

THE MINISTER OF STATE IN THE MINISTRY OF LAW AND JUSTICE (SHRI P.P. CHAUDHARY): (a) Yes Sir, provisions have already been made in the Finance Act, 2017 for merger of Cyber Appellate Tribunal with the Telecom Disputes Settlement and Appellate Tribunal.

(b) Provisions have already been made in the Finance Act, 2017, for merger of seventeen Tribunals, Appellate Tribunals and other authorities to reduce them to eight.

Budgetary allocation for 2017-18

4111. SHRI DEREK O'BRIEN: Will the Minister of LAW AND JUSTICE be pleased to state:

(a) whether it is a fact that the budgetary allocation for the Ministry has reduced in the Union Budget 2017-18;

(b) whether the Ministry has formulated an action plan to address the issues of vacancy of Judges in courts, pendency of cases and infrastructure, if so, the details thereof; and

(c) the State-wise data of functional Gram Nyayalayas and the grants provided to them by the Central Government in the previous year?

THE MINISTER OF STATE IN THE MINISTRY OF LAW AND JUSTICE (SHRI P.P. CHAUDHARY): (a) The budgetary allocation of plan schemes of Department of Justice (Ministry of Law and Justice) is ₹ 900 crore in 2016-17 and ₹ 1061.70 crore in 2017-18.

(b) Disposal of cases pending in courts is within the domain of Judiciary. The Government has adopted a co-ordinated approach to assist judiciary for phased liquidation of arrears and pendency in judicial systems, which, *inter alia*, involves better infrastructure for courts including computerisation, increase in strength of judicial officers/Judges, policy and legislative measures in the areas prone to excessive litigation and emphasis on human resource development.

During the Joint Conference of Chief Ministers of States and Chief Justices of the High Courts held at New Delhi in April 2015, reduction of pendency and backlog of cases in courts emerged as an area which required focused attention at the High Court level. The Chief Justices of the High Courts in the Conference held on 03rd and 04th April, 2015 have resolved that each High Court shall establish an Arrears Committee, which would go into the factors responsible for the delays and prepare an action plan to clear the backlog of cases pending for more than five years. It was further resolved in the Conference of Chief Justices of the High Courts held

in April, 2016, that in order to ensure expeditious disposal of cases pertaining to women, marginalized segments, senior citizens and differently-abled, steps be taken to (a) prioritize the disposal of cases falling in these categories within the existing court system; (b) an endeavour be made to revisit the cadre strength of subordinate courts and, where necessary, create additional courts to deal with such cases. As per information available, Arrears Committees have been set up by the High Courts.

In addition, following steps have *inter alia* been taken by the Government in the matter, namely:—

- (i) The Fourteenth Finance Commission has endorsed the proposal to strengthen the judicial system in States which includes, *inter alia*, establishing 1800 Fast Track Courts (FTCs) for a period of five years for cases of heinous crimes; cases involving senior citizens, women, children, disabled and litigants affected with HIV AIDS and other terminal ailments; and civil disputes involving land acquisition and property/rent disputes pending for more than five years at a cost of ₹ 4144 crore. The Fourteenth Finance Commission has urged State Governments to use the additional fiscal space provided by the Commission in the tax devolution to meet such requirements. The Hon'ble Prime Minister had written to all Chief Ministers on 23rd April, 2015 followed by reminders from the Hon'ble Minister of Law and Justice to make available the fund recommended by the Fourteenth Finance Commission to judiciary from the additional fiscal space available under the Fourteenth Finance Commission.
- (ii) In 245th report (2014), the Law Commission has observed that filing of cases per capita varies substantially across geographic units as filings are associated with economic and social conditions of the population. As such the Law Commission did not consider the Judge population ratio to be a scientific criterion for determining the adequacy of the Judge strength in the country. The Law Commission found that in the absence of complete and scientific approach to data collection across various High Courts in the country, the "Rate of Disposal" method to calculate the number of additional Judges required to clear the backlog of cases as well as to ensure that new backlog is not created, is more pragmatic and useful. In May, 2014, the Supreme Court asked the State Governments and the High Courts to file their response to the recommendations made by the Law Commission. In August 2014, the Supreme Court asked the National Court Management System Committee (NCMS) to examine the recommendations made by the Law Commission and to furnish their recommendations in this regard. NCMS submitted its report to the Supreme Court in March, 2016. It has,

