-bound proposal of Government to appoint judges and staff against vacancies for conducting speedy trials?

ANSWER

MINISTER OF STATE FOR LAW AND JUSTICE AND CORPORATE AFFAIRS
(SHRI P. P. CHAUDHARY)

(a) & (b): Data on pendency of cases is maintained by the Supreme Court and High Courts. As per information available on the web-portal of National Judicial Data Grid (NJDG), 2.61 crore cases were pending in various District and Subordinate Courts of the country (*excluding* District and Subordinate Courts in the States of Arunachal Pradesh, Nagaland, and Union Territories of Lakshadweep and Puducherry) as on 01.01.2018. The State / UT –wise details of sanctioned / working strength and vacancies of Judges in District and Subordinate Courts viz-a-viz State / UT – wise details of pending cases are given in a Statement at **Annexure**.

(c) : In each District court apart from the posts of Judicial Officers, there are different categories of posts, *namely*, Assistant Sarishtadar, Stenographers, Senior and Junior clerks, Typist and Copyist / Amin. These posts may differ from one State to another.

(d) : As per the Constitution, the selection and appointment of judges in subordinate courts is the responsibility of State Governments and the High Courts concerned. The Supreme Court, through a judicial order, has devised a process and time frame to be followed for the filling up of vacancies in subordinate judiciary. The order of January 2007 by the Supreme Court stipulates that the process for recruitment of judges in the subordinate courts would commence on March 31 of a calendar year and end by October 31 of the same year. The Supreme Court has permitted State Governments/ High Courts to seek variations in the time schedule in case of any difficulty having regard to the peculiar geographical and climatic conditions in the State or other relevant conditions.

Annexure

Statement referred to Rajya Sabha Unstarred Question No. 2185 dated 05.01.2018 regarding Pending of cases and appointment of Judges.

State / UT –wise details of sanctioned / working strength and vacancies of Judges in District and Subordinate Courts viz-a-viz State / UT – wise details of pending cases

Sl. No	Name of States/UTs	Sanctioned Strength as on 30.11.2017\$	Working Strength as on 30.11.2017\$	Vacancies as on 30.11.2017\$	Number of Cases pending in District and Subordinate Courts as on 01.01.2018\$\$
1	Andhra Pradesh & Telangana**	987	873	114	9,15,410
2	Arunachal Pradesh	28	17	11	-----
3	Assam	428	352	76	2,23,954
4	Bihar**	1826	1001	825	16,58,292
5	Chhattisgarh	398	335	63	2,72,888
6	Goa	55	43	12	39,745
7	Gujarat**	1511	1126	385	16,41,355
8	Haryana	644	497	147	6,45,647
9	Himachal Pradesh**	159	149	10	2,09,938
10	Jammu & Kashmir	253	214	39	1,21,754
11	Jharkhand**	672	421	251	3,33,494
12	Karnataka**	1303	978	325	13,81,438
13	Kerala**	534	461	73	11,52,056
14	Madhya Pradesh	2021	1273	748	13,25,053
15	Maharashtra	2096	1947	149	33,36,574
16	Manipur	49	31	18	9,604
17	Meghalaya	97	39	58	7,032
18	Mizoram	63	30	33	3,306
19	Nagaland	34	23	11	-----
20	Orissa	862	658	204	10,22,635
21	Punjab	674	538	136	5,68,232
22	Rajasthan**	1223	1127	96	14,24,560
23	Sikkim**	23	15	8	1,400
24	Tamil Nadu*	1257	916	341	10,10,381
25	Tripura	107	76	31	25,191
26	Uttar Pradesh	3204	1860	1344	61,61,822
27	Uttarakhand**	291	230	61	2,10,587
28	West Bengal and A & N Island**	1013	929	84	17,70,820
29	Chandigarh	30	30	0	38,628
30	D & N Haveli AND Daman & Diu	7	7	0	5,298
31	Delhi**	799	483	316	6,07,036
32	Lakshadweep**	3	2	1	-----
33	Pondicherry*	26	12	14	-----
Total		22,677	16,693	5,984	2,61,24,130

* Details of Judges as as on 7.11.2017 / **Details of Judges as on 31.10.2017 / \$Source : High Courts / \$\$ Source: NJDG Web portal.

