

**GOVERNMENT OF INDIA
MINISTRY OF LAW & JUSTICE
DEPARTMENT OF JUSTICE**

LOK SABHA

**UNSTARRED QUESTION NO. †2547
TO BE ANSWERED ON WEDNESDAY, THE 04th DECEMBER, 2019**

Justice System in India

**†2547. SHRI SHIVAKUMAR C. UDASI:
SHRI ADHIR RANJAN CHOWDHURY:**

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

- (a) whether the justice system in India is inadequate and law and order has been a major concern, especially in the two big States of Uttar Pradesh and Bihar;**
- (b) whether almost 80 per cent of India`s 1.25 billion population is eligible for free legal aid but only 15 million people have availed it since 1995 and if so, the details thereof; and**
- (c) the details of the India Justice Report 2019 commissioned by Tata Trusts and the reaction of the Government thereto?**

ANSWER

**MINISTER OF LAW AND JUSTICE, COMMUNICATIONS AND ELECTRONICS &
INFORMATION TECHNOLOGY**

(SHRI RAVI SHANKAR PRASAD)

(a): It is the primary responsibility of State Governments to provide adequate infrastructure for Subordinate Judiciary which includes court complexes / court halls and residential accommodation. The Union Government has been administering the Centrally Sponsored Scheme for Development of Infrastructure Facilities for Judiciary in order to augment the resources of State Governments in this regard in association with the States / UT Governments.

Under the Centrally Sponsored Scheme for Infrastructural Facilities for Judiciary, in the case of Uttar Pradesh, a sum of Rs.1101.60 crore has been sanctioned till 28.11.2019 since the inception of the scheme, out of which Rs.550.31 crore has been sanctioned since 2014-15 (which is around 50% of the total release under the Scheme). During the current financial year 2019-20, a sum of Rs.121.94 crore has been sanctioned to the State of Uttar Pradesh. Under this scheme, in the State of Uttar Pradesh, 2278 court halls and 1937 residential units have been made available for

Judicial Officers of District and Subordinate Courts as on 28.11.2019 against the working strength of 2012 Judicial Officers. In addition, 332 court halls and 401 residential units are under construction in Uttar Pradesh.

Similarly, in the case of Bihar, a sum of Rs.337.25 crore has been sanctioned till 28.11.2019 since the inception of the scheme, out of which Rs.281.65 crore has been sanctioned since 2014-15 (which is around 83% of the total release under the Scheme). During the current financial year 2019-20, a sum of Rs.77.62 crore has been sanctioned to the State of Bihar. Under this scheme, in the State of Bihar, 1485 court halls and 1094 residential units have been made available for Judicial Officers of District and Subordinate Courts as on 28.11.2019 against the working strength of 1152 Judicial Officers. In addition, 159 court halls and 280 residential units are under construction in Bihar.

Further, in order to strengthen the justice system, the National Mission for Justice Delivery and Legal Reforms, established by the Union Government in 2011, has adopted many strategic initiatives. Besides improving infrastructure [court halls and residential units] for Judicial Officers of District and Subordinate Courts, the initiatives include leveraging Information and Communication Technology (ICT) for better justice delivery through the eCourts Mission Mode Project, filling up of vacant positions of Judges in High Courts and Supreme Court, reduction in pendency through follow up by Arrears Committees at District, High Court and Supreme Court level, emphasis on Alternate Dispute Resolution (ADR) and initiatives to fast track special type of cases.

As per the Constitutional framework, the selection and appointment of judges in subordinate courts is the responsibility of High Court and State Government concerned. In September, 2016, Union Minister of Law & Justice wrote to the Chief Ministers of States and the Chief Justices of High Courts to enhance the cadre strength of the District and Subordinate Courts and provide physical infrastructure to the State judiciary. The same was reiterated in May, 2017. In August, 2018, in the context of increasing pendency of cases, the Union Minister of Law & Justice has written to all Chief Justices of High Courts to monitor the Status of the vacancies regularly and to ensure proper coordination with the state Public Service Commission to fill up vacant posts as per time schedule prescribed by the Hon'ble Supreme Court in the Malik Mazhar Sultan case. Sanctioned and working strength of Judicial Officers in all District and Subordinate Courts in country as well as in the States of Uttar Pradesh and Bihar, has increased as follows:

As on	All District and Subordinate Courts		District and Subordinate Courts in Uttar Pradesh		District and Subordinate Courts in Bihar	
	Sanctioned Strength	Working Strength	Sanctioned Strength	Working Strength	Sanctioned Strength	Working Strength
31.12.2013	19,518	15,115	1,922	1,738	1,494	878
28.11.2019	23,564	18,125	3,416	2,012	1,847	1,152

As regards law and order, Police and Public order are State subjects and prevention, detection, investigation of crime are primarily the responsibility of States.

(b): Under Section 12 of Legal Services Authorities Act, 1987 (39 of the Central Act), the following persons are entitled to free legal services:

- a) a member of a Scheduled Caste or Scheduled Tribes;
- b) a victim of trafficking in human beings or beggar as referred to in article 23 of the Constitution;
- c) a woman or a child;
- d) a person with disability as defined in clause (i) of section 2 of the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995;
- e) a person under circumstances of undeserved want such as being a victim of a mass disaster, ethnic violence, caste atrocity, flood, drought, earthquake or industrial disaster; or
- f) an industrial workman; or
- g) in custody, including custody in a protective home within the meaning of clause (g) of section 2 of the Immoral Traffic (Prevention) Act, 1956, or a in a Juvenile home within the meaning of clause (j) of section 2 of the Juvenile Justice Act, 1986 (53 of 1986), or in a psychiatric hospital or psychiatric nursing home within the meaning of clause (g) of section 2 of the Mental Health Act, 1987 (14 of 1987); or
- h) a person in receipt of annual income less than Rs.3,00,000/- (in some States Rs.1,00,000/- and Rs.1,50,000/-) if the case is before a court other than the Supreme Court, and less than Rs.5,00,000/-, if the case is before the Supreme Court.

As on 30.06.2019, about 1.82 crore persons have been benefited through Legal Services and Advice under the Legal Services Authorities Act, 1987 since inception of the National Legal Services Authority.

(c): As per India Justice Report, 2019 published by Tata Trusts, there are 28 million cases pending in Indian subordinate courts and 24% have been pending for more than 5 years. The Report, *inter-alia*, further states that in Bihar and Uttar Pradesh, at least one in every four cases has been pending for more than 5 years. In this regard, it is stated that disposal of cases in courts is within the domain of judiciary. Timely disposal of cases in courts depends on several factors which, *inter-alia*, include availability of adequate number of judges, supporting court staff and physical infrastructure, complexity of facts involved, nature of evidence, co-operation of stake holders viz. bar, investigation agencies, witnesses and litigants and proper application of rules and procedures.
