

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

UNSTARRED QUESTION NO:2750

ANSWERED ON:28.07.2014

OPTIMAL FUNCTIONING OF JUDICIARY

Mahadik Shri Dhananjay Bhimrao;Patil Shri Vijaysinh Mohite;Sule Smt. Supriya Sadanand;Sundaram Shri P.R.

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

- (a) whether the Law Commission of India, in one of its recent reports, has made several recommendations for optimal functioning of High Courts and lower judiciary in the country;
- (b) if so, the details of the suggestions/recommendations made therein along with the reaction of the Government thereto;
- (c) the time by which these suggestions/recommendations are likely to be implemented; and
- (d) the extent to which the concept of Morning/Evening Shift/Special Judicial Magistrate Courts for the improvement of Justice Delivery System has been successful ?

Answer

MINISTER OF LAW & JUSTICE AND COMMUNICATIONS & INFORMATION TECHNOLOGY (SHRI RAVI SHANKAR PRASAD)

(a)to(c): Law Commission of India has recently submitted its 245th Report relating to `Arrears and Backlog : Creating Additional Judicial (wo)manpower`, This report is available on the website of the Law Commission-

Supreme Court, En Its order dated 1st February, 2012, In the case of Imtiyaz Ahmed versus State of Uttar Pradesh & Others, inter alia, asked the Law Commission of India to evolve a method for scientific assessment of the number of additional courts. The Law Commission has, inter-alia recommended Rate of Disposal Method for calculating adequate judge strength for subordinate courts. The other recommendations of the Law Commission include increasing the retirement age of judges of subordinate courts, creation of Special morning and evening Courts for traffic / police challan cases, provision of adequate staff and infrastructure for the working of additional Courts and enabling uniform data collection and data management method by High Courts in order to ensure transparency and to facilitate data based policy prescriptions for the Judicial System. The Supreme Court has directed the concerned State Governments and High Courts to file their response to the recommendations made by Law Commission.

(d): Setting up and functioning of Morning /Evening/Shift/Special Judicial Magistrate Courts is within the domain of the State Governments and the High Courts. 13th Finance Commission has made a provision of Rs.2500 crore for the States for increasing the working hours of Courts through setting up Morning/Evening/Shift/Special Judicial Magistrate Courts utilising the existing infrastructure. This arrangement is primarily aimed at disposal of petty cases so as to clear the backlog of cases and to relieve pressure on judicial time. The scheme envisaged utilization of the services of regular judicial officers on payment of additional compensation or the services of retired officers. As per the reports received, 2041 Morning/Evening/Shift courts have been set-up in various States in the Country.

In the conference of Chief Ministers and the Chief Justices of High Courts held on 7th April, 2013, it was decided that the establishment and continuation of morning/evening/shift/holiday /special Courts would be subject to the decision of the State Governments in consultation with the High Courts, taking into account geographical and other conditions. Wherever such Courts had been set-up and were functioning, they could continue to function. The Chief Justices, wherever required, would take up the matter with the State Governments for setting up or continuing with these Courts on a felt need basis.