

**Special CBI courts**

\*263. DR. CHANDAN MITRA: Will the PRIME MINISTER be pleased to state:

(a) whether Government had decided in 2009 to set up 71 additional special courts, especially for trial of CBI cases in various States;

(b) if so, the number of such courts set up so far during the last three years, State-wise;

(c) the reasons for delay in setting up of promised CBI courts; and

(d) the fresh steps taken by Government to set up adequate number of special CBI courts with required infrastructure and manpower with corresponding public prosecutors, especially in Madhya Pradesh?

THE MINISTER OF STATE IN THE MINISTRY OF PERSONNEL, PUBLIC GRIEVANCES AND PENSIONS (SHRI V. NARAYANASAMY): (a) to (d) A Statement is laid on the Table of the House.

***Statement***

(a) Yes, Sir.

(b) The State-wise number of such courts set up so far during the last three years is given in the Statement-I (*See* below).

(c) Out of 71 courts, 66 courts are functional. One court at Srinagar has to be dropped. Since State Government could not provide infrastructure, 4 courts could not be started, 3 in Odisha and 1 in Goa. Details are given in the Statement-I (*See* below).

(d) The fresh steps taken by the Government to set up adequate number of special CBI courts are as under:—

1. In pursuance to Hon'ble Supreme Court of India's directions dated 13.12.2012 in Crl. Appeal No. 88-93 of 2003, the approval of the Central Government for setting up of further 22 special courts has been conveyed to the States on 12.02.2013. The approval was conveyed for Special Courts at Vishakhapatnam in Andhra Pradesh (01), Guwahati in Assam (01), Ahmedabad in Gujarat (05), Srinagar in Jammu and Kashmir (01), Ernakulam in Kerala (01), Indore in Madhya Pradesh (01), Nagpur in Maharashtra (02), Mumbai in Maharashtra (01), Patiala in Punjab (01), Jaipur in Rajasthan (02), Lucknow in Uttar Pradesh (02), Ghaziabad in Uttar Pradesh (01), Alipur in West Bengal (02) and Asansol in West Bengal (01). (Figures in brackets are number of Courts at that location).

After receipt of consent from the States, 15 courts have been sanctioned at Guwahati in Assam (01), Ahmedabad in Gujarat (05), Srinagar in Jammu and Kashmir (01), Ernakulam in Kerala (01), Indore in Madhya Pradesh (01), Nagpur in Maharashtra (02), Mumbai in Maharashtra (01), Alipur in West Bengal (02) and Asansol in West Bengal (01). Consent for sanction is awaited from Andhra Pradesh (1), Punjab (1), Rajasthan (2) and Uttar Pradesh (3).

2. Government has also further sanctioned one Public Prosecutor, one Pairvi Officer (Inspector), one Naib Court (Head Constable) and one Stenographer for each of these 22 courts, *i.e.* total 88 posts for these 22 courts for CBI, including for Madhya Pradesh. States have been requested to provide infrastructure and manpower for the Courts.

**Statement-I**

*(A) Details of locations where the additional Special Courts started functioning (out of 71 as on 1.8.2013)*

Sl. No.	Name of State	Location of the court	No. of court	Year since operational
1	2	3	4	5
Hyderabad Zone				
1.	Andhra Pradesh	Hyderabad	03	2012
		Vishakhapatnam	02	2012
2.	Karnataka	Bangalore	02	2010
		Dharwad	01	2011
Patna Zone				
3.	Bihar	Patna	03	2011
4.	Jharkhand	Ranchi	02	2011
		Dhanbad	04	2011
Delhi Zone				
5.	Delhi	Delhi	15	2011(9), 2012(6)
6.	Rajasthan	Jaipur	02	2011

1	2	3	4	5
<b>Lucknow Zone</b>				
7.	Uttar Pradesh	Lucknow	04	2010
		Ghaziabad	02	2010
<b>Mumbai Zone-I</b>				
8.	Maharashtra	Mumbai	03	2010
		Nagpur	01	2011
		Amravati	01	2011
		Pune	01	2011
<b>Mumbai Zone-II</b>				
9.	Gujarat	Ahmedabad	02	2011
<b>Chandigarh Zone</b>				
10.	Jammu and Kashmir	Jammu	01	2011
11.	Haryana	Panchkula	01	2011
<b>Bhopal Zone</b>				
12.	Madhya Pradesh	Bhopal	01	2009
		Jabalpur	01	2009
13.	Chhattisgarh	Raipur	01	2012
<b>Kolkata Zone</b>				
14.	West Bengal	Kolkata	06	2011(3), 2012(3)
15.	Odisha	Bhubaneswar	01 (out of 04)	2012
<b>Guwahati Zone</b>				
16.	Assam	Guwahati	02	2012
<b>Chennai Zone</b>				
17.	Tamil Nadu	Chennai	03	2010
	Kerala	Thiruvananthapuram	01	2011
TOTAL:			66	

