

Vacancies in Supreme Court

3494. SHRI R.C. SINGH: Will the Minister of LAW AND JUSTICE be pleased to state:

(a) whether it is a fact that in the coming eight months nine judges of the Supreme Court are retiring and if two existing vacancies are also added to it there would be 11 vacancies of Judges in the Court; and

(b) if so, the steps the Ministry has taken to fill these vacancies in time ?

THE MINISTER OF LAW AND JUSTICE (SHRI SALMAN KHURSHEED) : (a) There would be 11 vacancies of Judges in the Supreme Court of India upto 31.05.2012 including existing 4 vacancies of Judges as on 31.8.2011.

(b) Pursuant to the Supreme Court Judgment of October 6, 1993 read with their Advisory Opinion of October 28, 1998, the entire process of initiation of proposal for appointment of a Judge of a Supreme Court of India rests with the Chief Justice of India. The proposals received from the Supreme Court are under consideration of the Government.

Gram Nyayalayas

3495. SHRI R.C. SINGH : Will the Minister of LAW AND JUSTICE be pleased to state:

(a) the details of Gram Nyayalayas established by each State since implementation of the Gram Nyayalayas Act, 2008;

(b) whether it is a fact that many States have not set up Gram Nyayalayas;

(c) if so, the reasons therefor; and

(d) the details of assistance provided by Government for setting up of Gram Nyayalayas in the States?

THE MINISTER OF LAW AND JUSTICE (SHRI SALMAN KHURSHEED) : (a) As per information available, the details of the number of Gram Nyayalayas in the country, State-wise are as under:-

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

(b) and (c) Most of the State Governments have indicated their willingness to set up Gram Nyayalayas. Many States expressed support and willingness and some States like Madhya Pradesh, Rajasthan, Maharashtra and Orissa notified Gram Nyayalayas soon after the Act came into force. Some States have, however, requested for higher central financial assistance while indicating their willingness to establish Gram Nyayalayas. Uttar Pradesh and West Bengal are such States.

Some States, however, have for different reasons, not felt the need to set up Gram Nyayalayas. Tamilnadu, Uttarakhand, Chandigarh, Lakshadweep and Delhi are such States. The view received from States/UTs is given in the Statement (See below).

(d) As per the scheme for assistance to State Governments for establishing and operating Gram Nyayalayas, the Central Government provides assistance to States towards non-recurring expenses for setting up of Gram Nyayalayas subject to a ceiling of Rs. 18.00 lakhs per Gram Nyayalaya. The Central Government also provides assistance towards recurring expenses for running these Gram Nyayalayas subject to a ceiling of Rs. 3.20 lakhs per Gram Nyayalaya for the first three years.

Statement

Comments / Views of the State Governments regarding establishment of Gram Nyayalayas

Sl. No.	States	Remarks
1	2	3
1	Andhra Pradesh	The Hon'ble Chief Minister has approved the proposal to establish one Gram Nyayalaya at each Mandal headquarters. The modalities for setting up of Gram Nyayalayas are being worked out.
2	Assam	The State Govt. has decided, in principle, to establish Gram Nyayalayas in each district excluding 2 Hill districts within one year in the first phase subject to availability of Central fund.

1	2	3
3	Jharkhand	The State Govt. has constituted a High Level Committee under the chairmanship of the Chief Secretary to look into the matter.
4	Madhya Pradesh	The State Govt. has notified 89 Gram Nyayalayas in the State, out of which 40 have started functioning.
5	Maharashtra	The State Govt. has inaugurated 9 Gram Nyayalayas on 2nd October, 2009, out of which 6 Gram Nyayalayas have started functioning.
6	Meghalaya	State Government has requested for amendment in the Section 1(2) of the Gram Nyayalayas Act, 2008 as to make it applicable to the tribal areas of the State without affecting the provisions of the Sixth Schedule to the Constitution of India.
7	Mizoram	Mizoram State Law Commission has recommended for applying the Act in the Mizoram.
8	Orissa	The State Govt. has notified one Gram Nyayalaya which has been inaugurated on October 2, 2009 at Puri. Further steps are underway for more Gram Nyayalayas.
9	Rajasthan	The State Govt. has notified 45 Gram Nyayalayas in the State i.e. one in each district. The State Government has also requested to provide 100% financial assistance for recurring expenditure for the first three years @Rs. 51.40 lakhs per Gram Nyayalaya and enhancement of non-recurring expenditure @ Rs. 45 lakhs per Gram Nyayalaya.

1	2	3
10	Tamilnadu	The State Govt. is not inclined to set up Gram Nyayalayas for the time being.
11	Uttarakhand	In view of peculiarities of Uttarakhand as a Hill State there is no need to establish Gram Nyayalayas.
12	Uttar Pradesh	The State Govt. has agreed to set up 1132 Gram Nyayalayas subject to 100% Central assistance for the funds.
13	West Bengal	The Govt. of West Bengal have proposed to seek full financial assistance to implement the Act giving the reference of the recommendations of Task Force on Judicial Impact Assessment which provides that the States should not be financially burdened with the liability to implement Central Laws.
14	Chandigarh	Due to urbanization, there is no need to establish Gram Nyayalayas. The matter is also subjudice.
15	Delhi	Due to urbanization, there is no need to set up Gram Nyayalayas
16	Lakshadweep	There is no Panchayat at intermediate level. The case/suits in the Munciff Courts are also few. Therefore the UT Administration is not inclined towards establishment of the Gram Nyayalayas.

Delay due to absence of Government counsels

3496. SHRI KALRAJ MISHRA : Will the Minister of LAW AND JUSTICE be pleased to state:

(a) Whether Government is aware that large number of criminal cases and appeals are