

**Hearing of capital punishment cases in Supreme Court**

521. SHRI M.P. ACHUTHAN:

SHRI D. RAJA:

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

(a) whether the Government intends to implement the Law Commission's recommendation of having a five judge panel to decide any capital punishment case in Supreme Court and the requirement of unanimity in deciding capital punishment cases;

(b) whether Government intends to commission independent studies on the implementation of death penalty; and

(c) if so, the details thereof?

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

(a) to (c) The information is being collected and will be laid on the Table of the House.

**Psychological impact of pendency on judges**

522. SHRI SANJAY RAUT: Will the Minister of LAW AND JUSTICE be pleased to state:

(a) whether it is a fact that for overall improvement of justice delivery system it had been felt that heavy work load for a long period of time could cause psychological pressure on the judicial officers in the country;

(b) whether Government has agreed to conduct a study to find out how the 14000 odd trial court judges have been psychologically impacted by the continuous struggle to fight off 2.77 crore pending cases; and

(c) if so, whether it would reduce the backlog cases ?

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

(a) to (c) Huge backlog of cases and high pendency in courts is one of the major problem affecting both the judicial administration justice delivery in india. The Ministry of Law and Justice had held a Consultation for strengthening the judiciary toward reducing the pendency and delays in October, 2009. The Consultation considered and deliberated upon the vision document which was endorsed by a Resolution at the end of Consultation. To realise the objectives set out in the Vision Document, a National Mission for Justice Delivery and Legal Reforms with the objective of pursuing several strategic initiatives which will include (i) policy changed (ii) re-engineering of procedures (iii) measures for human resource development (iv) leveraging of information and communication technology for better justice delivery has been set up. The Mission will pursue a co-ordinated approach for phased liquidation of arrears and pendency in the judicial administration. The National mission has also a budget provision under

the head 'Action Research and Studies on Judicial Reforms' to undertake research studies. No study has been undertaken to determine the psychological impact of pendency of judges.

Several steps have been taken by the Government to reduce the pendency which *inter-alia* includes measures for strengthening the judicial system, reviewing the strength of the judges from time to time and setting up of part time/special courts, improving infrastructure in the courts and increasing use of ICT for court management as well as for providing citizen centric services at all levels starting from Supreme Court/High Court to the district and subordinate courts. Some of these initiatives are detailed further as under:-

- (i) Increasing access by reducing delays and arrears in the system has been the constant endeavour of the Government. For this, several steps have been taken in the past both for making structural changes as well as for monitoring the performance of the courts in so far as their disposal are concerned. The disposal has been accelerated by undertaking special drives, the recent one being from 1st July, 2011 to 31st December, 2011.
- (ii) The 11th Finance Commission had recommended setting up of fast track courts for which a provision of Rs. 502.90 crores was made for 2000-05. This was extended later till 2010-11. As per the reports received, 1192 fast track courts were functional in the country as on 31.3.2011. Nearly 33 lakh cases were disposed of by the fast track courts over a period of 11 years of central assistance from 2000-01 to 2010-11. The 13th Finance Commission has recommended a grant of Rs.5000 crores for the states over a period of 5 years between 2010-2015. The amount will be provided as a grant to the States for various initiatives such as (i) Increasing the number of court working hours using the existing infrastructure by holding morning/ evening / shift courts; (ii) Enhancing support to Lok Adalats to reduce the pressure on regular courts; (iii) providing additional funds to States Legal Services Authorities to enable them to enhance legal aid to the marginalized and empower them to access justice; (iv) Promoting the Alternate Dispute Resolution (ADR) mechanism to resolve part of the disputes outside the court system; (v) Enhancing capacity of judicial officers and public prosecutors through training programmes; (vi) Supporting creation or strengthening of a judicial academy in each State to facilitate such training; (vii) Creation of the post of Court Managers in every judicial district and High Courts to assist the judiciary in their administrative functions and (viii) Maintenance of

heritage court buildings An amount of Rs 1353.623 crores has already been released to the States on this account.

- (iii) Under the central sector scheme for computerization of the District and Subordinate Courts (e-Courts project) in the country and for upgradation of the ICT infrastructure of the Supreme Court and the High Courts, a 9501 courts out of 14,229 courts as on 25.02.2012 in the country have been computerized. The balance courts would be computerized by 31.3.2014.

In the sceond phase, digitization, libary management, e-filing and establishment of data warehouse are expected to be added to the ongoing computerization and performing of citizen centric services.

- (iv) The Gram Nyayalayas Act, 2008 has been enacted for establishment of Gram Nyayalayas at the grass roots level for providing access to justice to citizens at their doorstep. The Central Government is providing assistance to States towards non-recurring expenses for setting up of Gram Nyayalayas subject to a ceiling of Rs 18.00 lakhs per Gram Nyayalayas. 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 Nyayalayas per year for the first three years. As informed by the States Governments, 153 Gram Nyayalayas have been notified so far. Out of which 151 Gram Nyayalayas have started functioning. An amount of Rs 25.39 crores has been released to the State Governments for establishment of Gram Nyayalayas during last three years.
- (v) A Centrally Sponsored Scheme for development infrastructure facilities for the judiciary is being implemented since 1993-94 under which central assistance for construction of court buildings and residential quarters judicial officers is released to augment the resources of the State Governments. An expenditure of Rs 1810.33 crore has been incurred by the Central Government on this scheme so far.

#### **Cooling-off period for joining political party**

523. SHRI GOVINDRAO ADIK: Will the Minister of LAW AND JUSTICE be pleased to state:

- (a) whether it is a fact that the Election Commission of India has urged Government to provide a 'cooling-off period' clause for officials between leaving Government service and joining a political party;
- (b) if so, Government's response thereto; and
- (c) by when the rules would be amended?