

GOVERNMENT OF INDIA
MINISTRY OF LAW & JUSTICE
DEPARTMENT OF JUSTICE
RAJYA SABHA
UNSTARRED QUESTION NO.1384
ANSWERED ON 14/12/2023

INORDINATELY LONG-TERM CASES PENDING BEFORE THE COURTS

1384. SHRI RAM NATH THAKUR:

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

- (a) the number of cases pending for more than 25 years in the lower courts of the country;
- (b) whether any study has been conducted regarding the impact of cases inordinately pending for justice so as to assess the financial hardship that the common man has to undergo for getting justice; and
- (c) the reasons behind inordinately long-term pending cases?

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): As per information available on National Judicial Data Grid (NJDG), as on 06.12.2023, there are 2,32,047 cases pending in the lower courts of the country for more than 25 years. However, the disposal of pending cases is within the exclusive domain of the judiciary and the Central Government has no direct role in the said matter.

(b)& (c): No Sir, no such study has been conducted by the Ministry of Law & Justice regarding impact of pending cases on the common man. There could be multifarious reasons involving several stakeholders for pendency of cases in courts which, inter-alia, include complexity of facts involved, nature of evidence, co-operation of stake holders viz. bar, investigation agencies, witnesses and litigants, proper application of rules and procedures and non-availability of sufficient physical infrastructure and adequate supporting court staff. Other factors that lead to delay in disposal of cases include lack of prescribed timeframe by respective courts for disposal of various kinds of cases, frequent adjournments and lack of adequate arrangement to monitor, track and bunch cases for hearing. Moreover, in case of

pendency of criminal cases, the Criminal Justice System functions on assistance by various agencies viz. police, prosecution, forensic labs, handwriting experts and medico-legal experts. Delay in providing assistance by allied agencies also entails delay in disposal of cases.

While expeditious disposal of cases is within the exclusive domain of the judiciary and the government has no direct role in the matter, several steps have been taken over the past few years to facilitate faster disposal of cases, the details of which are as under:-

- 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.
- iii. Under the e-Courts Mission Mode Project, information and communication technology (ICT) has been leveraged for IT enablement of district and subordinate courts. 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. Regular filling up of vacancies in higher judiciary has been of utmost importance for this Government. As a result of which, Supreme Court of India today is functioning with full strength of 34 judges. Further, sanctioned strength of Judges of High Courts has been increased from 906 in May, 2014 to 1114 currently.
- 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. 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 31.10.2023, a total of 758 FTSCs including 412 exclusive POCSO (ePOCSO) Courts are functional in 30 States/UTs across the country. 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. To this end, recently the Government has enacted the Mediation Act, 2023 which 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 in which only major offences have been excluded, leaving majority of the petty offences under the ambit of Mediation Act, 2023.
- ix. 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.
- x. Under the Tele-Law programme launched in 2017, an effective and reliable e-interface platform is provided 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.
- xi. Apart from this, efforts have been made to institutionalize pro bono culture and pro bono lawyering the country.
