

41

COMMITTEE ON PETITIONS

(SIXTEENTH LOK SABHA)

FORTY-FIRST REPORT



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**LOK SABHA SECRETARIAT
NEW DELHI**

October, 2017/Asvina, 1939 (Saka)

FORTY-FIRST REPORT

COMMITTEE ON PETITIONS

(SIXTEENTH LOK SABHA)

MINISTRY OF LAW & JUSTICE

(Department of Justice)

(Presented to Lok Sabha on 22.12.2017)



LOK SABHA SECRETARIAT
NEW DELHI

October, 2017/Asvina, 1939 (Saka)

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COMPOSITION OF THE COMMITTEE ON PETITIONS
(2017-18)

Shri Bhagat Singh Koshyari — *Chairperson*

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2. Shri Suresh C. Angadi
3. Shri Om Birla
4. Shri Jitendra Chaudhury
5. Shri Ram Tahal Choudhary
6. Dr. K. Gopal
7. Shri C. P. Joshi
8. Shri Chhedi Paswan
9. Shri Kamlesh Paswan
10. Shri Arjun Charan Sethi
11. Shri Kodikunnil Suresh
12. Shri Dinesh Trivedi
13. Shri Rajan Vichare
14. Shri Dharmendra Yadav
15. Vacant

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2. Shri Raju Srivastava — *Additional Director*
3. Shri G.C. Dobhal — *Deputy Secretary*
4. Shri Anand Kumar Hansda — *Executive Assistant*

FORTY-FIRST REPORT OF THE COMMITTEE ON PETITIONS
(SIXTEENTH LOK SABHA)

INTRODUCTION

I, the Chairperson, Committee on Petitions, having been authorised by the Committee to present the Report on their behalf, present this Forty-first Action Taken Report (Sixteenth Lok Sabha) of the Committee to the House on the Action Taken on the recommendations of the Committee on Petitions made in their Fourteenth Report (16th Lok Sabha) on the representation of Shri S.S. Kaushal regarding speedy and affordable justice in the Country.

2. The Committee considered and adopted the draft Forty-first Action Taken Report at their sitting held on 11 October, 2017.

3. The observations/recommendations of the Committee on the above matters have been included in the Report.

NEW DELHI;
11 October, 2017
19 Asvina, 1939 (Saka)

BHAGAT SINGH KOSHYARI,
Chairperson,
Committee on Petitions.

REPORT

ACTION TAKEN BY THE GOVERNMENT ON THE RECOMMENDATIONS OF THE COMMITTEE ON PETITIONS (SIXTEENTH LOK SABHA) MADE IN THEIR FOURTEENTH REPORT ON THE REPRESENTATION OF SHRI S. S. KAUSHAL REGARDING SPEEDY AND AFFORDABLE JUSTICE IN THE COUNTRY

The Committee on Petitions (Sixteenth Lok Sabha) presented their Fourteenth Report to Lok Sabha on 10.8.2016 on the Representation received from Shri S. S. Kaushal regarding speedy and affordable justice in the country.

2. The Committee had made certain observations/recommendations in the matter and the Ministry of Law & Justice (Department of Justice) were asked to implement the recommendations and furnish their action taken notes thereon for consideration of the Committee.

3. Action Taken Notes have been received from the Ministry of Law & Justice (Department of Justice) in respect of all the recommendations contained in the Report. The recommendations made by the Committee and the replies furnished thereto by the Ministry of Law & Justice (Department of Justice) are detailed in the succeeding paragraphs.

