

GOVERNMENT OF INDIA  
MINISTRY OF LAW AND JUSTICE  
DEPARTMENT OF LEGAL AFFAIRS

RAJYA SABHA  
STARRED QUESTION NO 130  
TO BE ANSWERED ON 03.12.2012

Cases stuck in stay orders

\*130. SHRI PARSHOTTAM KHODABHAI RUPALA:

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

- (a) the action taken by Government in view of the fact that a very large number of cases are stuck up with stay orders in various courts since long, resulting in misuse of this loophole in the judicial system in some of the cases;
- (b) the action taken by Government as a very large number of Government revenue cases are also pending in various courts with stay orders, resulting in heavy loss to the Government exchequer;
- (c) whether Government is going to chalk out any road-map in this regard and if so, the details thereof?

ANSWER

MINISTER OF LAW AND JUSTICE  
(DR. ASHWANI KUMAR)

- (a) to(c) A statement is laid on the Table of the House.

**Statement referred to in reply to parts (a) to (c) of the starred Question no. 130 for answer in the Rajya Sabha on 03.12.2012.**

Huge backlog of cases and high pendency in courts is one of the major problems affecting the judicial administration and justice delivery in India. The Ministry of Law and Justice held a National Consultation for strengthening the judiciary towards reducing the pendency and delays in October, 2009. The Consultation considered and deliberated upon the Vision Document which was endorsed by a resolution at the end of the Consultation. To realize the objectives set out in the Vision Document, a National Mission for Justice Delivery and Legal Reforms with the objective of pursuing several strategic initiatives including (i) policy changes; (ii) re-engineering of procedures, *inter-alia*, to address the issue of long stay order; (iii) measures for human resource development; and (iv) leveraging of information and communication technology for better justice delivery has been set up. The mission will pursue a coordinated approach for phased liquidation of arrears and pendency in the judicial administration.

However, several steps have been taken by the Government to reduce the pendency which *inter-alia* includes measures for strengthening the judicial system, reviewing the strength of the judges from time to time and setting up of part time/special courts, improving infrastructure in the courts and of part time/special courts, improving infrastructure in the courts and increasing use of ICT for courts management as well as for providing citizen centric services at all levels starting from Supreme Court/High Courts to the District and Subordinate courts. Some of these initiatives are detailed further as under:-

a) Increasing access by reducing delays and arrears in the system has been constant endeavor of the Government. For this, several steps have been taken in the past both for making structural changes as well as for the monitoring the performance of the courts in so far as their disposal is concerned. The disposal has been accelerated by undertaking special drives, the recent one being from 1<sup>st</sup> July, 2011 to 31<sup>st</sup> December, 2011.

b) The 11<sup>th</sup> Finance Commission had recommended setting up of fast track courts for which a provision of Rs. 502.90 crores was made for 2000-05. This was extended later till 2010-11. AS per the reports received, 1192 fast track courts were functional in the country as on 31.03.2011. Nearly 33 lakh cases were disposed of by the fast track courts over a period of 11 years of central assistance from 2000-01 to 2010-11. The 13<sup>th</sup> Finance Commission has recommended a grant of Rs. 5000 crores for the states over a period of 5 years between 2010-15. The amount will be provided as a grant to the States for various 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 and High Courts to assist the judiciary in their administrative functioning and (viii) maintenance of heritage court buildings. An amount of Rs. 1353.623 crores has already been released to the States on this account.

c) Under the Central Sector Scheme for computerization of the District and Subordinate Courts (e-Courts project) in the country and for up gradation of the ICT infrastructure of the Supreme Court and High Courts, a 9501 courts out of 14,229 courts as on 25.2.2012 in the country have been computerized by 31.3.2014. In the second phase, digitization, library management, e-filing and establishment of data warehouse are expected to be added to the ongoing computerization and performing of citizen centric services.

d) The Gram Nyayalayas Act, 2008 has been enacted for establishment of Gram Nyayalayas at the grass root level for providing access to justice to citizens at their doorstep. The Central Government is providing assistance to State towards non-recurring expenses for setting up of Gram Nyayalayas subject to a ceiling of Rs. 18.00 lakhs per Gram Nyayalaya. The central Government also provides assistance towards recurring expenses for running these Gram Nyayalayas subject to a ceiling of Rs. 3.20 lakhs per Gram Nyayalaya per year for the first three years. As informed by the State Governments, 153 Gram Nyayalaya have been notified so far. Out of which 151 Gram Nyayalayas have started functioning. An amount of Rs. 25.39 crores has been released to the State Governments for establishment of Gram Nyayalayas during last three years.

e) Central Sponsored Scheme for development of infrastructure facilities for the judiciary is being implemented since 1993-94 under which central assistance for assistance for construction of court buildings and residential quarters for judicial officers is released to augment the resources of other State Governments. An expenditure of Rs. 1810.33 crore has been incurred by the Central Government on this scheme so far.

f) The “National Mission for Delivery of Justice and Legal Reform” proposes the introduction of a National Litigation Policy, which shall focus on identification and removal of frivolous and vexatious cases preferred by Central Government. The mission also proposes for settling up of Empowered Committees to eliminate unnecessary litigation. Accordingly the Government has launched the National Litigation Policy on 23.06.2010. The aim of National Litigation Policy is to transform Government into an efficient and responsible litigation. The core issues involved in the litigation will be focused and addressed squarely so that the same is managed and conducted in a cohesive, coordinated and time bound manner. The purpose underlying the said National Litigation Policy is to reduce Government litigation in courts so that valuable court time would be spend in resolving other pending cases so as to achieve the Goal in the National Legal Mission to reduce average Pendency time from 15 years to 3 years. Under the policy emphasis is also given for the encouragement of arbitration as an alternative dispute resolution mechanism at every level.