

**GOVERNMENT OF INDIA
LAW , JUSTICE AND COMPANY AFFAIRS
LOK SABHA**

UNSTARRED QUESTION NO:649

ANSWERED ON:26.07.2001

PENDING CASES

BHUPENDRASINH PRABHATSINH SOLANKI;GORDHANBHAI JAVIA;SRIKANTA DATTA NARASIMHARAJA WADIYAR;SUSHILA SAROJ

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

(a) whether the Chief Justice of India has held the executive mainly responsible for the pendency of cases in the various courts; and

(b) if so, the steps being taken to make the procedure simple and quick with a view to expedite disposal of cases?

Answer

MINISTER OF LAW, JUSTICE AND COMPANY AFFAIRS AND SHIPPING (SHRI ARUN JAITLEY)

(a) The Chief Justice of India has never held the executive mainly responsible for the pendency of cases in the various Courts. However, His Lordship in the Law Day Address at the Supreme Court Bar Association Function held on 26th November, 1999 pointed out that inadequate Judge strength throughout the country is the singular biggest factor for huge backlog of cases and for one billion population of this country a total number of only about 13,000 judicial officers, from the lowest level to the Supreme Court, are available.

In the inaugural Address delivered by Hon`ble the Chief Justice of India at the Golden Jubilee Celebrations of the Rajasthan High Court on 29th August, 1999 His Lordship stated:

`.....Though it is a factor that arrears have mounted up and the judiciary cannot escape criticism but the executive is also partly responsible therefor. Besides taking their own time to fill up the vacancies, the executive has invariably failed to provide necessary infrastructure to enable the judiciary to function normally.....`

(b) Various steps have been taken by the Government for the speedy disposal of both civil and criminal cases. These include amendment of the Civil Procedure Code and the Code of Criminal Procedure, increase in the number of posts of Judges/Judicial Officers, establishment of Special Courts/tribunals, and adoption of alternative modes of dispute resolution, such as, arbitration and conciliation. Lok Adalats have been given a statutory base as supplementary forum for resolution of disputes.

Amendment of procedural law is a continuous process. A Bill namely The Code of Civil Procedure (Amendment) Bill, 2000 has been introduced in the Parliament on 22nd December, 2000 and the same is pending before Parliament for consideration and passing. At present, there is no proposal to amend the Indian Evidence Act, 1872. As regards Criminal Procedure Code, the Law Commission of India has comprehensively reviewed the Code of Criminal Procedure, 1973. The Government has recently appointed a Committee under the chairmanship of Shri Justice V.S.Malimath, to suggest measures for revamping the Criminal Justice System.

Government has sanctioned a scheme involving an amount of Rs.502.90 crore for creation of 1734 Fast Track Courts for expeditious disposal of long pending sessions cases and cases involving undertrials on priority. The scheme is in operation with effect from April, 2001.

A pilot project for the computerisation and networking of all courts in the four metropolitan cities of Delhi, Mumbai, Kolkata & Chennai is being taken up in the year 2001-02 to serve as a model for other courts in the country. Computerisation and networking of courts will augment the capacities of courts in the country and speed up disposal of cases.