4. In para 29 of the Report, the Committee had observed/recommended as follows:—

"The Committee note that a large number of vacancies in High Courts, District Courts and Subordinate Courts remain unfilled. As on 31.12.2015, against the sanctioned strength of 1,044 Judges in different High Courts of the country, there are 443 vacancies which comes to around 42%. Similarly, as on 30.06.2015, against a total sanctioned strength of 20,358 Judicial Officers in the lower judiciary (District and Subordinate Courts), there are 4,998 vacancies which comes to around 25%. As a matter of fact, Puducherry has the highest percentage of vacancies, *i.e.*, 57%, followed by Mizoram, Meghalaya, Bihar and Delhi. In terms of Judge-population ratio in the country, it comes to around 17 Judges per 10 lakh people whereas, in some of the developed countries like the United States, Canada, UK and Australia, the ratio is 107, 75.20, 50.90 and 41.60 Judges for 10 lakh people, respectively. The Committee are also aware that the Law Commission of India, in their 120th Report submitted in July, 1987, had recommended that by the year, 2000, India should have at least the Judge-population ratio that the United States had in 1981, *i.e.*, 107 Judges per 10 lakh of population. Similarly, in the year, 2002, the Supreme Court of India, in the All India Judges' Association case, had directed that there should be 50 Judges per 10 lakh people in the country within a period of five years. The Committee are constrained to observe that on the

one hand, no sincere efforts have been made by the Government to fill up the existing vacancies in the High Courts, District Courts and Subordinate Courts and on the other, no long term policy has been formulated and/or implemented to increase the Judge-population ratio in the country to bring it on par with other developed countries. The Committee, therefore, urge the Ministry to draw lessons from the past experience, reorient their approach and initiate time-bound measures to not only till up the existing vacancies of Judges and other Judicial Officers but also appropriately increase the number of Judges in various Courts of the country. With such a long-term perspective in mind, the Committee expect that the Ministry will try its level best to achieve optimal results, in quantitative terms. The Committee would like to be apprised of the measures taken by the Ministry for realistic planning in the aforesaid context."

5. In their action taken reply, the Ministry of Law & Justice (Department of Justice) has stated as follows:—

"The criteria of judge-population ratio for determining the adequacy of the judge Strength in the country has been reviewed by the Law Commission of India in its 245th Report (2014) prepared on the direction of the Supreme Court in the case of *Imtiyaz Ahmed Vs. State of Uttar Pradesh and others*. In this case, the Supreme Court asked the Law Commission of India to evolve a method for scientific assessment of the number of additional courts to clear the backlog of cases. The Law Commission in its 245th Report has observed that filing of cases per capita varies substantially across geographic units as filings are associated with economic and social conditions of the population. As such, the Law Commission did not consider the judge-population ratio to be a scientific criterion for determining the adequacy of the judge strength in the country. The Law Commission found that in the absence of complete and scientific approach to data collection across various High Courts in the country, the "Rate of Disposal" method to calculate the number of additional judges required to clear the backlog of cases as well as to ensure that new backlog is not created, is more pragmatic and useful.

In May, 2014, the Supreme Court asked the State Government and the High Courts to file their response to the recommendations made by the Law Commission. In August 2014, the Supreme Court requested the National Court Management System (NCMS) Committee constituted by it in 2012 to examine the recommendations made by the Law Commission and to furnish their recommendations in this regard. NCMS Committee submitted its report to the Supreme Court in March, 2016. It has, *inter alia*, observed that in the long term, the judge strength of the subordinate courts will have to be assessed by a scientific method to determine the total number of "Judicial Hours" required for disposing of the case load of each court. In the interim, this Committee has proposed a "weighted" disposal approach—disposal weighted by the nature and complexity of cases in local conditions. The Central Government has broadly agreed with the recommendations made by the NCMS. The matter is *sub-judice* before the Supreme Court.

Filling up of the vacancies in the High Courts is a continuous consultative process among Constitutional Authorities to select suitable candidates for higher judiciary and is a time consuming process. While every effort is made to fill up the existing vacancies expeditiously, vacancies do keep on arising on account of retirement, resignation or elevation of Judges and increase in the Judge strength of High Courts.

The fresh appointments to the higher judiciary could not be made during the period the constitutional validity of National Judicial Appointment Commission was *sub-judice*. However, after pronouncement of the judgement of Supreme Court, while working on the new draft Memorandum of Procedure, Government has taken initiative to resume the process of appointments. 121 Additional Judges of High Courts have been made Permanent Judges and 86 fresh appointments of Judges have been made in High Courts from 01.01.2016 to 05.10.2016. As on 30.09.2016, against the sanctioned strength of 1079 Judges in High Court, 615 Judges were in position with 464 vacancies of Judges to be filled.