*(B) Details showing where the additional Special Courts yet to start functioning*

**(Out of 71 as on 1.8.2013)**

Sl. No.	Name of State	Location of the court	No. of Courts	Remarks
1	2	3	4	5
<b>Kolkata Zone</b>				
1.	Odisha	Bhubaneswar	03 (out of 04)	State Government had made one court operational at Bhubaneswar. Appropriate location could not be found to set up other three courts. State Government is now creating space for these courts in the same premises and construction is under-way.
<b>Mumbai Zone</b>				
2.	Goa	Panaji	01	State Government, with the concurrence of Hon'ble Chief Justice of High Court, Bombay had decided to establish this court at Mapusa, Goa. Chief Justice has been requested to appoint the Presiding Officer for this court.
TOTAL:			04	

*(C) Details showing where the additional Special Court is not be set up*

**(Out of 71 as on 1.8.2013)**

**Chandigarh Zone**

1.	Himachal Pradesh	Shimla	01	Due to very less number of CBI cases, the court proposed initially at Panchkula and later shifted to Srinagar, has not been set up. Since the Central Government, on the direction of the Hon'ble Supreme
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1	2	3	4	5
				Court on 13.12.2012, decided to set up 22 more additional special courts for CBI cases in the country which included one at Srinagar, this proposed court for Srinagar (out of 71) has to be dropped.

DR. CHANDAN MITRA: Sir, my first supplementary arises from the reply itself which is very surprising.

In 2009, the Supreme Court had directed the Government to set up Special Courts for CBI Cases. Now, after so many years, we still find that out of 22 that were to be set up, only 15 have been set up so far and 7 are yet to be set up. And, some of the reasons advanced are really peculiar. For instance, as far as Odisha is concerned, the Government was supposed to set up 4 Special Courts, but only 1 has been set up, because, according to the reply, 'appropriate location could not be found to set up other three courts.' Sir, a vast State like Odisha, which has many cities and towns, but I am really surprised with the reply that no appropriate location could be found. Similarly, in the case of Chandigarh Zone, a court that proposed to be set up first in Panchkula was later shifted to Srinagar. Now, the Government proposes that this be dropped altogether for relatively a fewer CBI cases there.

What is the criterion for selecting such places and why have these things been dropped or delayed indefinitely? Has the Supreme Court been informed of the reasons behind all this?

SHRI V. NARAYANASAMY: Sir, I would like to submit that in 2009, the hon. Chief Justice of India had written to the hon. Prime Minister about the constitution of 69 Special Courts for trial of CBI cases. In 2009, the letter was written. It was not an observation of the Court at that time. Out of these, 66 courts have been established. As for the remaining courts, including Odisha and Goa, four are yet to be established because the State Governments have to create the required infrastructure. We are also providing for the non-recurring expenditure in connection with the setting up of these courts. We are giving Rs. 50 lakhs for the purpose of establishing court rooms and for infrastructure. Every year, we give Rs. 30 lakhs for every court from the Central Government to the State Governments so that the State Governments are not burdened.

Secondly, Sir, when it was found that a large number of CBI cases were pending before the courts, the Supreme Court had observed, in December, 2012 that additional

22 courts should be constituted. We wrote to the State Governments. It was not the Government of India alone which was going to establish these courts, it had to be done with the collaboration of the State Governments, with the support of the State Governments, the infrastructure being created by the State Governments. Fifteen States have accepted it and they are in the process of creating the infrastructure. We are providing one Public Prosecutor for each court, one Inspector as the Naib of the court and a stenographer for each of these courts. The other staff has to be provided by the State Governments. From Government of India side, we had written to all the State Governments on this subject. We wrote to the State Government of Odisha also. The State Government said that it would find a location and get back to us. Therefore, the process is going on; the communication between us is also going on. The hon. Member mentioned about Chandigarh. We wanted the court to be set up at Panchkula. We wrote to the Chief Minister of Haryana. They said that they would not be able to provide us a location there. Then, we had also approached the Government of Jammu and Kashmir. The State Government of Jammu and Kashmir had said that there were much less number of such cases in that State.

