

1	2
	(As on 31.12.1983)
Calcutta	1,18,997
Karnataka	1,16,564
*Patna	54,582
Rajasthan	42,986
	(As on 30.6.1983)
Gauhati	12,541

*Main cases only.

Statement-II

Steps Taken from Time to Time to Reduce Pendency.

The following steps have been taken in recent years to reduce pendency in Supreme Court and High Courts :

- (1) The Code of Civil Procedure was amended in 1976 to abolish Letters Patent Appeals from Judgement of Single Judge of the High Court in second appeal (vide Section 100A).
- (2) The Code of Criminal Procedure based on the recommendations of the Law Commission was enacted in 1973.
- (3) The Judge strength of the Supreme Court has been raised from 13 to 17 excluding the Chief Justice with effect from 31.12.77 by amending the Supreme Court (Number of Judges) Act, 1956.
- (4) The sanctioned strength of High Court Judges has been increased from 351 in March, 1977 to 424 on 1st January, 1985.

- (5) The Supreme Court rules have been amended to vest more powers in the Registrars and Judges in Chambers so, that the time of the court is not wasted in petty miscellaneous matters.
- (6) The Supreme Court has also taken the following measures :
 - (i) Priority is given to certain matters ;
 - (ii) Miscellaneous matters are fixed daily ;
 - (iii) Writ Petitions with identical questions are grouped together and batches running from 50 to 100 matters are listed together for hearing;
 - (iv) Other matters involving identical questions are also identified from time to time and put together and efforts are made to see that such groups are disposed of early.
 - (v) The Supreme Court Rules were revised in 1966 providing for printing of records under its own supervision. As that was also taking quite some time the court of late has started wherever possible dispensing with the preparation of records and hearing the appeals on special leave paper-book itself after the parties have filed their counter-affidavits and affidavits in reply.
- (7) Apart from the above certain High Courts are taking the following steps for ensuring better disposal of cases.
 - (a) Cases involving common questions are being grouped by several High Courts.

- (b) Matters fixed for hearing by giving short returnable dates.
- (c) Dispensing with printing of records.
- (d) Expenditing and giving priority to matters under certain Acts.
- (8) The Government have also addressed the Chief Ministers of States and Chief Justices of High Courts in which there is a heavy pendency of civil cases over 5 years' old to consider appointment of retired Judges under Article 224A of the Constitution.
- (9) The recommendations contained in the 79th report of the Law Commission have been examined. As action on majority of the recommendations is to be taken by the State Governments and High Courts, these have been sent to them along with the views of the Union Government and they have been requested to take necessary action.
- (10) The Government have also appointed Law Commission (10th Law Commission) to keep under review the system of judicial administration in the country. Among the terms of reference of the Law Commission are :
- (a) To keep under review the system of judicial administration to ensure that it is responsive to the reasonable demands of the times and in particular to secure :
- (i) elimination of delays, speedy clearance of arrears and reduction of costs so as to secure quick and economical disposal of cases
- without effecting the cardinal principle that decision^s should be just and fair ;
- (ii) simplification of procedure to reduce and eliminate technicalities and devices for delay so that it operates not as an end in itself but as a means of achieving justice; and
- (iii) improvement of standards of all concerned with the administration of justice.
- (b) To revise the Central Acts of general importance so as to simplify them and to remove anomalies, ambiguities and inequities.
- (c) To recommend to the Government measures for bringing the statute book up-to-date by repealing obsolete laws and enactments or parts thereof which have outlived their utility.
- (11) The Government have constituted an informal Committee of 3 Chief Justices to examine the problem of arrears in High Courts and suggest remedial measures.

SHRI K.T. KOSALRAM : Mr. Speaker, Sir, the answer given by the hon. Minister does not seem to be correct. I hope the hon. Minister and the Members of this House would agree with me that justice is being delayed in thousands of cases that are pending with the courts. Whatever may be his reply, the hon. Minister and the hon. Members would agree that justice delayed is justice denied. According to me the reason for this sorry state affairs is that the appointment of judges is made by the Home Ministry. The Home Ministry is not in a position to appoint judges in various courts. There are

vacancies in the posts of judges and Justices in various courts and it is learnt that eminent professionally qualified persons are not considered to fill up these vacancies. Here is a statement given that lakhs and lakhs of cases are pending all over the country. I would request the hon. Minister kindly to tell us what action is being taken in his Ministry to clear these arrears.

SHRI A. K. SEN : It is admitted that there has been a large accumulation of arrears of cases not merely in the High Courts and the Supreme Court but also in the Subordinate Courts and it is our aim to clear them all during the next five years. That is the mandate given to me by our leader, the Prime Minister. I hope that I shall be able to carry out the mandate in cooperation with the hon. Members of the House.