The recruitment of Judicial Officers/Judges in Districts and Subordinate Courts is within the domain of State Governments and High Courts concerned. The matter of filling of vacancies of District and Subordinate Courts is regularly pursued by the Government with High Courts. Supreme Court is monitoring the recruitment of Subordinate Judiciary in the case of Malik Mazhar Sultan and Another Vs. U.P. Public Service Commission and others. As on 31st December, 2015, sanctioned strength and working strength of Judges/Judicial Officers of District and Subordinate Courts were 20,502 and 16,070 respectively."

6. In para 30 of the Report, the Committee had observed/recommended as follows:—

"The Committee have been informed that as on 30.11.2015, 58879 cases were pending in the Supreme Court, whereas at the end of 2014, 41.53 lakh cases were pending in various High Courts and a staggering 2.64 crore cases were pending in the District and Subordinate Courts. The Committee have also been informed that the Government has adopted a co-ordinated approach for phased liquidation of arrears and pendency in judicial administration which *inter alia* includes better infrastructure for Courts, including computerization, suggesting policy and legislative measures in the areas prone to excessive litigation, recommending re-engineering of Court procedure for quick disposal of cases and emphasis on human resource development. The Committee find that in the recent years, though the pendency of cases in the Supreme Court, High Courts and in the District and Subordinate Courts have shown a declining trend, yet the pace of liquidation of arrears/pending cases is far encouraging. The Committee are of the opinion that concerted efforts amongst the three stakeholders/organs, *viz.*, the Government, the Judges and the Lawyers need to be properly calibrated for quick disposal of cases. The Committee, considering the alarming situation of pendency of cases and the constitutional rights of the litigants for a speedy trial, strongly recommend prescribing

time-limits for the disposal of various cases before the Courts. To deal with this, the Committee suggest that there should not be one prescribed time-limit, but various kinds of cases need to be identified/prioritized and on this basis, the time standards could vary for different cases, and also for different Courts, depending on their disposal capacity. The Committee also urge the Government to adopt a focused approach on pendency reduction, including regular monitoring of the progress made in coordination with all stakeholders so that the huge pendency of cases is wiped out in right earnest."

7. In their action taken reply, the Ministry of Law & Justice (Department of Justice) has stated as follows:—

"Disposal of cases in courts is within the domain of the judiciary. During the Joint Conference of Chief Ministers of States and Chief Justices of High Courts held at New Delhi in April, 2015, reduction of pendency and backlog of cases in Courts emerged as an area which required focused attention at the High Court level. The Chief Justices of High Courts in the Conference held on 03rd and 04th April, 2015 have resolved that each High Court shall establish an Arrears Committee, which would go into the factors responsible for the delays and prepare an action plan to clear the backlog of cases pending for more than five years. All High Courts have set up Arrears Committees to clear backlog of cases pending for more than five years.

A comprehensive scheme of National Court Management Systems (NCMS) was formulated and notified by the Hon'ble Supreme Court of India on 2.5.2012. NCMS is primarily looking into case and court management and issues relating to performance indicators of courts and judicial statistics. In the Conference of Chief Justices held in New Delhi on 22nd and 23rd April, 2016 it was *inter alia* resolved that (i) all High Courts shall assign top most priority for disposal of cases which are pending for more than five years; (ii) High Courts where arrears of cases pending for more than five years are concentrated shall facilitate their disposal in mission mode; (iii) High Courts shall progressively thereafter set a target of disposing of cases pending for more than four years; (iv) while prioritizing the disposal of cases pending in the District Courts for more than five years, additional incentives for the Judges of the District Judiciary be considered where feasible; and (v) efforts be made for strengthening case-flow management rules.