The Supreme Court had asked us to constitute 69 courts in the first instance. But we started with 71 courts. Therefore, Sir, the Government of India is fully aware of its responsibilities, especially in view of the large number of cases that have been pending before various courts and their disposal.

In fact, apart from these 71 courts plus 22 courts, we have special judges in 46 courts all over the country and they are also dealing with CBI cases. Then, we have Special Magistrates in ten courts, and they are also dealing with CBI cases. Therefore, Sir, we have been taking all possible steps to see to it that cases are disposed of as soon as possible. The hon. Chairman knows that when a matter goes to a court, it is for the court to decide.

MR. CHAIRMAN: Thank you. Second supplementary.

DR. CHANDAN MITRA: Sir, actually, contrary to what the Minister has said, the Supreme Court had observed that there was a need for 210 special courts that were needed to be set up in view of the mounting number of cases. Now, if you have not been able to set up even one hundred so far — and it has taken so long; many of them are incomplete — can you give the House a time-frame by which period all these courts would be set up? Also, what about increasing the number of these courts from 71 plus 22 to the required 210?

SHRI V. NARAYANASAMY: The hon. Member has mentioned about the huge pendency of cases in various States as well as about the creation of additional courts. Sir, we would discuss this with the State Chief Ministers. If they want additional courts in their States, then we would definitely look into it. We would also help the State

Governments in doing it. As far as the financial burden is concerned, the Government of India would take care of it.

SHRI SANJIV KUMAR: Sir, I understand that fast-tracking of cases in High Courts gets hampered because investigations by the CBI is not fast-tracked due to shortage of manpower, apathy of the department and delay in the completion of investigation of cases and filing of chargesheet in the courts. Second is inadequate number of...

MR. CHAIRMAN: What is the question?

SHRI SANJIV KUMAR: I am giving the facts, My Lord.

MR. CHAIRMAN: Don't give the facts. Just put the supplementary.

SHRI SANJIV KUMAR: There is inadequate number of FSL laboratories in the country, My Lord. It is simply because posts are created but the infrastructure is not provided. That is the problem we face, My Lord. ...(*Interruptions*)...

SHRI RAVI SHANKAR PRASAD: Please say, 'Sir', not 'My Lord'. ...(*Interruptions*)... Say, 'Chairman Sir', ...(*Interruptions*)...

AN HON. MEMBER: This is not a court. ...(*Interruptions*)...

SHRI SANJIV KUMAR: So, my question to the hon. Minister, My Lord... ...(*Interruptions*)...

SHRI RAVI SHANKAR PRASAD: Say, 'Sir'! ...(*Interruptions*)...

MR. CHAIRMAN: Let the question be asked, please. ...(*Interruptions*)...

SHRI SANJIV KUMAR: Sir, my question to the hon. Minister is as to how all these shortcomings will be improved.

SHRI V. NARAYANASAMY: Sir, for the long pendency of cases, the CBI is conducting monthly review meetings, and also quarterly review meetings. For investigation of various cases which are pending with them, and also for fast-tracking of cases, which has to be done in various courts, in the monthly review meetings and quarterly review meetings, as per the CBI Manual guidelines, the CBI is fast-tracking the courts. They are also submitting various documents to the courts, which are required, because the voluminous documents are to be produced, the witnesses have to be produced, and apart from that, they have to get the expert opinion. Sir, there are many Members of the House, who are lawyers, and they know how the trial takes place in the courts. Therefore, the CBI is doing its best for the purpose of trial of cases and also for investigation of cases. From their side, they are working very sincerely. But, ultimately, the court is the authority to decide.

**श्री रवि शंकर प्रसाद :** सर, मैं आपके माध्यम से माननीय मंत्री जी से एक सवाल पूछना चाहता हूँ। हम सभी यह बात जानते हैं कि सीबीआई एक प्रमाणिक संस्था है और उसे बिना दबाव व ईमानदारी से काम करने दिया जाए। दबाव क्या होता है, जब कभी अवसर आएगा, तब हम इस पर चर्चा करेंगे। यह बात तो सही है कि दबाव रहता है। आज के समय में कुछ करप्शन के केसेज होते हैं और कुछ दूसरे प्रकार के केसेज होते हैं, उन केसेज में सीबीआई से बहुत उम्मीद होती है कि वह उनका इन्वेस्टिगेशन करे।

माननीय मंत्री जी, आप भी जानते होंगे कि गुड गवर्नेन्स के लिए इन्वेस्टेमेंट इन प्रोपर जुडिशियल इंफ्रास्ट्रक्चर भी जरूरी है। इस संबंध में माननीय डा. चंदन मित्रा जी ने आपके समाने सवाल उठाया था कि कोर्ट्स कम है, पी.पी. बने हैं, तो पर्याप्त संख्या में नहीं बने हैं, इंफ्रास्ट्रक्चर की कमी है, इसलिए हम चाहते हैं कि ट्रायल जल्दी हो। मैं आप से इस आलोक में बड़ी विनम्रता से एक सवाल पूछना चाहता हूँ, सीबीआई कोर्ट्स अधिक खुलें, इंफ्रास्ट्रक्चर हो, क्या आप इसका कोई टाइम बाउंड प्रोग्राम चलाने का इरादा रखते हैं?