SHRI K. T. KOSALRAM : I would like to know from the hon. Minister whether he is making his efforts to assume full charge of his Ministry so that the appointment of judges could be made with a great sense of urgency. I would also like to know from the hon. Minister whether he would ensure independence of the judiciary when the appointment of Judges and Justices is in the hands of the Home Ministry. What steps are being taken by the Law Minister to clear the pending cases so that justice is given to the common people?

SHRI A. K. SEN : The hon. Member has raised several questions. I will answer them one by one. Sir, the hon. Member is not aware of the fact regarding the appointment of Judges. He does not perhaps know that the appointment of judges and Justices is with the Law Ministry and that is for quite some time now.

SHRI K.T. KOSALRAM : But I.A.S. Officers are recommended by the Home Ministry.

SHRI A. K. SEN : It is under the Law Ministry. It is a separate Ministry which was constituted long time ago. And we are trying our best—I never say, we have done—to see that the appointments of judges are not held up more than it is necessary.

Secondly about the availability of cheap justice for the common man, we have got very far-reaching proposals which will be brought before the House in due course and I hope again that during the next five years, we shall be able to tell the people that justice has now become nearer.

SHRI ERASU AYYAPU REDDY : Mr. Speaker, Sir, I would like to know from the hon. Minister, if there is any proposal to separate the appellate jurisdiction of the Supreme Court from the constitutional jurisdiction, and create a separate court of appeals in order to reduce the pendency of cases. Has any time limit been fixed for the final disposal of cases by the Supreme Court? It is common knowledge that civil matters are taking at least a decade for coming up for final hearing, and criminal matters are taking at least seven years for final disposal.

Is there any proposal to increase the number of judges at the Supreme Court as well as at the High Courts?

SHRI A. K. SEN : The first question is about the appellate jurisdiction of the Supreme Court. The constitution envisages that the primary jurisdiction of the Supreme Court will be appellate; it will be the supreme appellate authority against all tribunals, high Courts and even ordinary courts. Its original jurisdiction is confined to disputes of the States and in regard to the opinions which may be sought by the President. Therefore, the original jurisdiction is very very negligible and comes into play very very rarely. But so far as the appellate jurisdiction is concerned, it is true that there has been accumulation

of work for a long time, and we must tackle it on a priority basis. For that, we must have more judges, we must also see that the judges who are recruited dispense justice and the procedures do not brook delay.

There are several outstanding proposals which have to be completely collated and synthesized and brought before the House, and we hope also to have the report of a High-Power Judicial commission to deal with the various problems. As I told you, we can only hope and pray that during the next five years, we shall be really grappling with the problem effectively and properly.

Translation]

MR. SPEAKER : Agarwalji, please put a supplementary question, because yours is the first question.

SHRI JAI PARKASH AGARWAL : Mr. Speaker, Sir, through you, I would like to know whether, keeping in view the day-by-day increase in the number of cases, efforts have been made to effect corresponding increase in the number of judges ?

MR. SPEAKER : This has already been answered.

SHRI JAI PARKASH AGARWAL : Have the Government taken any action in regard to peoples court, so that corruption, which is on the increase, is checked ?

SHRI A. K. SEN : These are two different questions. Firstly, we are trying that all the cases are disposed of as early as possible. In so far as corruption is concerned, we have never heard any such thing about the Supreme Court...

(interruptions)

SHRI JAI PARKASH AGARWAL : Please tell us about the peoples Court.

SHRI A. K. SEN : We have not set up people's court. No proposal has so far been formulated therefor.

[English]

SHRI SHARAD DIGHE : Is there any proposal to increase the salaries of the judges of the Supreme Court and the High Courts and to improve their service conditions so that still better people can be attracted towards these posts and the efficiency to dispose of the cases may increase ?

SHRI A. K. SEN : That is one of the major proposals under consideration.

PROF. MADHU DANDAVATE : Unless you do that, prospective judges will come to the Parliament.....
(interruptions)

SHRI A. K. SEN : But the hon. Member has passed that stage.

SHRI N. TOMBI SINGH : For the entire North-Eastern States and Union Territories, Gauhati High Court alone is handling the cases. Naturally, there are a lot of pending cases. Is the hon. Minister aware of the demands made by the States of Manipur and Tripura for a separate High Court. If so, what steps are being taken by the Government ?

SHRI A. K. SEN : Gauhati High Court is one of the exceptions about accumulation of arrears. The statement shows that the accumulation is only 12,541, which is very very good compared to the other figures which speak for themselves.

Prices of Life Saving Drugs

*41. SHRI CHITTA MAHATA : Will the Minister of CHEMICALS AND FERTILIZERS be pleased to state :

(a) whether Government are studying the reasons for continuous