Some of the important steps taken for reduction of pendency of cases in Courts are as follows:—

- Government of India has provided financial assistance amounting to Rs. 4218 crore during the last five years (2011-12 to 2015-16 till 30.09.2016) to State Governments/Union Territories for improving judicial infrastructure of Subordinate Courts.
- 16,513 court halls are available for Subordinate Judiciary against the working strength of 16070 Judicial Officers. Further, 2,447 court halls are under construction as on 31.12.2015 to take care of future requirements.

- Sanctioned strength of the subordinate judiciary has increased from 17,715 at the end of 2012 to 20,502 in December, 2015.
- The sanctioned strength of High Courts has increased to 1,079 Judges as of June 2016, as against 906 in June, 2014.
- The Government has taken up the matter with the High Courts for filling up about 4,432 vacancies in Subordinate Courts.
- The Commercial Courts, Commercial Division and Commercial Appellate Division of High Court Act, 2015 has been notified on 1st January, 2016.
- Necessary amendments have been made to Arbitration and Conciliation Act, 1996 and Negotiable Instruments Act, 1881 to deal with the problems of excessive litigation.
- The Delhi High Court (Amendment) Bill, 2015 seeking increase in pecuniary jurisdiction of the District Courts of Delhi from rupees twenty lakhs to two crore has been passed.
- Ministry of Road Transport and Highways has prepared draft Road Transport & Safety Bill which would help in reducing litigation.
- The High Courts have introduced facility of e-services such as cause lists, case status, daily orders, judgments, etc.
- Under the e-Courts Project (Phase-I), sites for 14,249 Courts (100%) have been made ready for computerisation, out of which LAN has been installed at 13,643 Courts (95.75%), hardware at 13,436 Courts (94.3%) and software at 13,672 Courts (96%). As per the available information, a total of 13,672 District and Subordinate Courts in the country have started e-services such as cause lists, case status, daily orders, judgments, etc.
- Phase II of the e-Courts MMP is approved on 16th July, 2015 for the duration of four years or until the project is completed, whichever is later, at the cost of Rs. 1,670 crore.
- Computerization of courts would enable the Courts to exercise greater control over management of cases in the docket. It will also provide designated services to the litigants and the lawyers.
- A Process re-engineering workshop of Registrars-General of High Courts and Law Secretaries of States was conducted recently in Delhi to draft model Court Rules and Procedures across the country in consonance with the introduction of ICT in court processes under the e-Courts Mission Mode Project.
- Promotion of Alternative Dispute Resolution (ADR) mechanism is a key strategy for reducing delays and pendency in Courts. 15 Mega Lok Adalats have been conducted from 23rd November, 2013, to 11th June 2016.
- All State Governments have notified the State Litigation Policies so as to reduce Government Litigations. National Litigation Policy is on the anvil.

- The Bar Council of India has framed necessary rules which *inter alia* provide for curbing frequent strikes by the members of the Bar.

Pendency in the Supreme Court of India has declined from 66,692 cases at the end of the year 2012 to 62,657 cases as on 30.06.2016.

The pendency in High Courts has declined from 42.49 lakh cases at the end of the year 2010 to 38.70 lakh cases as on 31.12.2015. Pendency in District and Subordinate Courts is 2.70 crore cases at the end of year 2015 as against 2.77 crore cases at the end of 2010."

