

1	2	3
14.	Madhya Pradesh	11
15.	Maharashtra	14
16.	Meghalaya	1
17.	Mizoram	1
18.	Nagaland	1
19.	Orissa	5
20.	Punjab	3
21.	Rajasthan	11
22.	Tamil Nadu	5
23.	Tripura	2
24.	Union Territory	3
25.	Uttar Pradesh	7
26.	Uttaranchal	1
27.	West Bengal	5

#### **Arrears of court cases**

1275. SHRI JANESHWAR MISHRA: Will the Minister of LAW AND JUSTICE be pleased to state:

(a) whether it is a fact that the Law Commission has submitted its opinion on the arrears of court cases; and

(b) if so, the salient features thereof and the steps taken by Government thereon?

THE MINISTER OF STATE IN THE MINISTRY OF LAW AND JUSTICE (SHRI K. VENKATAPATHY): (a) The Law Commission has made various recommendations/suggestions to tackle the arrears of court cases in its various reports. A list containing the number of the report and its title is enclosed as Statement-I, (See below)

(b) All these reports have been forwarded to the concerned Ministries/Departments for consideration and implementation. The salient features of these reports are indicated in the Statement-II (See below). Many of the recommendations of the Law Commission regarding the arrears of court cases as contained in these reports have already been implemented.

**Statement-I***The number of reports and its Table*

Sl. No.	No. of Report	Subject-matter	Year
1.	14	Reform of Judicial Administration.	1958
2.	27.	The Code of Civil Procedure, 1908.	1964
3.	32.	Section 9 of the Code of Criminal Procedure, 1898 Appointment of Sessions Judges, Additional Session Judges and Assistant Sessions Judges.	1967
4.	33.	Section 44, Code of Criminal Procedure, 1898.	1967
5.	35.	Section 497, 498 and 499 of the Code of Criminal Procedure, 1898-Grant of bail with condition.	1967
6.	37.	The Code of Criminal Procedure, 1898 (Sections 1 to 176).	1967
7.	41.	The Code to Criminal Procedure, 1898.	1969
8.	44.	The Appellate jurisdiction of the Supreme Court in Civil Matters.	1971
9.	45.	Civil Appeals to the Supreme Court on a Certificate of Fitness.	1971
10.	47.	The Trial and Punishment of Social and Economic Offences.	1972
11.	48.	Some questions under the Code of Criminal Procedure Bill, 1970.	1972
12.	54.	The Code of Civil Procedure, 1908.	1973
13.	56.	Statutory Provisions as to Notice of suit other than section 80, Civil Procedure Code.	1973
14.	58.	Structure and Jurisdiction of the Higher Judiciary.	1974
15.	76	Arbitration Act, 1940.	1978
16.	77	Delay and arrears in trial courts.	1979
17.	78	Congestion of under trial prisoners in jails.	1979
18.	79	Delay and Arrears in High Courts and other-Appellate Courts.	1979
19.	99	Oral and written arguments in the Higher courts.	1984
20.	100	Litigation by the against the Government: some recommendations for reform.	1984
21.	114	Gram Nyayalaya	1986
22.	115	Tax Courts.	1986
23.	124	The High Court Arrears—A Fresh Look	1988
24.	125	The Supreme Court—A Fresh Look.	1988
25.	126	Government and Public Sector Undertaking Litigation Policy and Strategies.	1988

1	2	3	4
26.	129	Urban Litigation—Mediation as alternative to Adjudication.	1988
27.	142	Concessional treatment for offenders who on their own Initiative choose to plead guilty without any bargaining	1991
28.	150	Suggesting some Amendments to the Code of Civil Procedure (Act No. V of 1908).	1994
29.	154	The Code of Criminal Procedure, 1973 (Act No. 2 of 1974).	1996
30.	163	The Code of Civil Procedure (Amendment) Bill, 1997	1998
31.	176	The Arbitration and conciliation (Amendment) Bill, 2002	2001
32.	178	Recommendations for amending various enactments, both civil and criminal	2001
33.	186	Proposal to constitute Environment Courts.	2003
34.	188	The Proposals for constitution of Hi-tech Fast Track Commercial Divisions In High Courts.	Not yet laid on the Table of the House

### ***Statement-II***

#### ***The Salient features of the Report***

The Law Commission reports placed at Annexure-I deal with reform of judicial administration including the civil procedure, criminal procedure, the law of arbitration and the proposal to constitute environment courts. Various efforts have been made so far to solve the problem of arrears of court cases.

2. To deal with arrears of court cases in civil matters, the Law Commission report Nos. 27, 54, 150, 163 and 178 deal with the amendments in the Code of Civil Procedure, 1908 with a view to reduce the arrears of court cases.
3. On Criminal Procedure, the Law Commission report nos. 32, 33, 36, 37, 41 and 48 as referred to in Annexure-I preceded the enactment of the Code of Criminal Procedure, 1973. The 78th Report deals with congestion of under trial prisoners in jails and 154th Report deals with the Code of Criminal Procedure, 1973. The entire gamut of reform of Criminal Procedure has been dealt with in these Reports.

4. The Commission's reports on Gram Nyayalaya, Urban Litigation - Mediation as Alternative to Adjudication, Arbitration and Conciliation (Amendment) Bill, 2002 are aimed at addressing the issue of reducing the arrears of court cases by devising alternate mode of settlement of disputes.
5. The 77th Report of the Commission on Delay and Arrears in Trial Courts deals with the problem of delay and arrears in trial courts and measures to be taken to reform both Civil Procedure and Criminal Procedure at various stages including the recommendations for recruitment and personality of the trial Judge and the training for judicial officers. It also recommends conciliation as one of the methods which can be devised for relieving court of heavy load of civil cases.

In regard to criminal cases, it is stated in the Report that in criminal cases, it is, particularly necessary that the delay be eliminated since the decision depends upon oral rather than documentary evidence and with the passing of time, memory of witness fades. Thus, various recommendations have been made in this Report including the desirability of severing the investigating agency of the police from that of law and order.

6. The 79th Report on Delay on Arrears in High Courts and other Appellate Courts mentions that to prevent the arrears, disposal must maintain pace with institution. Hence, *inter alia*, it was recommended that for clearing arrears, Article 224A of the Constitution of India may be availed of, and retired Judges who had a reputation for efficiency and quick disposal, and who retired within three years be reappointed on *ad-hoc* under this article. Persons who have retired from other High Courts can also be considered.

#### **Fast Track Courts**

1276. SHRI R. SHUNMUGASUNDARAM: Will the Minister of LAW AND JUSTICE be pleased to state:

- (a) the number of Fast Track Courts that are functioning, State-wise;