

**GOVERNMENT OF INDIA  
LAW AND JUSTICE  
LOK SABHA**

UNSTARRED QUESTION NO:3572  
ANSWERED ON:26.04.2012  
OR DATE OF HEARING  
Singh Rajkumari Ratna;Singh Dr. Sanjay

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

- (a) whether any criteria have been fixed by courts or there is any rule for giving next date of hearing in court cases;
- (b) if so, the details thereof;
- (c) whether courts are not adhering to these rules due to which several cases are lying pending for years and only next date of hearing is being given in such cases; and
- (d) if so, the remedial measures taken by the Government in this regard?

**Answer**

MINISTER OF LAW AND JUSTICE (SHRI SALMAN KHURSHID)

(a) to (d): The provisions with regard to adjournment of court proceedings in criminal and civil matters are contained in Section 309 of the Code of Criminal Procedure, 1973 and Order XVII of the Code of Civil Procedure, 1908 respectively. Section 309 of the Code of Criminal Procedure, 1973, inter-alia, provides that in every inquiry or trial the proceedings shall be held as expeditiously as possible, and in particular, when the examination of witnesses has once begun, the same shall be continued from day to day until all the witnesses in attendance have been examined, and unless the Court finds the adjournment of the same beyond the following day to be necessary for reasons to be recorded'.

In terms of Order XVII of the Code of Civil Procedure, 1908 the court may, if sufficient cause is shown, at any stage of the suit, grant time to the parties or to any of them, and may from time to time adjourn the hearing of the suit for reasons to be recorded in writing provided that no such adjournment shall be granted more than three times to a party during hearing of the suit. But the matters relating to day to day hearing and disposal of cases fall within the domain of judiciary. Under the Constitutional provisions, the control over district and subordinate courts vests in the High Courts having jurisdiction over such courts.

However, huge backlog of cases and high pendency in courts is not only on account of adjournments alone. The data on disposal and institution of cases in the district and subordinate courts as brought out by the Supreme Court quarterly shows that they are almost equal. That being it, the backlog is not reducing significantly and continuing to be a major problem affecting both the judicial administration and justice delivery in India. The Government has set up a National Mission for Justice Delivery and Legal Reforms which will be addressing the issues of delays and arrears in the judicial system as well enforcing better accountability at all levels through a variety of methods which will include setting and monitoring of performance standard, enhancement of capacity through training at various levels etc.

The 11th Finance Commission had recommended setting up of fast track courts for which a provision of Rs. 502.90 crores was made for 2000-05. This was extended later till 2010-11. As per the reports received, 1192 fast track courts were functional in the country as on 31.3.2011. Nearly 33 lakh cases were disposed of by the fast track courts over a period of 11 years of central assistance from 2000-01 to 2010-11. The 13th Finance Commission has recommended a grant of Rs.5000 crores for the states over a period of 5 years between 2010-2015. The amount will be provided as a grant to the States for various initiatives such as

- (i) Increasing the number of court working hours using the existing infrastructure by holding morning / evening / shift courts;
- (ii) Enhancing support to Lok Adalats to reduce the pressure on regular courts;
- (iii) Providing additional funds to State Legal Services Authorities to enable them to enhance legal aid to the marginalized and empower them to access justice;
- (iv) Promoting the Alternate Dispute Resolution (ADR) mechanism to resolve part of the disputes outside the court system;
- (v) Enhancing capacity of judicial officers and public prosecutors through training programmes;
- (vi) Supporting creation or strengthening of a judicial academy in each State to facilitate such training;
- (vii) Creation of the post of Court Managers in every judicial district and High Courts to assist the judiciary in their administrative functions and
- (viii) Maintenance of heritage court buildings. An amount of ` 1353.62 crore has already been released to the States on this account.

Under the central sector scheme for computerization of the District and Subordinate Courts (e-Courts project) in the country and for upgradation of the ICT infrastructure of the Supreme Court and the High Courts, a 9914 courts out of 14,229 courts as on 31.03.2012 in the country have been computerized. The balance courts would be computerized by 31.3.2014. In the second phase, digitization, library management, e-filing and establishment of data warehouse are expected to be added to the ongoing computerization and performing of citizen centric services.

The Gram Nyayalayas Act, 2008 has been enacted for establishment of Gram Nyayalayas at the grass roots level for providing access to justice to citizens at their doorstep. The Central Government is providing assistance to States towards non-recurring

expenses for setting up of Gram Nyayalayas subject to a ceiling of ` 18.00 lakhs per Gram Nyayalaya. The Central Government also provides assistance towards recurring expenses for running these Gram Nyayalayas subject to a ceiling of ` 3.20 lakhs per Gram Nyayalaya per year for the first three years. As informed by the State Governments, 153 Gram Nyayalayas have been notified so far. Out of which 151 Gram Nyayalayas have started functioning. An amount of 25.39 crore has been released to the State Governments for establishment of Gram Nyayalayas during last three years.

A Centrally Sponsored Scheme for development of infrastructure facilities for the judiciary is being implemented since 1993-94 under which central assistance for construction of court buildings and residential quarters for judicial officers is released to augment the resources of the State Governments. The expenditure on the scheme is now being shared by the Centre and the State Governments on 75:25 basis, except for States in North East Region, which is on 90:10 basis. An expenditure of ` 1841 crore has been incurred on this scheme up to 31.3.2012.