

The Supreme Court Collegium did not recommend the names of remaining 4 Advocates and 2 Judicial Officers for elevation to the High Court Bench. Their names were remitted to the Chief Justice of the Gujarat High Court on 08.03.2011.

Creation of All India Judicial Service

†2874. SHRI RAM VILAS PASWAN: Will the Minister of LAW AND JUSTICE be pleased to state:

- (a) whether Government would create All India Judicial Service on the pattern of Indian Administrative Service and Indian Police Service;
- (b) if not, whether it is a violation of article 312 of the Constitution; and
- (c) by when Government would create this service?

THE MINISTER OF LAW AND JUSTICE (SHRI SALMAN KHURSHEED): (a) to (c) The Government is seized of the matter of creation of an All India Judicial Service under article 312 of the Constitution which requires a Resolution to be passed by the Rajya Sabha enabling the Parliament to enact necessary laws.

Changes in personal laws

2875. SHRI MOINUL HASSAN: Will the Minister of LAW AND JUSTICE be pleased to state:

- (a) whether Government has only reformed the Hindu Personal Law and has failed to overhaul personal laws of minority communities;
- (b) if so, the reasons therefor since it shows lack of secular commitment;
- (c) whether the Hindu Marriage Act needs changes to conform to the age limit in accordance with the provisions of the Prohibition of Child Marriage Act, 2006; and
- (d) if so, the details thereof?

THE MINISTER OF LAW AND JUSTICE (SHRI SALMAN KHURSHEED): (a) and (b) It is not correct to say that the Government has only reformed the Hindu Personal Law and has failed to overhaul personal laws of minority communities. It is the consistent policy of the Central Government not to interfere in the personal laws of the minority communities unless necessary initiative therefor comes from a sizeable cross section of the community concerned.

(c) and (d) Under clause (a) of section 2 of the Prohibition of Child Marriage Act, 2006, a "child" means a person who, if a male, has not completed twenty-one years of age and if a female, has not completed eighteen years of age and under clause (b) thereof, "child marriage" means a marriage to which either of the contracting parties

†Original notice of the question was received in Hindi.

is a child. As per section clause (iii) of section 5 of the Hindu Marriage Act, 1955, a marriage may be solemnized between any two Hindus if the bridegroom has completed the age of twenty-one years and the bride, the age of eighteen years at the time of marriage. Thus, there is no conflict in both Acts on the age of marriage.

Special courts for speedy trials

2876. SHRI MOINUL HASSAN: Will the Minister of LAW AND JUSTICE be pleased to state:

- (a) whether backlog in the number of pending cases has been on the rise; and
- (b) whether Government intends to mandate all States to set up special courts to ensure the speedy trial of cases under the Protection of Civil Rights Act and the Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act?

THE MINISTER OF LAW AND JUSTICE (SHRI SALMAN KHURSHEED): (a) As per latest available information, the number of cases pending in the Courts for the last three years is given below:—

As on	Cases pending in the High Courts	Cases pending in the Subordinate Courts
31.12.07	38,16,983	2,54,18,165
31.12.08	38,74,090	2,64,09,011
31.12.09	40,76,837	2,72,75,953

(b) Yes, Sir. The Protection of Civil Rights Act, 1955 and the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, are implemented by respective State Governments and Union Territory Administrations. In accordance with section 14 of the Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act, 1989, the State Government, for the purpose of providing for speedy trial, with the concurrence of the Chief Justice of the High Court, by notification in the official Gazette, specifies for each district, a Court of Session to be Special Court to try the offences under the Act. For ensuring speedy trial of cases under the Act, total 177 exclusive Special Courts have also been reportedly set up in the States.

Sick industries

2877. SHRI TAPAN KUMAR SEN: Will the Minister of MICRO, SMALL AND MEDIUM ENTERPRISES be pleased to state:

- (a) the number of large, medium, small and micro industries as on 31 March, 2011, State-wise; and
- (b) the number of closed and sick industries in the above categories, State-wise?