**SHRI V. NARAYANASAMY:** Sir, actually, there are about 10,000 cases, whether these are CBI cases and the cases under Prevention of Corruption Act, and also the cases under regular trial matters, which are pending all over the country; of which, about 6,733 cases' pendency ranges from ten years to one year in various courts.

Sir, as far as our Government is concerned, for the purpose of early disposal of cases, in the monthly meetings which are being held by the CBI, it is being reviewed. In fact, I would like to submit to the hon. Member — because he was saying that there is interference — I would like to make it very clear to this august House, our Government never interfered in the investigation process of CBI on any matter. In future also we will not interfere in the investigation part of CBI. *...(Interruptions)...* You made your point. Let me also make my point. *...(Interruptions)...* Let me make my point. *...(Interruptions)...*

**श्री रवि शंकर प्रसाद :** आप यह क्या बोल रहे हैं?...*(व्यवधान)*...

**श्री सभापति :** रवि शंकर जी, आप बैठ जाइए।

**SHRI V. NARAYANASAMY:** I do not know what happened in the past. *...(Interruptions)...*

**SHRI RAVI SHANKAR PRASAD:** A Minister had to resign on...*(Interruptions)...*

**SHRI V. NARAYANASAMY:** What happened in your regime, I do not know. I would like to make it very clear... *...(Interruptions)...*

**MR. CHAIRMAN:** Ravi Shankarji, please. *...(Interruptions)...*

**SHRI V. NARAYANASAMY:** What happened in the NDA regime, I do not know. I would like to make it very clear, our UPA Government never interferes... *...(Interruptions)...*

MR. CHAIRMAN: Please complete the answer.

SHRI V. NARAYANASAMY: ...in the investigation process of the CBI now, and it won't interfere even in future. That I would like to make very clear to the House.

Sir, for early disposal of cases, I would like to submit to this august House that we are very much particular to see that the pendency of cases is reduced. For that, the CBI has been conducting various review meetings, and we are also telling them that the cases should be disposed of early. It is also our concern that early justice should be rendered to the people. We will definitely take all possible steps to support the State Governments for creation of posts. We are not delaying the appointment of Public Prosecutors and staff that are required for the purpose of disposal of cases.

DR. BHARATKUMAR RAUT: Sir, it has been mentioned that out of 71 courts, 66 courts are functional. I would like to know the Government's definition of the term 'functional'. This I am asking with a special reference to Maharashtra, Mumbai Zone, where you have stated that there will be six courts. They are 'functional' in your opinion from 2010-11. I would like to know from the Minister how many cases are being heard, adjudicated and how many cases are still pending in these six courts in Mumbai Zone.

SHRI V. NARAYANASAMY: Sir, in Mumbai Zone-1, five courts have been constituted. ...*(Interruptions)*... For Mumbai Zone-2, there is none, but one has been sanctioned. ...*(Interruptions)*... An additional court has been sanctioned. ...*(Interruptions)*... Out of 22, one court has been sanctioned for Mumbai. The State Government has agreed. We are doing it. In fact, I would like to submit that the cases which are pending in Maharashtra are 697. These are the total cases which are pending in Maharashtra. But if the State Government wants additional courts, we are prepared to give it to them. In fact, I wrote to the State Chief Minister also in this regard. As far as Mumbai Zone-1 is concerned, six courts have already been constituted from 2010 to 2011 and they are functional.

DR. BHARATKUMAR RAUT: I said when you say 'functional', how many cases are being heard, how many cases are adjudicated and how many are pending.

SHRI V. NARAYANASAMY: I told about the total number of cases pending which is 697. I will send the break-up to the hon. Member concerned.

MR. CHAIRMAN: Good. Thank you.

### **Film tourism in India**

\*264. SHRI SALIM ANSARI: Will the Minister of TOURISM be pleased to state:

(a) whether it is a fact that the Ministries of Tourism and Information and