

THE MINISTER OF LAW AND JUSTICE (SHRI M. VEERAPPA MOILY) : (a) Yes, Sir.

(b) The Lok Sabha passed the Supreme Court (Number of Judges) Amendment Bill, 2008 on 22nd December, 2008 and it received the assent of the President on 5th February, 2009.

(c) to (e) The Supreme Court Registry has informed that "the Judges have not been elevated to the Bench of the Supreme Court so far due to non-availability of accommodation and that delay in appointment of Judges is resulting in accumulation of cases."

#### **Funds for judicial administration**

2489. SHRIMATI SYEDA ANWARA TAIMUR:

SHRI VIJAY JAWAHARLAL DARDA:

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

(a) whether a Judicial Panel, headed by Justice M. Jagannadha Rao, has opined that the Planning Commission and Finance Commission must, in consultation with the Chief Justice of India, allocate sufficient funds for judicial administration, to ensure the basic human right of access to speedy justice; and

(b) if so, whether the prevailing position of 13 Judges for 10 lakh population in India, would be improved, to bring it near the global standard of 150 Judges, to cater to the population of 10 lakh?

THE MINISTER OF LAW AND JUSTICE (SHRI M. VEERAPPA MOILY): (a) The Task Force on Judicial Impact Assessment under the Chairmanship of Justice M. Jagannadha Rao has, *inter alia*, made such a recommendation.

(b) The Law Commission in its 120th Report recommended that the strength of judges per million population may be increased from 10.5 to 50 judges per million population.

With regard to Subordinate Judiciary, the Supreme court, in its judgment of 21st March, 2002, in *All India Judges' Association & Ors.*, directed that an increase in the Judge strength from the existing 10.5 or 13 per 10 lakh people to 50 Judges per 10 lakh people should be effected and implemented within a period of five years in a phased manner to be determined and directed by the Union Ministry of Law. The Central Government has filed an affidavit in the Supreme Court praying that the increase in judge strength in the Union Territories, for which Central Government is administratively responsible, be allowed based on workload and pendency of cases. The matter is sub-judice.

#### **Rise in pending court cases**

†2490. SHRI RAVI SHANKAR PRASAD:

SHRI RAJ MOHINDER SINGH MAJITHA:

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

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†Original notice of the question was received in Hindi.

(a) whether it is a fact that number of pending cases in courts has been increasing consistently over the past few years;

(b) if so, the number of cases pending in Supreme Court, down to lower courts, during each year between 2004 and 2008;

(c) whether functioning could be improved to expedite judgment in these cases; and

(d) if so, the types of improvement which could be made?

THE MINISTER OF LAW AND JUSTICE (SHRI M. VEERAPPA MOILY): (a) and (b) As per the reports received from the Registries of the High Courts and the information available, the number of cases pending in courts during each year between 2004 and 2008 is as follows:-

Sl. No.	Year	Supreme Court	High Courts	Subordinate Courts
1.	2004	30151	3379033	23455176
2.	2005	34481	3489143	25345340
3.	2006	39780	3654853	26564998
4.	2007	46926	3753971	25065870
5.	2008	49819	3910858	26650467

(c) and (d) The following steps have been taken to facilitate speedy disposal of cases in courts:

(1) Increasing the strength of Judges in Supreme Court and the High Courts.

(2) Introduction of the scheme of 'Fast Track Courts' which has been extended upto 31.3.2010. Fast Track Courts were set-up to expedite disposal of long pending sessions cases and the cases of undertrial prisoners. As per the information received, 25.07 lakh cases have been disposed of by these courts out of 31.01 lakh cases transferred to them.

(3) Introduction of some legislative measures for improvement in judicial procedure and for expediting disposal of civil and criminal cases in courts.

The Civil Procedure Code and Criminal Procedure Code have been amended and the concept of 'Plea-Bargaining' has been introduced.

(4) Alternative modes of disposal including mediation, negotiation and arbitration have been encouraged.

(5) Other measures like grouping of cases involving common questions of law, constitution of specialized benches, setting up of special courts and organizing Lok Adalats at regular intervals have also been taken.

(6) Steps have also been taken for modernization of the judicial infrastructure through computerization of courts.

(7) Gram Nyayalayas Act, 2008 (Act 4 of 2009) has been enacted, which provides for establishment of nearly 5067 Gram Nyayalayas and will bring justice at the door step of the rural people.

#### **Pending court cases**

2491.DR. T. SUBBARAMIREDDY:

PROF. ALKA BALRAM KSHATRIYA:

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

(a) whether in view of backlog of 3.56 crore cases in courts across the country, including 48,000 in Supreme Court, the Chief Justice of India (CJI) has pointed out that at least 10,000 more courts are required to dispose of them or to remove backlog;

(b) if so, whether Government has considered views of CJI for more courts in country;

(c) whether he has also pointed out that there are 3,500 posts of judges vacant, with the result cases are piling up; and

(d) if so, what concrete steps and measures Government proposes to take to set up more courts and fill up vacancies in various courts in the country?

THE MINISTER OF LAW AND JUSTICE (SHRI M. VEERAPPA MOILY): (a) to (d) No such views of the Chief Justice of India on the requirement of more courts and vacancies in the post of Judges have been communicated to the Government. The Supreme Court in a Judgement of March 2002 in the All India Judges Association Vs Union of India and Others had given directions for an increase in the Judge strength from the then existing 10.5 per 10 lakh people to 50 Judges for 10 lakh people. The Central Government have filed an affidavit in the Supreme Court and the matter is sub-judice.

Government has already taken measures to set up more courts in the country. The Gram Nyayalayas Act 2008 has been enacted which will make possible setting up of nearly 5067 Gram Nyayalayas. Government has also decided to set up more CBI courts, on the advice of the Chief Justice of India.

Filling up of the vacancies in the Supreme Court and the High Courts is a continuous process as vacancies keep arising due to retirements, resignations, elevation of Judges, etc. Pursuant to the Supreme Court Judgement of October 6, 1993 in the Supreme Court Advocates-on-record & Anr. Vs Union of India, read with the Advisory Opinion of October 28, 1998, the entire process of initiation of proposal for appointment of a Judge of Supreme Court lies with the Chief Justice of India and for the appointment of a Judge of a High Court, with the Chief Justice of that High Court. The Government has been reminding the Chief Justices of the High Courts from time to time, to initiate proposals for filling up vacant posts of judges in the High Courts as also those which are likely to fall vacant during the next six months. The proposals received are processed by the Government expeditiously for filling up of the vacancies. Vacancies in Subordinate Courts are filled up by the State Government concerned in consultation with the respective High Court.