

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

LOK SABHA

**UNSTARRED QUESTION NO. 6
TO BE ANSWERED ON FRIDAY, THE 2ND FEBRUARY, 2024**

PENDING CASES IN COURTS

**6. SHRI L.S. TEJASVI SURYA:
SHRI COSME FRANCISCO CAITANO SARDINHA:
SHRI ASHOK KUMAR RAWAT:
SHRI M. BADRUDDIN AJMAL:**

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

- (a) whether any steps and mechanism have been taken/being taken to accelerate the disposal of cases pending in the courts of the country;**
- (b) if so, the details thereof and if not, the reasons therefor;**
- (c) whether there is any proposal to increase the number of courts and judges in the country to ensure the justice within time-bound period; and**
- (d) if so, the details thereof?**

ANSWER

**MINISTER OF STATE (INDEPENDENT CHARGE) OF THE MINISTRY OF
LAW AND JUSTICE; MINISTER OF STATE IN THE MINISTRY OF
PARLIAMENTARY AFFAIRS; AND MINISTER OF STATE IN THE MINISTRY
OF CULTURE**

(SHRI ARJUN RAM MEGHWAL)

(a) & (b): Disposal of cases in courts is within the exclusive domain of the judiciary and the Government has no direct role in disposal of cases.

The Central Government has unwavering commitment towards speedy disposal of cases and reducing pendency as mandated under Article 21 of the Constitution. To this end the Government has taken several initiatives to provide an ecosystem for faster disposal of cases by the judiciary:

- i.** The National Mission for Justice Delivery and Legal Reforms was set up in August, 2011 with the twin objectives of increasing access by reducing delays and arrears in the system and enhancing accountability through structural

changes and by setting performance standards and capacities. The Mission has been pursuing a co-ordinated approach for phased liquidation of arrears and pendency in judicial administration, which, inter-alia, involves better infrastructure for courts including computerization, increase in strength of subordinate judiciary, policy and legislative measures in the areas prone to excessive litigation, re-engineering of court procedure for quick disposal of cases and emphasis on human resource development.

- ii.** Under the Centrally Sponsored Scheme for Judicial Infrastructure, funds are being released to States/UTs for construction of court halls, residential quarters for judicial officers, lawyers' halls, toilet complexes and digital computer rooms that would ease the life of lawyers and litigants, thereby aiding justice delivery. As on date, Rs. 10567.00crores have been released since the inception of the Centrally Sponsored Scheme (CSS) for Development of Infrastructure Facilities for the Judiciary in 1993-94. The number of court halls has increased from 15,818 as on 30.06.2014 to 21,524 as on 31.12.2023, and number of residential units has increased from 10,211 as on 30.06.2014 to 18,951 as on 31.12.2023, under this scheme.
- iii.** Further under the Phase I & II of the e-Courts Mission Mode Project, information and communication technology (ICT) had been leveraged for IT enablement of district and subordinate courts. As a result, the number of computerised district & subordinate courts have increased to 18,735 so far. WAN connectivity has been provided to 99.4% of court complexes. Video conferencing facility has been enabled between 3,240 court complexes and 1,272 corresponding jails. 875 e-SewaKendras have been set up at court complexes to facilitate lawyers and litigants needing assistance ranging from case status, getting judgments/orders, court/case-related information, and e-filing facilities. 25 virtual courts have been set up in 20 States/UTs. As on 31.12.2023, these courts have handled more than 4.24 crore cases and realized more than Rs. 492.79 crores in fines.

The Cabinet on 13.09.2023 has approved eCourts Phase-III with a budgetary outlay of Rs.7,210 crore. Taking the gains of Phase-I and Phase-II to the next level, the e-Courts Phase-III aims to usher in a regime of maximum ease of justice by moving towards digital, online and paperless courts. It intends to incorporate latest technology such as Artificial Intelligence (AI), Block chain etc to make justice delivery more robust, easy and accessible to all the stakeholders.

