

**Statement**

*Number of undertrial prisoners by period of detention in Assam jails  
at the end of 2011*

Sl. No.	Period of Detention	Male	Female	Total
1.	Upto 3 months	3174	112	3286
2.	3-6 months	731	30	761
3.	6-12 months	386	33	419
4.	1-2 years	260	24	284
5.	2-3 years	158	8	166
6.	3-5 years	93	0	93
7.	Above 5 years	57	0	57
TOTAL		4859	207	5066

**Pending cases**

†1776. SHRI RAGHUNANDAN SHARMA : Will the Minister of LAW AND JUSTICE be pleased to state:

- (a) the reasons for pendency of cases in the courts of the country;
- (b) the efforts being made by Government to dispose pending cases; and
- (c) the number of judges required to dispose of pending cases keeping in view the current population and the details of the efforts being made by Government to increase the number of judges?

THE MINISTER OF LAW AND JUSTICE (SHRI ASHWANI KUMAR) : (a) to (c) The reason of pendency in court is mainly because the filings of cases have been either equal or more than the disposal. The other causes of increasing pendency are number of State and Central legislations, accumulation of first appeals, continuation of ordinary civil jurisdiction in some of the High Courts, vacancies of Judges, appeals against orders of quasi-judicial forums going to High Courts, number of revisions/

† Original notice of the question was received in Hindi.

appeals, adjournments, indiscriminate use of writ jurisdiction in High Courts, lack of arrangement to monitor, track and bunch cases for hearing, changing pattern of litigation etc.

The Government has set up a National Mission for Justice Delivery and Legal Reforms with the twin objectives of increasing access by reducing delays and arrears in the system and enhancing accountability through structural changes and by setting performance standards and capacities. The Mission has been pursuing a coordinated approach for phased liquidation of arrears and pendency in judicial administration which, *inter-alia*, involves better infrastructure for courts including computerisation, increase in strength of subordinate judiciary, policy and legislative measures in the areas prone to excessive litigation, re-engineering of court procedure for quick disposal of cases and emphasis on human resource development. The National Mission has a time-frame of five years (2011-16) to pursue them.

The Mission has taken several steps in the strategic areas towards fulfilment of its objectives. An Inter-Ministerial Group (IMG) has been constituted to suggest necessary amendments to the Negotiable Instruments Act, 1881 along with other policy and administrative measures to check increasing litigation relating to cheque bounce cases. For the re-engineering of court procedures and court processes for early disposal of cases, a National Court Management System has been notified by the Supreme Court for addressing the issues of case management, court management, setting measurable standards for performance of the courts and the National System of Judicial Statistics in the country.

Infrastructure development for the subordinate judiciary is a major thrust area for the National Mission. With a view to enhancing the resources of the State Governments, the Government has increased the central share by revising the funding pattern from 50:50 to 75:25 (for States other than North Eastern States) under modified Centrally Sponsored Scheme for development of infrastructure facilities for the judiciary from the year 2011-12 onwards. The funding pattern for North-Eastern States has been kept as 90:10 with effect from 2010-11.

Rs. 595 crore has been released as central assistance to States/UTs for infrastructure development of subordinate judiciary during 2011-12. Out of budget of Rs. 660 crore in the current financial year, Rs. 557 crore has been released to States/UTs till 30th November, 2012.

The Advisory Council of the National Mission for Justice Delivery and Legal Reforms has decided that the judge-population ratio cannot be sole criterion for

determining the additional number of judges required. There are other criteria such as docket-ratio and population-filing ratio which are more potent for determining the requirement of judges. The Law Commission is working on it and collecting information on various parameters with a view to arrive at a scientific and rational criteria for determination of requirement of additional Judges/Courts in the country.

A pendency reduction drive was undertaken from July, 2011 to December, 2011 in a campaign mode approach for clearing long pending cases and cases relating to marginalized sections of the society in High Courts and Subordinate Courts under their jurisdiction. As per information received from the High Courts, net pendency in all courts was reduced by over 6 lakh cases. Out of them about 1.36 lakh cases were of the targeted groups such as senior citizens, disabled, minors and marginalized sections of society. A similar drive has been launched in this year as well from July, 2012 to December, 2012. The focus of pendency reduction drive this year is to make our judicial system 'five plus' free. Simultaneously, emphasis is being laid on increasing the number of judges in subordinate judiciary by filling the existing vacancies and creating additional posts so that disposal of cases is expedited by setting up of additional courts.

On the recommendations of 13th Finance Commission, the Government has sanctioned Rs. 5000 crore as grants to the States for 5 years between 2010-15 for undertaking various initiatives such as increasing the number of court working hours using the existing infrastructure by holding morning/evening/shift courts; enhancing support to Lok Adalats to reduce the pressure on regular courts; providing additional funds to State Legal Services Authorities to enable them to provide legal aid to the marginalized and empower them to access justice; promoting the Alternative Dispute Resolution (ADR) mechanism to resolve part of the disputes outside the court system.

#### **Ban on entry of businessmen into politics**

1777. SHRI ANIL DESAI : Will the Minister of LAW AND JUSTICE be pleased to state:

- (a) whether in view of conflict of interest between public service and business interests of the persons entering into politics, Government is considering amendment to laws to prevent businessmen from entering into politics;
- (b) if so, the details of the steps taken or contemplated in this regard; and
- (c) if not, the reasons therefor?