

GOVERNMENT OF INDIA  
MINISTRY OF LAW & JUSTICE  
DEPARTMENT OF JUSTICE  
**RAJYA SABHA**  
**UNSTARRED QUESTION NO.2516**  
ANSWERED ON 10/08/2023

**JUDICIAL REFORMS TO REDUCE PENDENCY OF CASES**

**2516. SHRI RAJEEV SHUKLA:**

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

- (a) whether Government is looking to provide way for judicial reforms in order to reduce pendency of cases and enhance dispensation of justice in the country;**
- (b) if so, the details of the reforms to be undertaken;**
- (c) if not, the reasons therefor;**
- (d) whether such reforms include the reintroduction of the National Judicial Appointments Commission, if so, the details thereof and if not, the reasons therefor; and**
- (e) the proposed measures to be taken in this respect?**

**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) to (c):** The disposal of pending cases in courts is within the domain of the judiciary and the Government has no direct role in disposal of cases in courts. However, the 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 and reduce pendency.

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.

Some of the initiatives taken by Department of Justice to aid the cause of justice delivery are as under:-

- i.** 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. 10035 crores 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 21,365 as on 30.06.2023, and number of residential units has increased from 10,211 as on 30.06.2014 to 18,846 as on 30.06.2023, under this scheme.
- ii.** Further under the e-Courts Mission Mode Project, information and communication technology (ICT) has been leveraged for IT enablement of district and subordinate courts. The number of computerised district & subordinate courts

has 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. 815 e-Sewa Kendras 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. 22 virtual courts have been set up in 18 States/UTs. As on 31.05.2023, these courts have handled more than 3.113 crore cases and realized more than Rs. 408 crores in fines. E-courts Phase III is about to begin which intends to incorporate latest technology such Artificial Intelligence(AI) and Block chain to make justice delivery more robust, easy and accessible to all the stakeholders.

- iii.** Government has been regularly filling up the vacancies in higher judiciary. From 01.05.2014 to 10.07.2023, 56 Judges were appointed in Supreme Court. 919 new Judges were appointed and 653 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 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
07.08.2023	25,254	19,846

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

- iv.** 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.

- v.** 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 on 31.05.2023, 832 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 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.** 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.
- vii.** Alternate Dispute Resolution methods have been promoted whole heartedly. Accordingly, the Commercial Courts Act, 2015 was amended on 20th 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.
- viii.** Lok Adalat is an important 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. Under the Legal Services Authorities (LSA) Act, 1987, an award made by a Lok Adalat is deemed to be a decree of a civil court and is final and binding on all parties and no appeal lies against thereto before any court. . Lok Adalat is not a permanent establishment. National Lok Adalats are organized simultaneously in all Taluks,

Districts and High Courts on a pre-fixed date. The details of the case disposed off in 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 (upto 17.06.2023)	3,00,11,291	61,88,686	3,61,99,977
Total	6,82,32,800	2,26,81,224	9,09,14,024

- ix. The Government launched the Tele-Law programme in 2017, which provided 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.

\*Percentage Wise break-up of Tele – Law Data

Till 28th Feb, 2023	Cases Registered	% Wise Break Up	Advice Enabled	% Wise Break Up
Gender Wise				
Female	15,75,140	34.38	15,35,775	34.39
Male	30,06,772	65.62	29,30,601	65.61
Caste Category Wise				
General	9,82,636	21.45	9,52,773	21.33
OBC	13,28,505	28.99	12,93,153	28.95
SC	14,88,971	32.50	14,53,283	32.54
ST	7,81,800	17.065	7,67,167	17.18
Total	45,81,912		44,66,376	

- x. 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). Nyaya Bandhu Services also available on UMANG Platform. Pro Bono Panel of

advocates have been initiated in 21 High Courts at the State level. Pro Bono Clubs have been started in 69 select Laws Schools to instill Pro Bono culture in budding lawyers.

**(d) & (e):** In order to replace the Collegium system of appointments of Judges of the Supreme Court and High Courts with a more broad-based, transparent, accountable appointment mechanism and to bring greater objectivity in the system, the Government brought into operation the Constitution (Ninety-Ninth Amendment) Act, 2014 and the National Judicial Appointments Commission Act, 2014 w.e.f. 13.04.2015. However, both the Acts were challenged in the Supreme Court. The Supreme Court vide Judgment dated 16.10.2015 declared both the Acts as unconstitutional and void. The Collegium system as existing prior to the enforcement of the Constitution (Ninety-Ninth Amendment) Act, 2014 was declared to be operative.

Hon'ble Supreme Court while hearing WP(C) 13 of 2015 in NJAC matter issued detailed Order on 16-12-2015 on supplementing the Memorandum of Procedure (MoP) and laid down that Government of India may finalize the Memorandum of Procedure by supplementing it in consultation with the Chief Justice of India. The Chief Justice of India will take a decision based on the unanimous view of the Collegium comprising of four senior most puisne Judges of the Supreme Court. The order stated that they shall take the following factors into consideration such as eligibility criterion, transparency in the appointment process, secretariat, complaint mechanism and miscellaneous matter considered appropriate for ensuring transparency and accountability including interaction with the recommendees the Collegium of the Supreme Court without sacrificing the confidentiality of appointment.

In pursuance of the above orders, the Government of India, after due diligence sent the MoP to Hon'ble Chief Justice of India on 22.3.2016, the response of the Supreme Court Collegium on the revised draft MoP was received on 25.05.2016 and 01.07.2016. The view of the Government in response to the views of the SCC was conveyed to the

CJI on 03.08.2016. The view of the Government in response to the views of the SCC was conveyed to the CJI on 03.08.2016. Comments of SCC on the views of Government on the draft MoP received on 13.03.2017.

Subsequently, the Supreme Court in judgment dated 4.7.2017 in Suo-Motu Contempt proceedings against a Judge of Calcutta High Court brought out the system's failure of not providing an appropriate procedure for making assessment of the personality of the contemnor at the time of recommending his name for elevation inter-alia highlighted the need to revisit the process of selection and appointment of Judges to the Constitutional Courts. The view of the Government on the relevant points was conveyed to Supreme Court of India vide letter dated 11.07.2017. Following another Order of the Supreme Court dated 20.04.2021 in WP(C) No. 1236 of 2019, the Government again approached Supreme Court vide letter dated 18.8.2021 suggesting draft for supplementing para 24 of the MoP. In its recent communication dated 06.01.2023 to Supreme Court of India, the Government has emphasized on the need to finalize the MoP in view of various judicial pronouncements.

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