

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

UNSTARRED QUESTION NO:2964

ANSWERED ON:14.03.2013

PENDING CASES

Adhalrao Patil Shri Shivaji; Adsul Shri Anandrao Vithoba; Dharmshi Shri Babar Gajanan; Jindal Shri Naveen; Mahajan Smt. Sumitra; Mitra Shri Somendra Nath; Naik Dr. Sanjeev Ganesh; Patil Shri Sanjay Dina; Siddeswara Shri Gowdar Mallikarjunappa; Singh Shri Ganesh; Singh Shri Jagada Nand; Singh Shri Rakesh; Tagore Shri Manicka; Thakor Shri Jagdish; Virendra Kumar Shri; Yadav Shri Dharmendra; Yaskhi Shri Madhu Goud

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

- (a) whether the Prime Minister of India has expressed concern over the huge pendency of cases in courts especially in trial courts;
- (b) if so, the steps taken by the Union Government to work with the judiciary and other stakeholders to build a strong effective justice delivery system;
- (c) whether there is a need to adopt alternative dispute resolution mechanism which include lok adalats, fast track courts, rural courts, etc.
- (d) if so, the steps taken / proposed to be taken by the Union Government in this regard;
- (e) whether standards of the legal profession is falling over the year and if so, the steps taken by the Union Government to maintain standards of the legal profession; and
- (f) the other steps proposed to be taken for the speedy disposal of huge pendency of cases in various courts in the country?

Answer

MINISTER OF LAW AND JUSTICE (DR. ASHWANI KUMAR)

(a) to (f) Yes, Madam. The Prime Minister in his address in the Joint Conference of Chief Ministers and Chief Justices held on 16th August, 2009, had expressed concern. Though the disposal of pending cases in Courts is within the domain of judiciary, Government has, with a view to assist judiciary in addressing the problem of pendency of cases, set up a National Mission for Justice Delivery and Legal Reforms with 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, involve 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 apex judiciary under the leadership of Chief Justice of India, has joined in the endeavour of Government for judicial reforms by setting up of National Court Management System (NCMS) to address issues not only of case and court management but also setting standards for measuring performance of the courts and a national system of judicial statistics in the country. The Chief Justice of India has also written to State Chief Justices for taking up with State Governments and for persuading them to double the existing number of courts in the subordinate judiciary with a view to reduce pendency of cases.

On the recommendations of 13th Finance Commission, Government has sanctioned Rs. 5000 crore as grants to the States for 5 years between 2010-15 for undertaking 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 Alternative Dispute Resolution (ADR) mechanism to resolve part of the disputes outside the court system.

The standards of Legal Profession are within the purview of Bar Council of India under Advocates Act, 1961. The Government is in regular interaction with Bar Council of India for improving the standards of Legal Education. The Vision Statement issued by Bar Council of India, inter-alia states that the reforms shall focus on expansion, inclusion and excellence to enable more students to access affordable and quality legal education.