

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

UNSTARRED QUESTION NO:6685
ANSWERED ON:17.05.2012
ALL INDIA JUDICIAL SERVICE
Swamygowda Shri N Cheluvarya Swamy

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

- (a) whether the Government proposes to create two new All-India Services, Indian Judicial Service and India Legal Service;
- (b) if so, the details thereof;
- (c) the time by which these services are expected to come into force alongwith the details of the strength of the two cadres; and
- (d) the steps taken by the Government to tackle huge backlog of nearly 2.5 crore cases in the trial courts?

Answer

MINISTER OF THE STATE IN THE MINISTRY OF LAW AND JUSTICE (SHRI SALMAN KHURSHID)

(a) to (c) The Government is conscious of the need to recruit talented and experienced persons including lawyers as Judges. The Constitution was amended in 1977 to provide for an All India Judicial Service (AIJS) under Article 312 of the Constitution. There has been overwhelming support in favour of AIJS later also by the Law Commission in its Reports, the First National Judicial Pay Commission, Committee on Centre State Relations and Department Related Parliamentary Standing Committee. However, consensus on having AIJS has not been possible in the consultations held with the State Governments and the State High Courts. But the Government proposes to pursue it by offering a more plausible and acceptable formulation of AIJS.

As far as Indian Legal Service is concerned, the existing Indian Legal Service is not an All India Service and there is no proposal to create All India Indian Legal Service.

(d): Reducing the delay and arrears in courts has been the constant endeavour of the Government. For this, several steps have been taken in the past both for making structural changes as well as for monitoring the performance of the courts in so far as their disposal are concerned. The disposal has been accelerated by undertaking special drives, the recent one being from 1st July, 2011 to 31st December, 2011. Of late, 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.

Besides, the Government of India has been assisting the States in many ways as under:

(i) 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 is being 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 Rs. 1353.62 crores has already been released to the States on this account.

(ii) Under the Central Sector Scheme, 100% funds are being provided by Central Government 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. Out of 14,229 courts, 9697 courts have been computerized in the country as on 31.03.2012. The balance courts would be computerized by 31.3.2014.

(iii) 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 Rs. 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 Rs 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 already. Out of these 151 Gram Nyayalayas have started functioning.

(iv) A Centrally Sponsored Scheme (CSS) 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 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 Rs.1841 Crore has been incurred on this scheme up to 31.03.2012 since inception.