

Requirement of changes in judicial system

2975. LT. GEN. (DR.) D. P. VATS (RETD.):

SHRI HARNATH SINGH YADAV:

SHRI VIJAY PAL SINGH TOMAR:

Will the Minister of LAW AND JUSTICE be pleased to state:

(a) whether the present system of the judiciary has some shortcomings as the genuine cases are not being finalised on time and persons concerned are not getting justice and in order to get justice are wondering around the courts, in view of the numerous cases pending before the Subordinate Courts and High Courts across the country for the past several years;

(b) if so, whether there is urgent need to change country's present system of judiciary so that people can get justice on time; and

(c) if so, the details thereof?

THE MINISTER OF LAW AND JUSTICE (SHRI RAVI SHANKAR PRASAD): (a) to (c) Disposal of cases in courts is within the domain of judiciary. Timely disposal of cases in courts depends on several factors which, *inter alia*, include availability of adequate number of judges, supporting court staff and physical infrastructure, complexity of facts involved, nature of evidence, co-operation of stake holders viz. bar, investigation agencies, witnesses and litigants and proper application of rules and procedures.

The Supreme Court of India with an objective to revisit and implement the recommendations of Law Commission of India in its various reports to promote Court Management, Case Management and improve Administration of Justice, established the scheme of National Court Management Systems (NCMS) in 2012 for enhancing timely justice under overall control of Chief Justice of India. A National Court Management System Committee (NCMS Committee) was constituted by the Supreme Court to facilitate development of policy initiative in order to reform and strengthen the judicial system and enhance quality, responsiveness and timely of judicial administration. The Policy and Action Plan of the NCMS provides for proposals to be developed by the NCMS Committee on setting measurable performance standards for courts, adoption of case management systems, standardization of judicial data and

statistics and adoption of human resource plan for courts. The plan, *inter alia*, outlines a broad framework for case management, which includes settling issues, encouraging parties to resort to Alternate Dispute Resolution, extensive use of Order X of Code of Civil Procedure, 1908 in civil matters and fixing a time schedule for resolution of cases. However, it was left open to High Courts to implement the recommendations relating to case management.

However, the Union Government is committed to speedy disposal of cases and reduction in pendency of cases to improve access to justice in line with the mandate under Article 39A of the Constitution. The National Mission for Justice Delivery and Legal Reforms, established by the Union Government in 2011, has adopted many strategic initiatives, including improving infrastructure [court halls and residential units] for Judicial Officers of District and Subordinate Courts, leveraging Information and Communication Technology (ICT) for better justice delivery, filling up of vacant positions of Judges in High Courts and Supreme Court, reduction in pendency through follow up by Arrears Committees at District, High Court and Supreme Court level, emphasis on Alternate Dispute Resolution (ADR) and initiatives to fast track special type of cases.

Appointment of judges in lower judiciary

2976. SHRI KUMAR KETKAR: Will the Minister of LAW AND JUSTICE be pleased to state:

- (a) the State-wise list of number of judges in lower judiciary appointed from 2014;
- (b) what is the budget fixed for court infrastructure, State-wise; and
- (c) whether the number of judges have increased as per increasing population in that territory?

THE MINISTER OF LAW AND JUSTICE (SHRI RAVI SHANKAR PRASAD): (a) As per the Constitutional framework, the selection and appointment of judges in subordinate courts is the responsibility of the High Courts and State Governments concerned. At the end of year 2014, as against Sanctioned Strength of 20,214 there were 15,634 filled up and 4,580 vacant posts of judges in District and Subordinate Courts. The State-wise list of Sanctioned/Working strength of judges for the year 2014