8. In para 31 of the Report, the Committee had observed/recommended as follows:—

“The Committee find that for ensuring early disposal of cases, Fast Track Courts are set up by the State Governments in consultation with the High Courts. As a matter of fact, Fast Track Courts are expected to follow faster procedures than those adopted in the ordinary Courts. The Committee have also been informed that the Eleventh Finance Commission had recommended a scheme for creation of 1734 Fast Track Courts in the country for the disposal of long pending cases. A total grant of Rs. 870 crore was provided to the States for Fast Track Courts during 2000-2011 and as on 31.3.2011, out of 38.99 lakh cases transferred to Fast Track Courts, 32.93 lakh cases have been disposed of. The Committee, while acknowledging that speedy trial is guaranteed under Article 21 of the Constitution of India and any delay in expeditious disposal of trial infringes the right to life and personal liberty guaranteed under the Article *ibid*, are constrained to mention that the setting up of Fast Track Courts alone would not only be able to deliver the desired results until and unless these Courts are made permanent and additional posts in the Subordinate Judiciary are created to exclusively man these Courts. Besides, the Committee are of the firm opinion that the administration of justice should be visible in the true sense by ensuring that requests for frequent adjournments on frivolous grounds need not be entertained and a time bound disposal of cases should be adhered to at all costs, demonstrating that these are the Fast Track Courts, in the real sense. The Committee, therefore, recommend in co-ordination with State Governments and respective High Courts, a study should be expeditiously initiated by the Government to pragmatically analyse the State-wise requirement of Fast Track Courts. While analysing this, care should also be taken by the Government to make a future projection of the overall requirement of Fast Track Courts commensurate with the anticipated increase in the cases and the number of Judges who would be retiring on attaining the age of superannuation. The Government should also ensure that the constitution of Fast Track Courts may not affect the functioning of normal courts in terms of redeployment of Judges and Court staff from normal Courts to the Fast Track Courts. The Committee would like to be kept informed about the progress made in this regard.”

9. In their action taken reply, the Ministry of Law & Justice (Department of Justice) has stated as follows:—

"Setting up of District and Subordinate Courts, including Fast Track Courts (FTCs), for speedy trial of cases falls within the purview of the respective State Governments. However, the 11th Finance Commission had given an award for establishing FTCs for disposal of long pending cases and the cases involving under-trial prisoners. The award was monitored for implementation by the Department of Justice.

In its judgment in *Brij Mohan Lal & Others Vs. Union of India & Others* on 19.04.2012, the Supreme Court *inter alia* directed the States that they should not take a decision to continue FTCs on an ad-hoc and temporary basis. They (States) needed to decide either to bring the FTCs scheme to an end or to continue the same as a permanent feature in the State. In order to reduce the pendency of the cases in the courts, the Supreme Court further directed for creation of 10% additional posts in the State Judicial Services.

In the Conference of Chief Ministers and Chief Justices held in New Delhi on 7th April, 2013, it was resolved that the State Governments shall, in consultation with the Chief Justices of the respective High Courts, take necessary steps to establish suitable number of FTCs relating to offences against women, children, differently-abled persons, senior citizens and marginalized sections of the society and provide adequate funds for the purpose of creating and continuing Fast Track Courts. The State Governments and the High Courts have been requested to implement this decision.

It was further resolved in the Chief Justices Conference, 2016 that in order to ensure expeditious disposal of cases pertaining to women, marginalised segments, senior citizens and differently-abled, steps be taken to —

- (a) prioritise the disposal of cases falling in these categories within the existing court system; and
- (b) an endeavour be made to revisit the cadre strength of subordinate courts and, where necessary, create additional courts to deal with such cases.

During the Conference, it was also resolved that in order to formulate a uniform listing policy for the disposal of such cases, a Committee of Chief Justices is constituted to consist of Honble Mr. justice A. M. Khanwilkar, Hon'ble Mr. Justice Navin Sinha and Hon'ble Mr. Justice R. Subhash Reddy."

10. In para 33 of the Report, the Committee had observed/recommended as follows:—

"The Committee observe that Article 39-A of the Constitution of India provides for free legal aid to the poor and weaker sections of society. The National Legal Services Authority (NALSA) has been constituted under the Legal Services Authorities Act, 1987 to monitor and evaluate implementation of legal aid programme to lay down policies and principles for making legal

services available under the Act. The Committee further observe that till 31.12.2014, around 1.77 crore eligible persons, including women, children, persons in custody, persons belonging to SC/ST and backward categories have been benefited through various free legal services authorities. For the purpose of eligibility for free legal services, some of the States had increased the annual income limit upto Rs. 1.5 lakh. As a matter of fact, NALSA had proposed amendment to the Central Act with a view to increasing the limit to Rs. 2 lakh all over the country. The Committee appreciate the initiatives taken by the Government for providing free and affordable legal services to the weaker sections of society. However, taking a cue from the existing legal delivery system, the Committee feel that there is an urgent need for making affordable legal services accessible to all the sections of society. The Committee, therefore, recommend that the annual income criterion for providing free legal services to the weaker sections of the society may be increased from the present Rs. 1.5 lakh to Rs. 3 lakh. The Committee are also aware that since video conferencing is a convenient and less expensive option for recording evidence of witnesses, with a view to ensuring affordable legal services to the people, the facility of video conferencing needs to be extended to all the Courts of the country. Even though video conferencing requires modernization and computerization of Courts, the Committee desire that the Government should take all measures to achieve this objective at the earliest. The Committee would like to be apprised of a definite roadmap in this regard."

