

Thereafter, the Election Commission *vide* its communication dated the 2nd March, 2012 informed that that the Commission has taken a fresh look to the proposal to register IIDEM as a Society under the Societies Registration Act, 1860 after recent consultations with the Department of Expenditure, feedback from Ministry of Law and Justice and their own experience of running the Institute for the last eight months. In the said letter, it has been categorically stated that IIDEM has been functioning at present as a part of the Training Division of the Election Commission and the Commission has considered that there is no additional benefit, rather there is the potential for operational constraints for the fledgling Institute if it is made into a Society. As such, "the Commission has decided to request the Government to treat the Commission's proposal for creation of an autonomous Society for IIDEM as withdrawn."

As the proposal to establish IIDEM as an autonomous Society under the Societies Registration Act, 1860 has been withdrawn by the Election Commission, the Commission has proposed that IIDEM may work as a training division of the Election Commission.

Required strength of Judges

3327. SHRI PANKAJ BORA : Will the Minister of LAW AND JUSTICE be pleased to state :

(a) whether Government is aware of Chief Justice of India's demand for creation of around 15,000 more courts which would not even be sufficient to tackle around 271 crore cases;

(b) whether, as per his estimate, at least 35,000 judges are required against the existing strength of 16,000 judges;

(c) whether Government is also aware that minimum 20,000 judges are required for the trial courts only then litigants right for speedier justice can be achieved; and

(d) the steps Government proposes to take in view of above for speedy justice for litigants?

THE MINISTER OF LAW AND JUSTICE (SHRI SALMAN KHURSHEED) :
(a) to (d) No, Sir. There is no such demand having been made nor an estimate provided in regard to the overall requirement of judges to address the pendency of nearly 3 crore cases in the country. However, in the Vision Statement which was prepared following a National Consultation for strengthening the judiciary towards reducing the pendency and delays in October 2009, it was proposed that 15,000 positions of judges may be created for two years' period in the trial courts on contractual basis to address the issue of pendency in these courts. Earlier in 2002 in All India Judges'

Association case, the Hon'ble Supreme Court had observed on a comparative assessment of position of judges existing in other comparable democracies, that there should be 50 judges for one million population as recommended by the Parliamentary Standing Committee of Rajya Sabha in its 85th Report as well as by the Law Commission of India in its 120th Report. At the present sanctioned strength of the judges, the judge-population ratio in the country is nearly 15 per one million. No major increase in the strength of the judges at the district and subordinate judiciary has been made by many State Governments due to the reason of financial constraints. Recently, the Hon'ble Supreme Court has in its Judgement of 19th April, 2012 in the case of Brij Mohan Lal Vs. Union of India & others *inter alia* directed that the respective States and Central Government shall create 10% of the total regular cadre of the State as additional posts for the district and subordinate judiciary. The burden of these newly created posts shall be equally shared by the Central and State Governments. The Central Government can take recourse to funds provided under 13th Finance Commission for providing its share for the additional posts. The orders of the Supreme Court will be implemented in consultation with the States.

Further, on the direction of Hon'ble Supreme Court in the case of Imtiaz Ahmad Vs. State of Uttar Pradesh and others, Law Commission is separately making an assessment of the number of additional courts required to provide speedy and better access of justice. The Central Government will take a view on the requirement and creation of additional posts of Judges in consultation with the State Governments and State High Courts after the Report of Law Commission is submitted to the Supreme Court and after the Supreme Court has given directions, if any, in this regard.

Pending that, the Government has been taken a number of measures for addressing the pendency and for speedy disposal of cases :-

- (i) The 13th Finance Commission recommended a grant of Rs. 5000 crore for improving justice delivery to the States over a period of 5 years between 2010-15. Out of this an amount of Rs. 2,500 crore has been earmarked for morning/evening/shift/special courts to relieve the judicial system of the backlog of cases.
- (ii) The Government has been constantly endeavouring and working towards improvement in judicial system in the country jointly with the judiciary. It has been implementing computerization of courts since 2007 and has been investing on improving infrastructure in the judiciary since 1993-94.
- (iii) Of late, National Court Management System has been notified by the Hon'ble Chief Justice of India for establishment. This would be addressing issues of case management, court management, setting standards for measuring

performance of the courts and a national system of judicial statistics in the country.

- (iv) The Government has in June, 2011 set up a National Mission for Justice Delivery and Legal Reforms. The objective of the Mission is to look at the requirement for policy changes, re-engineering of court procedures, propose/undertake measures for human resource development and leverage information and communication technology for better justice delivery.

Registration of Sikh marriages

3328. SARDAR SUKHDEV SINGH DHINDSA : Will the Minister of LAW AND JUSTICE be pleased to state :

- (a) whether the Cabinet has recently approved a draft Bill under which Sikhs would be able to register marriages under the Anand Marriage Act; and
- (b) if so, the follow up action taken by Government thereon?

THE MINISTER OF LAW AND JUSTICE (SHRI SALMAN KHURSHEED) :

(a) Yes, Sir.

(b) The Anand Marriage (Amendment) Bill, 2012 is proposed to be introduced in the current session of Parliament.

Violation of the Model Code of Conduct

3329. SHRI SHANTARAM NAIK : Will the Minister of LAW AND JUSTICE be pleased to state :

- (a) whether violation of the Model Code of Conduct is a punishable offence;
- (b) if so, the punishments provided under the Act;
- (c) whether punishment of "censure" is provided as a punishment by or under the code; and
- (d) if so, the details thereof?

THE MINISTER OF LAW AND JUSTICE (SHRI SALMAN KHURSHEED) :

(a) and (b) The Election Commission of India has intimated that Model Code of Conduct is a set of guidelines evolved by the Commission with consensus of political parties for the smooth conduct of free and fair election in the country. As the Model Code of Conduct does not have a statutory backing many of its provisions are not legally enforceable and hence not legally punishable. However, there are certain provisions in the Model Code of Conduct, the violation of which also constitutes violation of some provisions in the election laws and/or the Code of Criminal Procedure. The violations are punishable in a court of law. In cases of *inter-alia* violation of Model Code of Conduct by a political party, the Commission can after giving reasonable