

THE MINISTER OF LAW AND JUSTICE (SHRI ASHWANI KUMAR) :

(a) No, Sir.

(b) Does not arise.

(c) There is no empirical study to suggest or presume as a general proposition that there is conflict of interest between public service and business interests of the persons entering into politics.

Disposal of pending cases

1778. SHRI A. V. SWAMY : Will the Minister of LAW AND JUSTICE be pleased to state:

(a) whether Government has taken steps to identify the reasons causing increase in number of pending cases in courts;

(b) if so, the details thereof;

(c) the estimated number of cases pending in the Supreme Court and the High Courts of each of the States/UTs;

(d) the estimated number of cases pending in the Supreme Court and the High Courts of States/UTs for over 5 and 10 years;

(e) whether Government has taken or proposed any steps for speedy disposal of pending cases; and

(f) if so, the details thereof?

THE MINISTER OF LAW AND JUSTICE (SHRI ASHWANI KUMAR) : (a) to (f) 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/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.

As per the information available on the website of the Supreme Court, there were a total of 65,703 cases pending in the Supreme Court as on 30.11.2012. Out of

them 22,133 matters were upto one year and not in arrears. If connected matters were excluded, the pendency was only 37, 230 cases as on 30.11.2012.

As per information available, there were 6,445 cases pending for more than 5 years and 52,074 cases were pending for less than 5 years as on 31.12.2011 in Supreme Court.

As per the information made available by High Courts, number of cases pending in various High Courts and age-wise pendency from 5 to 10 years and above 10 years, as on 31.12.2011 given in the Statement.

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.

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.

Statement

The number of cases pending in various High Courts and age-wise pendency from 5 to 10 years and above 10 years as on 31.12.2011

Sl. No.	Name of High Court	Number of cases pending in High Courts as on 31.12.2011	Age-wise pendency	
			5 to 10 years	above 10 years
1	2	3	4	5
1.	Allahabad	10,05,527	2,40,713	2,94,613
2.	Andhra Pradesh	1,98,214	42,675	6,007
3.	Bombay	3,62,885	80,853	73,142

1	2	3	4	5
4.	Calcutta	3,47,154	80,428	1,84,583
5.	Delhi	61,212	12,665	5,189
6.	Gujarat	82,232	22,500	13,521
7.	Gauhati	53,255	10,044	97
8.	Himachal Pradesh	49,541	4,800	812
9.	Jammu and Kashmir	82,223	13,521	1,358
10.	Karnataka	1,72,088	9,470	218
11.	Kerala	1,28,777	18,255	2,527
12.	Madras	4,73,736	80,536	12,619
13.	Madhya Pradesh	2,29,336	42,694	12,649
14.	Orissa	3,01,314	1,12,583	26,505
15.	Patna	1,18,964	10,670	14,217
16.	Punjab and Haryana	2,43,666	56,580	57,542
17.	Rajasthan	2,81,306	65,604	30,160
18.	Sikkim	67	0	0
19.	Uttarakhand	19,263	3,556	747
20.	Chhattisgarh	50,163	16,269	9,345
21.	Jharkhand	61,277	12,226	3,584
TOTAL		43,22,200	9,36,642	7,49,433

Donation to political parties

1779. SHRI RANGASAYEE RAMAKRISHNA : Will the Minister of LAW AND JUSTICE be pleased to state:

- (a) whether overseas investment in Indian companies is steadily increasing;