

GOVERNMENT OF INDIA
MINISTRY OF LAW & JUSTICE
RAJYA SABHA
QUESTION NO07.03.2011
ANSWERED ON
REVAMPING JUDICIAL SYSTEM .

160

Shri K.N. Balagopal

Will the Minister of LAW & JUSTICE be pleased to state :-

(a)whether Government is taking any steps to revamp the judicial system in the country; and

(b)whether Government proposes any new and transparent methods for the recruitment of judges and if so, the details thereof?

ANSWER

MINISTER OF LAW AND JUSTICE (DR. M. VEERAPPA MOILY)

(a) and (b): A Statement is laid on the Table of the House.

STATEMENT REFERRED TO IN REPLY TO PARTS (a) AND (b) OF RAJYA SABHA STARRED QUESTION NO. 160

(a): The Government is taking various initiatives to improve justice delivery system in the country. These are as under:

(1) The Government has `in principle` approved setting up of National Mission for Justice Delivery and Legal Reforms. The National Mission would help implementing the two major goals of

(i) increasing access by reducing delays and arrears in the system

(ii) enhancing accountability at all levels through structural changes and setting performance standards and facilitating enhancement of capacities for achieving such performance standards.

(2) With the objective of improving justice delivery. Thirteenth Finance Commission has recommended a grant of Rs. 5000 crore to be utilized over a period of five years up to 2010-2015. This grant is aimed at providing support to improve judicial outcomes, and is allocated for the initiatives such as

(i) Increasing the number of court working hours using the existing infrastructure by holding morning / evening / shift courts;

(ii) Enhancing support to Lok Adalats to reduce the pressure on regular courts;

(iii) Providing additional funds to State Legal Services Authorities to enable them to enhance legal aid to the marginalized and empower them to access justice;

(iv) Promoting the Alternate Dispute Resolution (ADR) mechanism to resolve part of the disputes outside the court system;

(v) Enhancing capacity of judicial officers and public prosecutors through training programmes;

(vi) Supporting creation or strengthening of a judicial academy in each State to facilitate such training;

(vii) Creation of the post of Court Managers in every judicial district to assist the judiciary in their administrative functions and

(viii) Maintenance of heritage court buildings.

(3) The Government is implementing a central sector scheme for computerization of the District and Subordinate Courts (e-Courts project) in the country and for upgradation of the ICT infrastructure of the Supreme Court and the High Courts, at a cost of Rs. 935 crore for the first phase which will connect 14,229 courts in the country including video conferencing facilities. In the subsequent phase, digitization, library management, e-filing and establishment of data warehouse are expected to take place. The Project output would be beneficial to both improving court process and rendering citizen centric services. Automation of

case flow would cover case scrutiny, registration, court proceedings and electronic monitoring of all court-wise case pendency and performance assessment of Judges. In terms of citizen centric services, online availability of case status, copies of orders and judgments, cause list and eventually e-filing of cases will be available. This project will also achieve one of the important goals of the Vision Document 2009, namely, the creation of National Arrears Grid, with the last mile connectivity up to Taluqa courts. The complete coverage of the 14,249 courts in terms of hardware and software will be achieved by March 2014 and the largest number of courts (12,000) will be covered by March 2012. Re-engineering of the process in the courts is the ultimate aim for speeding justice delivery and this activity is also to start this year.

(4)Enactment of the Gram Nyayalayas Act, 2008 which provides for establishment of Gram Nyayalayas to improve access to justice to common man. Under the scheme, the Government provides non recurring grant for creation of infrastructure and also recurring grant on annual basis. Rs. 20.92 crore have been provided to the States so far under this scheme.

(5)A Centrally Sponsored Scheme for development of infrastructure facilities for the judiciary is being implemented since 1993-94 under which centra) assistance for construction of court buildings and residential quarters for judicial officers is released to augment the resources of the State Governments. The central grant is released with a rider that the State Governments would contribute at least the matching share. An amount of Rs. 412 crore has been released to the State Governments during the last three years. Central Grant for construction of High Court buildings is considered by the Planning Commission on 30:70 basis under Additional Central Assistance scheme.

(6)The Judicial Standards and Accountability Bill, 2010, which was introduced in the Lok Sabha on 1st December, 2010, seeks to repeal the Judges (Inquiry) Act, 1968, while retaining its basic features and aims to achieve the objectives of creating a statutory mechanism for enquiring into individual complaints against Judges of the High Courts and the Supreme Court and recommending appropriate action, enabling declaration of assets and liabilities of Judges and laying down the judicial standards to be followed by the judges. All these measures will increase accountability of Judges of the High Courts and the Supreme Court thereby further strengthening the independence of the judiciary. The Bill has been referred to the Department Related Parliamentary Standing Committee.

(7)A Bill namely, The Constitution (One Hundred and Fourteenth Amendment) Bill, 2010 has been introduced in the Lok Sabha on 25th August, 2010 to increase the retirement age of Judges of the High Courts from 62 years to 65 years.

(b): The existing procedure for appointment of Judges of the Supreme Court and the High Courts is based on the Supreme Court Judgment dated October 6, 1993 in the case of Supreme Court Advocates on Record & Anr. Vs. Union of India, and the Advisory Opinion of the Supreme Court dated October 28, 1998. The procedure has been debated in various fora and there have been demands to change the same. However, there is, at present, no specific proposal to bring about any change in the present system of appointment of Judges in the Supreme Court and the High Courts.