11. In their action taken reply, the Ministry of Law & Justice (Department of Justice) has stated as follows:—

"A proposal *inter alia* for amendment of Section 12 of the Legal Services Authorities Act 1987, as to include additional categories of persons/beneficiaries for free legal services, as well as for enhancement of the existing annual income criterion for providing free legal services to the weaker sections of the society to Rs. 3 lakh, was received from NALSA. The proposal is under examination of the Department of Justice in consultation with NALSA.

The Supreme Court and High Courts of the country are already providing e-Services such as cause lists, case status, daily orders, judgments, etc. Further, as informed by the e-Committee of the Supreme Court of India, High Courts of Delhi, Madhya Pradesh, Punjab & Haryana and Bombay are providing e-Filing also.

As per the available information a total of 13,672 courts in the country have started online services. The details are as follows:—

High Court Name	No. of Computerised Courts
1	2
Allahabad	1991
Andhra Pradesh	806
Bombay	1896

1	2
Calcutta	762
Chhattisgarh	242
Delhi	410
Gauhati	294
Gujarat	710
Himachal Pradesh	98
Jabalpur	1119
Jammu & Kashmir	102
Jharkhand	430
Jodhpur	778
Karnataka	754
Kerala	397
Madras	668
Orissa	423
Patna	796
Punjab and Haryana	743
Sikkim	10
Uttarakhand	152
Tripura	57
Manipur	27
Meghalaya	7
Total	13672

Video Conferencing (VC) facility between Courts and Jails has been piloted in five Districts and the facility has been extended to 493 Court Complexes and 347 Jails out of which equipment has been delivered at more than 800 locations. Phase-II extends the facility to 2500 Court Complexes and 800 Jails. Apart from VC facilities being provided under the e-Courts Project, some States have implemented VC in Courts from their own resources also."

Observations/Recommendations

Realistic planning for fill up of existing vacancies of Judges and increase in the number of Judges in various Courts

12. The Committee had pointed out that a large number of vacancies in High Courts, District Courts and Subordinate Courts remain unfilled. The shortfall of number of vacancies in various Courts of the country is between 25% to 57%. Keeping in view the number of pending cases in the Courts as well as Judge Population ratio in the country which varies between 41 to 107 per lakh people, the

Committee urged the Ministry to draw lessons from the past experience and accordingly, re-orient their approach and initiate time-bound measures to fill up the existing vacancies of Judges and other Judicial Officers and also increase the number of Judges in various Courts of the Country.

13. The Ministry of Law & Justice (Department of Justice) had apprised the Committee that the National Court Management System (NCMS) Committee had been constituted in 2012 to examine the recommendations made by the Law Commission, NCMS Committee, in its Report, *inter alia*, observed that in the long term, the strength of Judges of the Subordinate Courts will have to be assessed by a scientific method to determine the total number of "Judicial Hours" required for disposing of the case load in each Court. In the interregnum period, the said Committee had proposed a "weighted" disposal approach, *i.e.*, disposal weighted by the nature and complexity of cases in local conditions. The Central Government had broadly agreed with the recommendations made by the NCMS. Further, filling up of the vacancies in the High Courts happened to be a continuous consultative process among Constitutional Authorities to select suitable candidates for higher judiciary and is a time consuming process. While every effort is being made to fill up the existing vacancies expeditiously, vacancies do keep on arising on account of retirement, resignation or elevation of Judges and increase in the Judge's strength of High Courts.

