GOVERNMENT OF INDIA
LAW , JUSTICE AND COMPANY AFFAIRS
LOK SABHA

UNSTARRED QUESTION NO:6606
ANSWERED ON:09.05.2002
IMPLEMENTATION OF RECOMMENDATION OF FIRST JUDICIAL PAY COMMISSION
CHANDRESH PATEL KORDIA

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

(a) whether the Government have received a letter and memorandum for implementation of recommendation of first National Judicial Pay Commission of November 1999 from All India Judges Association (Regd.), Hyderabad;

(b) if so, the details of the said memorandum and recommendations;

(c) the action taken by the Government in this regard;

(d) whether all posts of judges in Gujarat and other High Courts of the country have not been filledup and some posts are still lying vacant;

(e) if so, by when these vacant post would be filled up;

(f) the number of cases pending in different High Courts and Supreme Court of the country for ten, five, two and one year;

(g) by when, these cases would be disposed; and

(h) the concrete action proposed to be taken by the Government for early disposal of these cases ?

Answer

THE MINISTER OF LAW, JUSTICE AND COMPANY AFFAIRS (SHRI ARUN JAITLEY)

(a) and (b) Yes, Sir. The Government have received the letter dated 7.6.2001 addressed to the Prime Ministerfrom the All India Judges` Association (Regd.), Hyderabad containing a memorandum for implementation ofthe recommendations of the First National Judicial Pay Commission (FNJPC). The memorandum urges the Government to implement forthwith all the recommendations. The recommendations of FNJPC,inter aiia,include uniform pay scales and other service conditions of Judicial Officers in all States and Union Territories.

(c) The Governmenthas implemented the recommendations of the First NationalJudicial Pay Commission inrespect of Union Territories vide implementation orders dated 11.10.2001 a n d 11.3.2002. However, the Supreme Court`s judgment of 21st March,2002, inter-alia, contains directions varying the decision taken by the Government,which are to be complied with both by the Central Government and the State Governments by 30th September, 2002.

(d) and (e) As on May 2, 2002, against the approved Judge strength of 647 (including 43 new posts) of the High Courts, there were 492 Judges in position leaving 155 posts vacant. After the Supreme Court`s Judgement ofOctober 6, 1993 in the Supreme Court Advocates-on-Record and Anr. Vs. Union of India, read with the Advisory Opinion of October 28, 1998, the entire process of initiation of proposal for appointment of a Judge of a HighCourt lies with the Chief Justice of that High Court. The Government has, however, been requesting the Chief Justices of the High Courts, Chief Ministers and the Governors of the States, from time to time, to initiate proposals for filling up of the present and anticipated vacancies. They were requested last on March 15, 2002 to make recommendations for filling up the vacancies expeditiously.

(f) A Statement is enclosed.

(g) No time frame can be fixed.

(h) The Government has endeavoured constantly to bring about improvements in the functioning of courts with a view to simplifying procedures and delivering cost effective and speedy justice.The Government has aiso beenconstantly reviewing the accumulation of arrears in courts. Besides increasing the Judge strength from time to time, the Government has also set up/encouraged alternative modes of disposal including conciliation, mediation and arbitration. Special tribunals like Central Administrative Tribunal, State Administrative Tribunals, Income Tax Apprellate Tribunals, Labour Courts, Consumer Courts, etc. have been set up to expedite disposal of cases. Information technology is being used in courts and for generation of cause lists, providing information to the litigants/Advocates etc. for speedy disposal of cases. Various steps have also been taken by the courts, viz. grouping of cases involving common questions of law, constitution of specialised benches and organising Lok Adalats at regular intervals, etc.