- iv.** Government has been regularly filling up the vacancies in higher judiciary. From 01.05.2014 to 11.01.2024, 61 Judges were appointed in Supreme Court. 965 new Judges were appointed and 695 Additional Judges were made permanent in the High Courts. The sanctioned strength of Judges of High Courts has been increased from 906 in May, 2014 to 1114 currently. sanctioned and working strength of judicial officers in district and subordinate courts has increased as follow:

As on	Sanctioned Strength	Working Strength
31.12.2013	19,518	15,115
31.12.2023	25,348	20,018

However, filling up of vacancies in Subordinate judiciary falls within the domain of the State Governments and High Courts concerned.

- v.** In pursuance of a Resolution passed in Chief Justices' Conference held in April, 2015, Arrears Committees have been set up in all 25 High Courts to clear cases pending for more than five years. Arrears Committees have been set up under District courts as well.
- vi.** Under the aegis of the Fourteenth Finance Commission, the government has established Fast Track Courts for dealing with cases of heinous crimes, cases involving senior citizens, women, children etc. As of 30.11.2023, 847 Fast Track Courts are functional for heinous crimes, crimes against women, and children etc. To fast-track criminal cases involving elected MPs / MLAs, ten (10) Special Courts are functional in nine (9) States/UTs. Further, the central

government has approved a scheme for setting up Fast Track Special Courts (FTSCs) across the country for the expeditious disposal of pending cases of Rape under IPC and crimes under POCSO Act. As of 30.11.2023, a total of 758 FTSCs including 411 exclusive POCSO (ePOCSO) Courts are functional in 30 States/UTs across the country which have disposed of more than 2,08,000 cases. FTSCs Scheme has been further extended for 3 more years i.e. from FY 2023-24 to FY 2025-26.

- vii.** With a view to reduce pendency and unclogging of the courts, the Government has recently amended various laws like the Negotiable Instruments (Amendment) Act, 2018, the Commercial Courts (Amendment) Act, 2018, the Specific Relief (Amendment) Act, 2018, the Arbitration and Conciliation (Amendment) Act, 2019 and the Criminal Laws (Amendment) Act, 2018.
- viii.** Alternate Dispute Resolution methods have been promoted whole heartedly. Accordingly, the Commercial Courts Act, 2015 was amended in August, 2018 making Pre-institution Mediation and Settlement (PIMS) mandatory in case of commercial disputes. Amendment to the Arbitration and Conciliation Act, 1996 has been made by the Arbitration and Conciliation (Amendment) Act 2015 for expediting the speedy resolution of disputes by prescribing timelines.

Under the Commercial Courts Act, 2015, there is provision for case management hearing which provides for an efficient, effective and purposeful judicial management of a case so as to achieve a timely and qualitative resolution of a dispute. It assists in early identification of disputed issues of fact and law, establishment of procedural calendar for the life of the case and the exploration of possibilities of the resolution of the dispute.

Another novel feature introduced for the commercial courts is the system of color banding which limits the number of adjournments that can be granted

in any commercial matter to three and alerts the judges about listing of the cases in accordance with their stage of pendency.

- ix. The recently enacted Mediation Act, 2023 lays down that mediation can be conducted in civil and commercial matters in terms of the provisions of the Mediation Act, 2023 barring such matters explicitly listed in the First Schedule of the Act which are not fit for mediation and in which mediation cannot be conducted. It can be seen from the exempted list in the first schedule that only major offences have been excluded, thus leaving majority of the petty offences under the ambit of Mediation Act, 2023.
- x. Lok Adalats are being given impetus as an Alternative Disputes Resolution Mechanism available to common people. It is a forum where the disputes/cases pending in the court of law or at pre-litigation stage are settled/compromised amicably. There are three types of Lok Adalats: National Lok Adalats, State Lok Adalats and Permanent Lok Adalats. Mobile Lok Adalats are also organized in various parts of the country, which travel from one location to another to resolve disputes in order to facilitate the resolution of disputes through a mediated mechanism. Since June, 2020, online Lok Adalat/e-Lok Adalats have been organised virtually that facilitates party interaction and exchange of information, allowing people to effectively participate from their homes with the help of internet technology.