14. The Committee further observed that for determining the strength of total number of Judges and other Judicial Officers in the different Courts of the country, a substantial time has already been consumed in calculating, examining, assessing, constitution of Committee, recommending and re-recommending, etc. The Committee, therefore, would like to reiterate that the Ministry of Law & Justice (Department of Justice) should go in for a realistic planning not only for filling up of vacancies of Judges but also for increase in the number of Judges in various Courts of the Country. The Committee are also of the opinion that the Government could adopt any method for assessing the additional requirement of Judges, especially in the Subordinate Judiciary, be it, on the basis of 'Judicial Hours' or 'Weighted Disposal Approach'—by working in close co-ordination with the State Governments and Supreme Court/High Courts—the same should be aimed at ensuring faster results so that the common citizens should not further go through the ordeals of getting delayed justice from various Courts of the country on the grounds of non-filling of vacancies of Judges and staggered approach in proportional increase in the number of Judges in various Courts. The Committee would like to be apprised of the concrete action taken and the results achieved thereby.

Disposal of pending cases in various Courts

15. In response to the recommendation of the Committee about the reduction of pendency of cases in the different Courts, the Ministry of Law & Justice (Department of Justice) have submitted that pendency in the Supreme Court of India has declined from 66,692 cases at the end of the year 2012 to 62,657 cases as on 30.06.2016 and in High Courts, it has been declined from 42.49 lakh cases at the end to the year 2010 to 38.70 lakh cases as on 31.12.2015. Similarly, the

pendency in District and Subordinate Courts is 2.70 crore cases at the end of year 2015 as against 2.77 crore cases at the end of 2010. The Ministry have further informed that with a view to reducing the pendency of cases in the Courts, the following initiatives have recently been taken:—

- Availability of 16,513 Court Halls for Subordinate Judiciary against the working strength of 16070 judicial officers. Further, 2,447 Court Halls are under construction as on 31.12.2015 to take care of future requirements.
- Taking up the matter with the High Courts for filling up about 4,432 vacancies in the Subordinate Courts.
- Making necessary amendments in the Arbitration and Conciliation Act, 1996 and Negotiable Instruments Act, 1881 to deal with the problems of excessive litigation.
- Increase in pecuniary jurisdiction of the District Courts of Delhi from rupees twenty lakh to two crore.
- Formulation of the Road Transport & Safety Bill by the Ministry of Road Transport and Highways for reducing litigation.
- Under the e-Courts Project (Phase-I), sites for 14,249 Courts (100%) have been made ready for computerisation, out of which LAN has been installed at 13,643 Courts (95.75%), hardware at 13,436 Courts (94.3%) and software at 13,672 Courts (96%). A total of 13,672 District and Subordinate Courts in the country have started e-services such as cause lists, case status, daily orders, judgments, etc.
- Promotion of Alternative Dispute Resolution (ADR) mechanism for reducing delays and pendency in the Courts. 15 Mega Lok Adalats have been conducted from 23rd November, 2013 to 11th June, 2016.
- All State Governments have notified the State Litigation Policies so as to reduce Government Litigations. National Litigation Policy is on the anvil.

16. Going by the information made available by the Ministry of Law & Justice (Department of Justice), the Committee do understand that concrete steps have now been taken by the Government for reduction of pendency of cases in the different Courts. Nevertheless, the Committee still believe that the all these efforts should be implemented within a strict time schedule along with a periodic appraisal mechanism so that any functional glitches noticed therein are rectified at the earliest. The Committee, therefore, would like to reiterate that the Ministry of Law & Justice (Department of Justice) should take all necessary steps to ensure that the policy formulations for speedy disposal of pending cases should be effectively implemented by working in close co-ordination of all the stakeholders. The Committee would like to be apprised of the concrete steps taken in the matter.

Video Conferencing Services to ensure affordable legal services

17. On the aspect of providing affordable legal services, the Ministry of Law & Justice (Department of Justice) have submitted that with a view to including additional categories of persons/beneficiaries for free legal services as well as for enhancement of the existing annual income criterion for providing free legal services to the weaker sections of the society to Rs. 3 lakh, a proposal for amendment of Section 12 of the Legal Services Authorities Act, 1987 was received from the National Legal Services Authority (NALSA). The Ministry have also informed that the proposal is under examination of the Department of Justice.