inter alia, observed that in the long term, the Judge strength of the subordinate courts will have to be assessed by a scientific method to determine the total number of “Judicial Hours” required for disposing of the case load of each court. In the interim, the Committee has proposed a “weighted” disposal approach—disposal weighted by the nature and complexity of cases in local conditions. The matter is *sub-judice* before the Supreme Court, at present. As per the direction of the Hon’ble Supreme Court in its Order dated 02.01.2017, the Department of Justice has forwarded a copy of interim report of the NCMS Committee to all State Governments and High Courts to enable them to take follow up action to determine the required strength of Judges in district judiciary based on the NCMS report.

- (iii) In the matter of Ashwini Kumar Upadhyay *versus* Union of India and Another (Writ Petition (c) 295 of 2016), the Supreme Court in its order dated 20.03.2017 has observed that the question of increasing the number of posts of Judges at various levels will arise only after the existing vacancies have been filled up.
- (iv) A comprehensive scheme of National Court Management Systems (NCMS) was formulated and notified by the Hon’ble Supreme Court of India on 02nd May 2012. Under the NCMS, a National Framework of Court Excellence (NFCE) is to be prepared, which shall set measurable standards of performance for courts addressing the issues of quality, responsiveness and timeliness.
- (v) A Centrally Sponsored Scheme (CSS) for Development of Infrastructure Facilities for Judiciary is being implemented by Department of Justice to augment the resources of State Governments in this regard. A budgetary provision of ₹ 600 crore was made under the scheme for the financial year 2016-17, which included a provision of ₹ 5.00 crore for assistance to States for establishing and operating Gram Nyayalayas. Financial assistance to the tune of ₹ 543.74 crore was released to the State Governments and Union Territories. ₹ 629.20 crore has been allocated under the Centrally Sponsored Scheme (CSS) for Development of Infrastructure Facilities for Judiciary for the year 2017-18. In all, a sum of ₹ 5,479 crore has so far been released to State Governments/UTs under the scheme since its inception in the year 1993-94, out of which a sum of ₹ 2,034 crore has been sanctioned since the year 2014-15.
- (vi) The Government has written to all Ministers of Central Ministries and Chief Ministers of States to launch ‘Special Arrears Clearance Drives’ to reduce pending cases and minimize fresh litigations.

(c) As per information made available by State Governments/High Courts, 320 Gram Nyayalayas have been notified so far by 11 States, out of these, 204 are operational in 8 States at present, as per details given below:—

Sl. No.	State	Gram Nyayalayas Notified	Gram Nyayalayas Functional
1.	Madhya Pradesh	89	89
2.	Rajasthan	45	45
3.	Karnataka	2	0
4.	Odisha	16	13
5.	Maharashtra	23	23
6.	Jharkhand	6	0
7.	Goa	2	0
8.	Punjab	2	1
9.	Haryana	2	2
10.	Uttar Pradesh	104	2
11.	Kerala	29	29
TOTAL		320	204

₹ 5.00 crore was sanctioned to the State Government of Uttar Pradesh in the year 2016-17 for establishing and operationalising Gram Nyayalayas in the State of Uttar Pradesh.

Plan/scheme to reduce backlog of cases

4112. SHRI C. P. NARAYANAN: Will the Minister of LAW AND JUSTICE be pleased to state:

(a) the reasons for the Government and courts not preparing a plan to reduce backlog of cases in a time-bound manner; and

(b) the reasons for the Ministry not putting forth a scheme to achieve this target?

THE MINISTER OF STATE IN THE MINISTRY OF LAW AND JUSTICE (SHRI P.P. CHAUDHARY): (a) and (b) Disposal of cases pending in courts is within the domain of Judiciary. The Government has adopted a co-ordinated approach to assist judiciary for phased liquidation of arrears and pendency in judicial systems, which, *inter alia*, involves better infrastructure for courts including computerisation, increase in strength of judicial officers/Judges, policy and legislative measures in the areas prone to excessive litigation and emphasis on human resource development.