

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

UNSTARRED QUESTION NO:2231

ANSWERED ON:06.12.2012

JUDICIAL REFORMS AND GRAM NYAYALAYAS

Adityanath Shri Yogi;Dubey Shri Nishikant ;Gandhi Shri Feroze Varun;Jaiswal Shri Gorakh Prasad ;Pandurang Shri Munde
Gopinathrao;Singh Shri Ratan;Swamygowda Shri N Cheluvarya Swamy

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

- (a) whether the Government proposes any roadmap for judicial reforms in the country;
- (b) if so, the details thereof and the steps taken / proposed to be taken in this regard;
- (c) the number of Gram Nyayalayas likely to be set up across the country during the current year and the funds provided for the purpose during the last three years and the current year, State-wise;
- (d) whether all the Gram Nyayalayas are functioning with the requisite number of judges, if not, the manner in which the Government proposes to fill-up vacancies of judges in these Nyayalayas across the country;
- (e) the present status of mobile courts in the country especially in backward areas; State- wise; and
- (f) the extent to which Gram Nyayalayas has improved / strengthened the judicial system in the country?

Answer

MINISTER OF LAW AND JUSTICE (DR. ASHWANI KUMAR)

(a) to (f): The 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 has been pursuing a coordinated approach for phased liquidation of arrears and pendency in judicial administration which, inter alia, involves better infrastructure for courts including computerisation, 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 them.

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. An Inter-Ministerial Group (IMG) has been constituted to suggest necessary amendments to the Negotiable Instruments Act, 1881 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.

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 from the year 2011-12 onwards. The funding pattern for North-Eastern States has been kept as 90:10 with effect from 2010-11. An amount of Rs. 595 crore was released as central assistance to States / UTs for infrastructure development of subordinate judiciary during 2011-12. A budget provision of Rs 660 crore was made for this scheme during the current financial year and an amount of Rs. 557 crore has been released to States / UTs till 30th November, 2012.

On the recommendations of 13th Finance Commission, the Government has sanctioned Rs. 5000 crore as grants for the States for a period of 5 years between 2010-2015, for various initiatives such as increasing the number of court working hours using the existing infrastructure by holding morning / evening / shift courts; enhancing support to Lok Adalats to reduce the pressure on regular courts; providing additional funds to State Legal Services Authorities to enable them to provide legal aid to the marginalized and empower them to access justice; promoting the Alternative Dispute Resolution (ADR) mechanism to resolve part of the disputes outside the court system.

Encouraged by the reduction over 6 lakhs in pending cases undertaken from July 2011 to December 2011, the Government has undertaken a similar drive this year as well from July, 2012 to December, 2012 with the support of State High Courts. The main focus of pendency reduction drive this year is to make our judicial system 'five plus' free. '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.

The Gram Nyayalayas Act, 2008 was enacted by Parliament for establishment of Gram Nyayalayas at the intermediate Panchayat level with a view to providing access to justice to citizens at their doorsteps. The Act has come into force with effect from 2nd October, 2009. In terms of Section 3 (1) of the Act, it is for the State Governments to establish Gram Nyayalayas in consultation with the respective High Courts.

The Central Government has been encouraging the States in this regard by providing financial assistance with the prescribed norms both for non-recurring expenses for setting up of Gram Nyayafayas and for meeting the cost of recurring expenses for running these Gram Nyayalayas for the first three years, Based on the reports received from the States, the status of operationalization of Gram Nyayalayas as on 30.11.2012 is indicated below:-

Sr. No.	State notified	Gram Nyayalayas operationalized	Gram Nyayalayas
1.	Madhya Pradesh	89	89
2.	Rajasthan	45	45
3.	Orissa	14	8
4.	Karnataka	2	-
5.	Maharashtra	10	9
6.	Jharkhand	6	-
7	Goa	2	-
	Total	168	151

Financial Assistance released to the State Governments for setting up of Gram Nyayalayas during last three years and the current financial year is as follows:-

(Rs. In lakhs)					
State	2009-10	2010-11	2011-12	2012-13	Total
Madhya Pradesh	632.00	745.40	156.80	0.00	1534.20
Rajasthan	567.00	0.00	144.00	0.00	711.00
Orissa	15.80	0.00	110.60	0.00	126.40
Maharashtra	132.60	0.00	9.60	0.00	142.20
Karnataka	0.00	0.00	25.20	0.00	25.20
Jharkhand	0.00	0.00	0.00	75.60	75.60
Goa	0.00	0.00	0.00	25.20	25.20
Total	1347.40	745.40	446.20	100.80	2639.80

In terms of Section 6(1) of the Act, the State Government is required to appoint a Nyayadhikari for every Gram Nyayalaya in consultation with High Courts. As per the evaluation report of the Indian Law Institute on effectiveness of functioning of Gram Nyayalayas in Madhya Pradesh and Rajasthan, they are being presided over at present by regular judicial officers who are already overburdened.

The Gram Nyayalayas Act authorises the Gram Nyayalaya to hold mobile court outside its headquarters in terms of Section 9 of the Gram Nyayalayas Act, 2008. Further, with a view to have a speedier disposal of petty cases and to make judicial system accessible to remote and backward regions, several States have been taking recourse to using mobile courts for handling such cases from time to time.

The operationalization of Gram Nyayalaya Scheme is in the initial stages of implementation. As such, its impact on strengthening of judicial system in the country would be known after a period of time. In the meanwhile, the Government has planned several measures for making the Gram Nyayalayas more effective for playing an important role in judicial system.