18. The Committee appreciate the initiative of the Union Government, in general and the Ministry of Law & Justice (Department of Justice), in particular for exploring the possibility of amending Section 12 of the Legal Services Authorities Act, 1987 for *inter alia* including the additional categories of persons/beneficiaries as well as enhancement of the existing annual income criterion for free legal services to the weaker sections of the society. However, after analysing the various policy initiatives undertaken by the Union Government in the past for ensuring affordable justice, especially, to the weaker sections of the society and the likelihood of amending Section 12 of the Legal Services Authorities Act, 1987 at the earliest, the Committee would like to advise the Ministry of Law & Justice to formulate an apparatus for dissemination of all the relevant information relating to provision of free legal services to the weaker sections of the society through publicity campaigns by working in co-ordination with the State Governments. The Committee would like to be kept abreast of the steps taken by the Ministry of Law & Justice (Department of Justice) in the matter.

19. On the aspect of providing the facility of Video Conferencing (VC), which is considered to be less expensive option for recording the evidence of witnesses, the Ministry of Law & Justice (Department of Justice), in their action taken reply, have also submitted that the Video Conferencing facility between the Courts and the Jails has commenced in five districts. Besides, the said facility has also been extended to 493 Court Complexes and 347 Jails and the necessary equipment has already been delivered at more than 800 locations. The Ministry have further informed that in Phase-II of this project, the facility of Video Conferencing is to be extended to 2500 Court Complexes and 800 Jails.

20. It is evident from the details furnished that the Ministry of Law & Justice (Department of Justice) is silent on the issue of prescribing a timeline for extending the Video Conferencing facility between the Courts and the Jails throughout the country due to which the objective of providing affordable and speedy justice to the masses would not yield the desired results until and unless the aforesaid aspect is taking into consideration by the Ministry of Law & Justice in consultation with all the State Governments/High Courts of the country. The Committee expected that the replies of Ministry of Law & Justice (Department of Justice) should have been complete and elaborate. They, therefore, await the response of the Ministry to their recommendation. While reiterating their recommendation, the Committee desire that the Ministry should ensure a time bound implementation of all their

schemes/projects for ensuring speedy and affordable justice in the country for which all the relevant factors, viz., consultation with the stakeholders, release of funds, regular monitoring, etc., should be factored in while working out the overall strategy. The Committee would like to be apprised of the action taken by the Ministry of Law & Justice (Department of Justice) on this count.

NEW DELHI;
11 October, 2017

19 Asvina, 1939 (Saka)

BHAGAT SINGH KOSHYARI,
Chairperson,
Committee on Petitions.

ANNEXURE

MINUTES OF THE FORTY-SECOND SITTING OF THE COMMITTEE
ON PETITIONS (SIXTEENTH LOK SABHA)

The Committee met on Wednesday, 11 October, 2017 from 1230 hrs. to 1400 hrs.
in Committee Room 'D' Parliament House Annexe, New Delhi.

PRESENT

Shri Bhagat Singh Koshyari — *Chairperson*

MEMBERS

2. Shri Suresh C. Angadi
3. Shri Ram Tahal Choudhary
4. Shri Chandra Prakash Joshi
5. Dr. K. Gopal
6. Shri Chhedi Paswan
7. Shri Dinesh Trivedi
8. Shri Rajan Vichare

SECRETARIAT

1. Shri Shiv Kumar — *Joint Secretary*
2. Shri Raju Srivastava — *Additional Director*
3. Shri G. C. Dobhal — *Deputy Secretary*

WITNESSES

2. At the outset, the Hon'ble Chairperson welcomed the Members to the sitting of the Committee.

3. ***

4. ***

5. ***

6. The Committee, then, took up for consideration of the following Draft Action Taken Reports:—

- (i) Action Taken by the Government on the recommendations made by the Committee on Petitions in their Fourteenth Report (16th Lok Sabha) on the

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