Note : Data on District and Subordinate Courts in the States of Arunachal Pradesh, Nagaland, and Union Territories of Lakshadweep and Puducherry are not available on the web-portal of NJDG.

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**RAJYA SABHA
UNSTARRED QUESTION NO. 2187**

TO BE ANSWERED ON FRIDAY, THE 05.01.2018

Judges belonging to SC and ST category

2187. **KUMARI SELJA:**

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

- (a) the number of vacancies in different High Courts and the Supreme Court;
- (b) the details of posts filled with Judges belonging to Scheduled Castes (SCs) and Scheduled Tribes (STs) in higher Judiciary during the last three years;
- (c) whether proper representation has not been given to Judges belonging to SC and ST Category in the appointment to higher Judiciary; and
- (d) whether Government has devised any policy in this regard?

ANSWER
MINISTER OF STATE FOR LAW AND JUSTICE AND CORPORATE
AFFAIRS
(SHRI P.P. CHAUDHARY)

(a): A statement showing the number of vacancies in Supreme Court and High Court as on 01.01.2018 is attached at **Annexure**.

(b) to (d): The appointment of Judges of the Supreme Court and High Courts are made under Articles 124 and 217 of the Constitution of India respectively which do not provide for reservation for any caste or class of persons. Therefore, no caste or class wise data of Judges is maintained. The initiation of proposal for appointment of Judges of Supreme Court and High Courts vests with the Chief Justice of India and Chief Justices of the concerned High Courts respectively.

The Government has requested Chief Justices of the High Courts that, while sending proposals for appointment of Judges, due consideration be given to suitable candidates belonging to Scheduled Castes, Scheduled Tribes, Other Backward Classes, Minorities and women.

Annexure

Statement referred to in reply to part (a) of Rajya Sabha Unstarred Question No.2187 to be answered on 05.01.2018.

(Position as on 01.01.2018)

Sl. No.	Name of the Court	Vacancies as per Approved Strength
A.	Supreme Court of India	06
B.	High Court	
1	Allahabad	52
2	Telangana & Andhra Pradesh	30
3	Bombay	24
4	Calcutta	39
5	Chhattisgarh	10
6	Delhi	23
7	Gauhati	06
8	Gujarat	21
9	Himachal Pradesh	05
10	Jammu & Kashmir	06
11	Jharkhand	11
12	Karnataka	37
13	Kerala	10
14	Madhya Pradesh	19
15	Madras	15
16	Manipur	03
17	Meghalaya	02
18	Orissa	10
19	Patna	20
20	Punjab & Haryana	35
21	Rajasthan	16
22	Sikkim	0
23	Tripura	02
24	Uttarakhand	02
Total		398

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RAJYA SABHA

UNSTARRED QUESTION NO. 2189.

TO BE ANSWERED ON FRIDAY, THE 05TH JANUARY, 2018.

Cases pending in the Punjab and Haryana High Court

2189. SARDAR SUKHDEV SINGH DHINDSA:

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

- (a) the number of cases pending at present in the Punjab and Haryana High Court;
and
(b) the steps taken to clear the pendency?

ANSWER

MINISTER OF STATE FOR LAW AND JUSTICE AND CORPORATE AFFAIRS
(SHRI P. P. CHAUDHARY)

(a): Data on the pendency of cases in courts is maintained by the Supreme Court and High Courts. As per information available on the web-portal of National Judicial Data Grid (NJDG), 3.84 lakh cases are pending in Punjab and Haryana High Court as on 01.01.2018.

(b) : During the Joint Conference of Chief Ministers of States and Chief Justices of the High Courts held at New Delhi in April 2015, reduction of pendency and backlog of cases in courts emerged as an area which required focused attention at the High Court level. The Chief Justices of the High Courts in the Conference held on 03rd and 04th April 2015 have resolved that each High Court shall establish an Arrears Committee, which would go into the factors responsible for the delays and prepare an action plan to clear the backlog of cases pending for more than five years. Accordingly, Arrears Committees have been established in the High Courts, including Punjab and Haryana High Court. The Supreme Court has also constituted an Arrears Committee consisting of two Hon'ble Judges to formulate steps to reduce pendency of cases in High Courts and District Courts.
