

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

**RAJYA SABHA
STARRED QUESTION NO. 91
ANSWERED ON 15/12/2022**

Working days of the courts

***91. Shri Rajeev Shukla:**

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

- (a) the details of the average number of days for which High Courts and the Supreme Court were functional during the last three years;
- (b) whether it is a fact that the Supreme Court functions less than 200 days on an average in a year;
- (c) the details of total pending cases in High Courts and the Supreme Court; and
- (d) whether fixing a minimum number of compulsory working days for courts will be useful to reduce the burden of pending cases?

ANSWER

**MINISTER OF LAW AND JUSTICE
(SHRI KIREN RIJJU)**

(a) to (d): A statement is laid on the Table of the House.

STATEMENT REFERRED TO IN REPLY TO PART (A) to (D) OF RAJYA SABHA STARRED QUESTION NO. 91 FOR REPLY ON 15.12.2022 REGARDING 'WORKING DAYS OF THE COURTS ASKED BY SHRI RAJEEV SHUKLA '.

(a) & (b): The number of working days and vacations of the courts are prescribed as per rules framed by the respective courts. The Supreme Court of India, in exercise of the powers conferred on it under Article 145 of the Constitution of India, makes rules for regulating the Court's practice and procedures which includes its sittings and vacations, etc. Accordingly, the Supreme Court has framed the 'Supreme Court Rules, 2013' which was notified on 27.05.2014. Order II of Part I of the Supreme Court Rules, 2013 provide for sittings of the Supreme Court, length of summer vacation and the number of holidays of the Court and also the Benches of the Hon'ble Judges during summer vacation and winter holidays. The Supreme Court Rules, 2013, *inter-alia*, provided that the period of summer vacation shall not exceed seven weeks and the length of the summer vacation and the number of holidays for the court and the offices of the court shall be such as may be fixed by the Chief Justice and notified in the official Gazette so as not to exceed one hundred and three days, excluding Sundays not falling in the vacation and during court holidays. As per the information provided by the Supreme Court of India, during the last three years, the average number of court working days of Supreme Court was 224 (2019), 217 (2020) and 202 (2021).

Similarly, the High Courts in exercise of the powers conferred on it under Article 225 of the Constitution of India frames rules for regulating its practice & procedures including its sittings and vacations. According to the available information, all High Courts in the country normally have on an average 210 working days in a year.

(c): According to information obtained from the website of Supreme Court of India, as on 01.12.2022, the number of cases pending were 69,598. The number of cases pending as on 01.12.2022 in the High Courts were 59,56,251.

(d): The Central Government has no role in fixing the minimum number of compulsory working days for courts. However, the Government is fully committed to the independence of judiciary and constantly endeavours to provide a conducive environment for judges to discharge their judicial functions smoothly.

Disposal of pending cases in courts is within the domain of the judiciary. No time frame has been prescribed for disposal of various kinds of cases by the respective courts. Government has no direct role in disposal of cases in courts. Timely disposal of cases in courts depends on several factors which, *inter-alia*, include availability of adequate number of judges and judicial officers, 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. There are several factors which may lead to delay in disposal of cases. These, *inter-alia*, include vacancies of judges, frequent adjournments and lack of adequate arrangement to monitor, track and bunch cases for hearing. The Central Government is fully committed to speedy disposal of cases in accordance with Article 21 of the Constitution and reducing pendency. The Government has taken several initiatives to provide an ecosystem for faster disposal of cases by the judiciary.

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.

The major steps taken during the last eight years under various initiatives are as follows:

(i) **Improving infrastructure for Judicial Officers of District and Subordinate Courts:** A Centrally Sponsored Scheme (CSS) for Development of Infrastructure Facilities for the Judiciary has been in operation since 1993-94. Under the Scheme, so far, Rs. 9291.79 has been released. The Centrally Sponsored Scheme (CSS) for Development of Infrastructure for Judiciary has been extended till 2025-26 at a total cost of Rs. 9,000 crores, out of which the central share will be Rs. 5,307 crores. The scheme covers construction of court halls, residential unit, lawyers halls, toilet complexes and digital computer rooms. There are 21,159 court halls and 18,557 residential units made available under the scheme so far.

(ii) **Leveraging Information and Communication Technology (ICT) for improved justice delivery:** Under the e-Courts Mission Mode Project under implementation throughout the country, information and communication technology outreach has been extended to the district and subordinate courts with WAN connectivity having been provided to 99.3% of court complexes. Apart from this, a new and user-friendly version of Case Information Software has been developed and deployed at all the computerized district and subordinate courts. All stakeholders, including judicial officers, now have access to plethora of information w.r.t judicial proceedings/decisions on the National Judicial Data Grid (NJDG). A series of IT enabled services such as eCourts web portal, Judicial Service Centres (JSC), eCourt Mobile App, SMS push and pull services have facilitated easy access to all sorts of information such as case registration, cause list, case status, daily orders & final judgments to the litigants and advocates.

Video conferencing facility has been enabled between 3,240 court complexes and 1,272 corresponding jails. Virtual hearings have been effectively adopted during COVID-19 pandemic and as of now 21 virtual courts have been set up in 17 States/UTs as on 03.03.2022, these courts have handled more than 1.69 crore cases.

(iii) **Filling up of vacant positions in Supreme Court, High Courts and District and Subordinate Courts:** From 01.05.2014 to 05.12.2022, 46 Judges were appointed in Supreme Court. 853 new judges were appointed and 621 additional judges were made permanent in the High Courts. Sanctioned strength of Judges of High Courts has been increased from 906 in May, 2014 to 1108 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
12.12.2022	25,011	19,192

However, filling up of vacancies in subordinate judiciary falls within the domain of the State Governments and high courts concerned.

(iv) **Emphasis on Alternate Dispute Resolution (ADR)**: The Commercial Courts Act, 2015 (as amended on 20th August, 2018) stipulates mandatory Pre-institution Mediation and Settlement (PIMS) of commercial disputes. The Arbitration and Conciliation (Amendment) Act, 2015 aims at expediting the speedy resolution of disputes by prescribing timelines.

(v) **Initiatives to Fast Track Special Type of Cases**: The Fourteenth Finance Commission endorsed the proposal of the Government to strengthen the judicial system in states which included, inter-alia, establishing Fast Track Courts for cases of heinous crimes; cases involving senior citizens, women, children etc., and urged the State Governments to use the additional fiscal space provided in the form of enhanced tax devolution from 32% to 42% to meet such requirements. As on 31.10.2022, 838 Fast Track Courts are functional for heinous crimes, crimes against women, and children etc. Further, the central government has approved a scheme for setting up 1023 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 on date, 28 States/UTs have joined the scheme.

(vi) In addition, 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.