The details of the case disposed of in National Lok Adalats during the last three years are as under:-

Years	Pre-litigation Cases	Pending Cases	Grand Total
2021	72,06,294	55,81,743	1,27,88,037
2022	3,10,15,215	1,09,10,795	4,19,26,010
2023	7,10,32,980	1,43,09,237	8,53,42,217
Total	10,92,54,489	3,08,01,775	14,00,56,264

- xi. The Government launched the Tele-Law programme in 2017, which provides an effective and reliable e-interface platform connecting the needy and

disadvantaged sections seeking legal advice and consultation with panel lawyers via video conferencing, telephone and chat facilities available at the Common Service Centres (CSCs) situated in Gram Panchayat and through Tele-Law mobile App. As against 65,74,265 cases registered till 31.12.2023, there were 64,80,269 advices enabled through Tele-Law.

- xii.** Efforts have been made to institutionalize pro bono culture and pro bono lawyering the country. A technological framework has been put in place where advocates volunteering to give their time and services for pro bono work can register as Pro Bono Advocates on Nyaya Bandhu (Android & iOS and Apps). Pro Bono Panel of advocates have been initiated in 22 High Courts at the State level. Pro Bono Clubs have been started in 89 select Law Schools to instil Pro Bono culture in budding lawyers.

(c) & (d): Appointment of the Judges to the Constitutional Courts such as High Courts is a continuous, integrated and collaborative process between the Executive and the Judiciary. The appointment of Judges of the High Courts is made under Articles 217 and 224 of the Constitution of India. It requires consultation and approval from various constitutional authorities both at State and Central level. The Government on its part, undertakes every effort to fill up the existing vacancies expeditiously in the High Courts but the vacancies of Judges do keep on arising on account of retirement, resignation or elevation of Judges and also due to increase in the strength of Judges.

During the Joint Conference of Chief Justices and Chief Ministers held on 07.04.2013, a decision was taken to increase the number of Judges of the High Courts by 25%. Accordingly, during the period from 01.07.2014 to 29.01.2024 with the approval of the respective State Governments, concerned High Courts and the Chief Justice of India, Government has increased the Judge strength of the High Courts from 906 to 1114 i.e. by 208 posts.

At present there is no complete proposal pending with the Government to increase the strength of Judges in High Court(s). No proposal for increase in

strength of Judges of the Supreme Court is pending with the Government.

High Court Benches are established in accordance with the recommendations made by the Jaswant Singh Commission and judgment pronounced by the Apex Court in W.P.(C) No.379 of 2000 and after due consideration of a complete proposal from the State Government which has to provide necessary expenditure and infrastructural facilities and the Chief Justice of the concerned High Court who is required to look after the day today administration of the High Court. The proposal to be complete should also have the consent of the Governor of the concerned State.

At present there is no complete proposal pending with the Government for setting up of Bench(es) in any High Court.

The establishment of new courts in the districts and the filling up of vacant posts of judicial officers in the District and Subordinate Courts is the responsibility of the High Courts and State Governments concerned. The constitutional provisions for selection and appointment of judicial officers in district and subordinate judiciary as provided under Article 309 read with Articles 233 and 234 of the Constitution, entrusts the responsibility to the respective state governments in consultation with their High Courts to frame the rules and regulations regarding the issues of recruitment of judicial officers in the respective state judicial service. In some States, the respective High Courts undertake the recruitment process, whereas in other States, the High Courts do it in consultation with the State Public Service Commissions. The Hon'ble Supreme Court vide judicial order passed in January 2007 in the Malik Mazhar Sultan case, has stipulated certain timelines which are to be followed by the states and the respective High Courts for initiating the recruitment process of judges in subordinate courts. As such the Central Government does not have any role in the matter.
