THE MINISTER OF LAW AND JUSTICE (SHRI D. V. SADANANDA GOWDA): (a) and (b) Central Bureau of Investigation (CBI) has reported that it has not made any recommendation to the Income Tax Appellate Tribunal in this regard. Section 263 of the Income Tax Act, 1961, relates to the revision of assessment order by the Commissioners of Income Tax, in the circumstances stated therein. This Section does not relate to the passing of orders by the Income Tax Appellate Tribunal.

(c) and (d) No, Sir. No such case has been brought to the notice of the Government.

Judgements of ITAT, Kolkata

3090.SHRI SALIM ANSARI: Will the Minister of LAW AND JUSTICE be pleased to state:

(a) whether members of Income Tax Appellate Tribunal (ITAT), Kolkata are delivering pre-decided judgements under Section 263 of the Income Tax Act, 1961;

(b) whether Chairman, ITAT has no rules and practices relating to preparation and delivery of orders;

(c) if so, the details of procedure adopted by members of ITAT, Kolkata in delivering judgment/orders under Section 263 of IT Act, 1961;

(d) whether a large number of cases of quid pro quo by some members have been noticed in the past; and

(e) if so, the details thereof and action taken against such erring members?

THE MINISTER OF LAW AND JUSTICE (SHRI D. V. SADANANDA GOWDA): (a) No, Sir. Section 263 of the Income Tax Act, 1961, relates to the revision of assessment order by the Commissioners of Income Tax, in the circumstances stated therein. This Section does not relate to the passing of orders by the Income Tax Appellate Tribunal (ITAT).

(b) The Income Tax (Appellate Tribunal) Rules, 1963, framed under Section 255 (5) of the Income Tax Act, 1961, prescribe the procedure for processing of appeals by the ITAT.

(c) Does not arise.

(d) and (e) There is one case relating to a Member of the ITAT who was allegedly caught red-handed by the CBI while accepting bribe and he is under suspension. The

CBI has registered a regular case against him under certain Sections of the Indian Penal Code, 1860, and the Prevention of Corruption Act, 1988. The matter is now before the CBI Court.

Pending court cases

3091.SHRI NARESH GUJRAL: Will the Minister of LAW AND JUSTICE be pleased to state:

(a) the total number of cases pending in courts in the country which are more than five years old;

(b) whether Government is going to propose a policy initiative to do away with long vacations in the courts of the country; and

(c) if so, the details thereof and if not, the reasons therefor?

THE MINISTER OF LAW AND JUSTICE (SHRI D. V. SADANANDA GOWDA): (a) to (c) The data on pendency of cases is maintained by the Supreme Court and High Courts. As per the information made available by Supreme Court of India, 11,861 cases were pending for more than five years as on 10.12.2014 in Supreme Court. 16.83 lakh cases were pending for more than five years as on 31.12.2013 in various High Courts. In District and Subordinate Courts, 59.80 lakh cases were pending for more than five years as on 31.12.2013.

Holidays in Supreme Court and High Courts are regulated by the respective Courts. Holidays in subordinate courts are regulated by the respective High Courts. The Supreme Court has notified the Supreme Court Rules, 2013 on 27th May, 2014 wherein, *inter-alia*, it is provided that the period of summer vacation shall not exceed seven weeks. It is further provided that the length of the summer vacation and the number of holidays for the Court and the offices of the Court shall be such as may be fixed by the Chief Justice and notified in the official Gazette so as not to exceed one hundred and three days, excluding Sundays not falling in the vacation and during holidays.

Implementation of 197th Report of Law Commission

3092.SHRI AVINASH PANDE: Will the Minister of LAW AND JUSTICE be pleased to state:

(a) the status of implementation of the 197th Report of the Law Commission of India on the Appointment of Public Prosecutors, which was submitted to Government on 31st July, 2006;