

THE MINISTER OF LAW AND JUSTICE (SHRI H.R. BHARDWAJ): (a) to (e) The working days in the Supreme Court and High Courts are regulated by the rules framed by the respective Courts. According to available information, the Supreme Court of India works for 222 days in a year, all High Courts in the country normally have 210 working days in a year and the number of working days of the District/Subordinate Courts are regulated by the concerned High Court.

The Department of Justice in July, 2001 had invited the views of the High Courts regarding the number of working days in the High Courts and the curtailment of their vacations. Replies were received from 14 High Courts. The High Court of Uttaranchal (now Uttarakhand) increased the number of its working days in a year from 210 to 224 and the High Court of Karnataka from 210 to 214. Jharkhand High Court had no objection to increasing the number of working days. Other High Courts had not favoured increase in the number of their working days.

In the year 2002-03, this Department had examined the matter of enhancing the number of working days in Courts. In order to reduce the huge pendencies prevailing in the High Courts, this Department addressed to all the High Courts, requesting them to fix the period of vacations in such a way that the number of working days of High Courts generally do not fall below 222 days in a year.

Judicial system at grassroot level

2854. DR. ABHISHEK MANU SINGHVI: Will the Minister of LAW AND JUSTICE be pleased to state:

(a) whether, while welcoming the decision of Government to appoint first class magistrates in about 6000 mobile courts, being set up to establish a quick and efficient system of judiciary at grassroot level, Government would simultaneously consider creating a free legal cell at district level, which would provide legal aid to rural litigants, either free of cost or at nominal cost; and

(b) whether the system of plea-bargaining would be realistically explained to the rural litigants, so that unnecessary delay and legal expenditure is reduced significantly?

THE MINISTER OF LAW AND JUSTICE (SHRI H.R. BHARDWAJ): (a) and (b) Setting up of Gram Nyayalayas with mobility in the rural areas would bring to the people of rural areas speedy, affordable and substantial justice. In order to make system of participatory justice a reality, legal aid, mechanism of conciliation and plea bargaining at the grassroots would be a part of Gram Nyayalayas.

Procedure for appointment of Judges

2855. SHRI VIJAY J. DARDA:

SHRI GIREESH KUMAR SANGHI:

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

(a) whether performance of the in-house collegium system of selecting High Court Judges has stood the test of functional efficiency;

(b) if so, why there are 26 per cent unfilled vacancies, contributing significantly towards piling up of cases;

(c) whether some High Courts have proposed temporary appointment of ad-hoc Judges, to clear the backlog of cases;

(d) if so, whether such ad-hoc Judges were appointed; and

(e) if not, what is the rationale therefor?

THE MINISTER OF LAW AND JUSTICE (SHRI H.R. BHARDWAJ): (a) The present system of appointment of Judges was adopted after the Supreme Court judgment of 6th October, 1993 in the case of Supreme Court Advocates on Record & Ors. Vs. Union of India & Ors. There is no move at present to make any change in the system where Chief Justice of India has to initiate proposal for appointment of Judges to Supreme Court and Chief Justices for appointment of Judges in their respective High Courts.

(b) Filling up of vacancies in the High Courts is a continuous, consultative process among the Constitutional authorities. While every effort is made to fill up the existing vacancies expeditiously, vacancies do keep arising on account of retirements, resignation or elevation of Judges.

(c) to (e) Request have been received in the past from Allahabad, Himachal Pradesh and Madhya Pradesh High Courts for appointment of ad-hoc Judges. As per the policy, appointment of ad-hoc Judges is considered only when all the vacancies in the High Court are filled up and still there is backlog of cases. Ad-hoc appointment of Judges is also considered in special circumstance where a particular judge is hearing a case shifting of which will adversely affect the proceedings of the case. In the case of Allahabad High Court, one Judge was appointed on ad-hoc basis after his retirement to maintain the continuity of an important case which he was hearing. The cases of Himachal Pradesh and Madhya Pradesh High Court were not found in conformity with the policy.

Reservation in judiciary

2856. SHRI AMAR SINGH:

SHRI ABU ASIM AZMI:

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

(a) whether it is a fact that a few Members of Parliament have demanded for a quota in higher judicial services for candidates belonging to backward classes;

(b) if so, the details of action taken thereon; and

(c) whether it is a fact that even in lower judicial services, particularly in Delhi, no reservation has been made for OBCs in the recruitment of judicial officers and if so, the reasons therefor?

THE MINISTER OF LAW AND JUSTICE (SHRI H.R. BHARDWAJ): (a) to (c) Under article 235 of the Constitution of India, the administrative control over the members of subordinate judiciary in the States vests with the concerned High Court. Further, in exercise of powers conferred under proviso to article 309 read with article 233 and 234 of the Constitution, the State Government frames rules and regulations in consultation with the High Court. The members of the State Judicial Service are governed by these rules and regulations. Therefore, the service conditions, including appointment, promotion, reservations etc. of judicial officers of the District/Subordinate Courts are governed by the respective