

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

UNSTARRED QUESTION NO:3242

ANSWERED ON:13.12.2012

SHORTAGE OF JUDGES

Sugumar Shri K.

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

(a) whether the Government is considering to make a change with regard to the ratio between the judges and the population to a respectable level as compared with other developing countries;

(b) if so, the details thereof;

(c) whether the shortage of judges is seriously affecting the disposal of cases in the courts in the country; and

(d) if so, the details thereof and the steps proposed to be taken thereon?

Answer

MINISTER OF LAW AND JUSTICE (DR. ASHWANI KUMAR)

(a) and (b) : The Judge strength of the High Courts is reviewed once every three years based on the data received from the High Courts for the triennial review of the judge strength of the High Courts on the number of cases filed and disposed.

With regard to subordinate judiciary, the Supreme Court in its judgement of 21st March, 2002, in All India Judges Association and Ors Vs. Union of India & Ors had directed the States that an increase in the judge strength from the existing 10.5 to 13 per 10 lakh people to 50 Judges per 10 lakh people, should be effected and implemented within a period of five years. On this, a modification petition in the Supreme Court was filed praying that the increase in Judge Strength in the Union Territories for which Central Government is administratively responsible be allowed based on workload and pendency of cases. This is pending for hearing.

In the meantime the Advisory Council of the National Mission for Justice Delivery and Legal Reforms has discussed it and recommended that the judge-population ratio cannot be sole criterion for determining the additional number of judges required. The other criteria such as docket-ratio and population-filing ratio are more potent for determining the requirement of judges. The Law Commission is working on collecting information on various parameters with a view to arrive at scientific and rational criteria for determination of requirement of additional Judges / Courts in the country.

(c) and (d): The disposal of cases is no doubt, dependent on availability of Judges. But it is also contingent on other factors such the case management, court management, infrastructure and modernization of courts, etc. The vacancies of Judges in courts is another factor for continuing pendency in the courts. Filling up of the vacancies is a continuous process as they keep on arising on account of retirement, resignation or elevation of Judges. Under Article 235 of the Constitution of India, administrative control over the subordinate judiciary vests with the concerned High Courts.

Disposal of pending cases in various courts is within the domain of the judiciary. However, with a view to assist judiciary in addressing the problem of pendency of cases, the Central Government has set up a National Mission for Justice Delivery and Legal Reforms in August 2011. With the twin objectives of increasing access by reducing delays and arrears in the system and enhancing accountability through structural changes and by setting performance standards and capacities. The Mission will be pursuing a coordinated approach for phased liquidation of arrears and pendency in judicial administration which, inter alia, involve better infrastructure for courts including computerization, increase in strength of subordinate judiciary, policy and legislative measures in the areas prone to excessive litigation, re-engineering of court procedure for quick disposal of cases and emphasis on human resource development. The National Mission has a time frame of five years (2011-16) to pursue these initiatives.

During the short span of its existence, the Mission has taken several steps in the strategic areas towards fulfillment of its objectives. A Constitution Amendment Bill for raising the retirement age of High Court Judges is before the Parliament. A comprehensive proposal has been formulated for constitution of All India Judicial Service. An Inter-Ministerial Group (IMG) has been constituted to suggest necessary amendments to the Negotiable Instruments Act along with other policy and administrative measures to check increasing litigation relating to cheque bounce cases.

An important aspect of the judicial reforms relates to re-engineering court procedures and court processes for early disposal of cases. A National Court Management System has been notified by the Hon'ble Supreme Court for addressing the issues of case management, court management, setting measurable standards for performance of the courts and the National System of Judicial Statistics in the country. A Sub Group on improving the court procedure and court processes for better criminal justice system has been constituted under the Chairman, Law Commission to suggest necessary changes in this regard.

Infrastructure development for the subordinate judiciary is a major thrust area for the National Mission. With a view to enhancing the resources of the State Governments, the Government has increased the Central Share by revising the funding pattern from 50:50 to 75:25 (for States other than North Eastern States) under modified Centrally Sponsored Scheme for development of infrastructure facilities for the judiciary with effect from 2011-12 onwards. The funding pattern for North-Eastern States has however, been kept at 90:10 w.e.f 2010-11. Rs.595 crore has been released as central assistance to States / UTs for infrastructure development of subordinate judiciary in 2011-12. A budget provision of Rs. 660 crore has been made in the current financial year. Of this Rs.492 crore has already been released to States / UTs upto 31st October, 2012.

On the basis of pendency reduction drive from July, 2011 to December, 2011 in which total pendency was reduced by over 6 lakh cases, a similar drive has been undertaken this year also from July to December, 2012. The main focus of pendency reduction drive this year is to make our judicial system free of cases more than five (5) years old. Simultaneously, emphasis is being laid on increasing the number of judges in subordinate judiciary by filling the existing vacancies and creating additional posts so that disposal of cases is expedited and there is reduction in overall pendency.