

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

UNSTARRED QUESTION NO:4284
ANSWERED ON:18.12.2014
. PENDENCY DUE TO STAY ORDERS
Jardosh Smt. Darshana Vikram

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

- (a) the total number of pending cases` In various courts due to stay orders from higher courts in the country;
- (b) the steps taken / being taken by the Government for expeditious disposal of these cases;
- (c) whether the Government is aware that many of these cases pertain to financial matters causing huge loss to the Government exchequer and if so, the steps b&ing taken in this regard by the Government; and
- (d) the other steps taken / being taken by the Government to minimise the pendency due to stay orders?

Answer

MINISTER OF LAW & JUSTICE (SHRID. V. SADANANDA GOWDA)

(a) to (d): Grant of stay orders in civil and criminal cases is part of judicial proceedings and Courts have been vested with inherent powers in this regard under the relevant provisions of the Code of Civil Procedure, 1908 and the Code of Criminal Procedure, 1973. So also, hearing and disposal of Court cases under various laws fall within the domain of judiciary.

Data on pendency of cases is compiled by the High Courts. Information about pendency of cases in Civil and Criminal matters in High Courts and District and Subordinate Courts under their jurisdiction is periodically obtained by the Government. The details of cases pending on account of stay orders from higher courts are not being separately obtained.

In order to expedite the trial of court cases, including cases pertaining to financial matters, a number of legis- lative changes have been made in procedural laws, which include provisions for limiting adjournments of court proceedings in criminal and civil matters as contained in Section 309 of the Code of Criminal Procedure. 1973 and Order XVII of the Code of Civil Procedure, 1908.

Further, to reduce government litigation in courts the Central Government has encouraged the States to notify their litigation policies which contain provisions for timely filing of replies which may help vacation of stay orders. Provisions have also been made for promotion of Alternative Dispute Resolution Mechanisms.