

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

LOK SABHA

STARRED QUESTION NO. *521.

TO BE ANSWERED ON WEDNESDAY, 04TH APRIL, 2018.

Slow / Under-Staffed Justice System

***521. SHRI J. J. T. NATTERJEE:**

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

- (a) whether India's justice system is erratic, slow and under-staffed implying thereby that cases have taken so long to be heard and justice has long been denied to many people;**
- (b) if so, the details thereof;**
- (c) whether currently the time taken to register a case and going to lower courts and deciding cases in the High Court or Supreme Court takes several years and if so, the details thereof;**
- (d) the details of the proposals before the Government to tackle the crisis; and**
- (e) the number of cases pending before lower Courts, High Courts and the Supreme Court?**

ANSWER

**MINISTER OF LAW AND JUSTICE AND ELECTRONICS AND INFORMATION TECHNOLOGY
(SHRI RAVI SHANKAR PRASAD)**

(a) to (e): A Statement is laid on the Table of the House.

STATEMENT REFERRED TO IN REPLY TO PARTS (a) TO (e) of LOK SABHA STARRED QUESTION NO. *521 FOR ANSWER ON 04TH APRIL, 2018.

(a) and (b) : Disposal of cases pending in courts is within the domain of judiciary. The actual time taken for disposal of a case depends on several factors *such as* category of the case (civil or criminal), complexity of the facts involved, nature of evidence, co-operation of stake-holders *viz.* bar, investigation agencies, witnesses and litigants besides the availability of physical infrastructure, supporting court staff and applicable rules of procedure. A number of expert committees including Law Commission of India have gone into reasons for delayed disposal and, consequent, pendency of cases. Based on the recommendations made, Government has carried out amendments to Code of Civil Procedure (C. P. C.) and Criminal Procedure Code (Cr. P. C.) for expediting the disposal of cases and, consequent, reduction in pendency in courts.

Filling up of vacancies in the Supreme Court and the High Courts is a continuous and collaborative process, between the Executive and the Judiciary. It requires consultation and approval from various Constitutional Authorities. Initiation of proposal for appointment of Judges in the Supreme Court vests with the Chief Justice of India, while initiation of proposals for appointment of Judges in the High Courts vests with the Chief Justice of the concerned High Court. While every effort is made to fill up the existing vacancies expeditiously, vacancies in High Courts do keep on arising on account of retirement, resignation or elevation of Judges and also the increase in the strength of Judges.

As per the Constitutional framework, the selection and appointment of judges in subordinate courts is the responsibility of the High Courts and State Governments concerned. In so far as recruitment of judicial officers in the States is concerned, respective High Courts do it in certain States, whereas the High Courts do it in consultation with the State Public Service Commissions in other States.

The details of number of Judges appointed in the last three years in Supreme Court and High Courts are given in the Statement at ***Annexure – I*** and the details of sanctioned / working strength and vacancy position of Judicial Officers in District and Subordinate Courts during last three years are given in the Statement at ***Annexure – II***.

(c): In the Supreme Court of India and all High Courts fresh cases are filed only before the computerized Filing Counters. The Data Entry Operator enters preliminary details required for registration such as party names, advocate details, etc. Operator at the query counter attends to the queries of the litigants on the spot. The defects, if any, are listed out and handed over to the litigants/advocates for rectification. Time limitation is also checked by the system automatically. The amount collected towards court fee is automatically calculated thus saving the court official's time. Hence, the filing process is orderly and saves time and efforts of advocates and court officials.

(d): The Central Government is fully committed to assisting the judiciary to enable speedy disposal of cases. It has undertaken many steps towards achieving this objective. A series of measures has been undertaken to enable the expeditious disposal of civil cases. These include relevant amendments to the Civil Procedure Code to impose limit on the number of adjournments that may be

granted to each party to three times and imposition of costs for adjournments; allowing service of summons using email, fax, speed post, courier services or directly through the plaintiff; providing for dismissal of suit where summons are not served in consequence of plaintiff's failure to pay costs; and limiting the time limit for filing of written statement by the defendant.

The Central and State Governments have adopted a co-ordinated approach to assist judiciary for phased liquidation of arrears and pendency in judicial systems, which, *inter-alia*, involves better infrastructure for courts including computerisation, increase in strength of judicial officers / judges, policy and legislative measures in the areas prone to excessive litigation and emphasis on training and human resource development.

In addition, following steps have also been taken by the Government leading to faster disposal of cases and reduction in pendency.

- (i) The sanctioned strength of Judges of High Courts has been increased from 906 judges in June 2014 to 1079 judges as on date.
- (ii) The sanctioned strength of the subordinate judiciary has been increased from 20,174 at the end of 2014 to 22,474 in December, 2017.
- (iii) The filling of vacancies of Judges / Judicial officers in Districts and Subordinate Courts is within the domain of the State Governments and the High Courts concerned. However, the Union Government takes up the matter with the High Courts and the State Governments from time to time to fill up the vacancies of Judges / Judicial Officers of District and Subordinate Courts.
- (iv) The Union Government has been administering the Centrally Sponsored Scheme for Development of Infrastructure Facilities for Judiciary in association with State / UT Governments in order to augment the resources of State Governments in this regard in association with the States / UT Governments. As on date, Rs. 6,100 crore has been released since the inception of the Scheme in 1993-94. Out of this, Rs. 2,655 crore (43.52% of the total amount released till date) has been released to the States and UTs since April, 2014. 18,108 court halls and 14,963 residential accommodations have been made available for Judicial Officers of District and Subordinate Courts under this scheme as on date. In addition, 3,161 court halls and 1,787 residential units are under construction. The Central Government has approved continuation of the Centrally Sponsored Scheme (CSS) for Development of Infrastructure Facilities for Judiciary beyond the 12th Five Year Plan period *i.e.* from 01.04.2017 to 31.03.2020 with an estimated additional outlay of Rs.3,320 crore.
- (v) In May 2015, a communication was sent to the Chief Justices of High Courts requesting them to apprise the action being taken to make the recruitment process more broad based to fill up the existing vacancies of judicial officers / judges at all levels in the District and Subordinate Courts to enable the Government to take a view on the need for formation of All India Judicial Service. Most of the High Courts have indicated that the recruitment process which is in their domain for vacancies in subordinate judiciary at all levels has been expedited in terms of the resolution passed in the Conference of Chief Justices held in New Delhi in April 2015. The

selections for the various posts in subordinate judiciary are being conducted by State Governments / High Courts in consonance with the directions of the Hon'ble Supreme Court in Malik Mazhar Sultan case Vs UP Public Service Commission.

- (vi) The State Governments have notified the State Litigation Policies so as to reduce Government Litigations.
- (vii) Alternative Dispute Resolution (ADR) mechanism, which is a key strategy for reducing delays and pendency in courts, is being used.
- (viii) National Legal Services Authority (NALSA) provides access to justice for the marginalised and poor people, under the overall supervision of the Chief Justice of India as its Patron-in Chief. A total number of 140.64 lakh pending cases have been settled by National Lok Adalats during the last three calendar years *i.e.* 2015, 2016 and 2017. In addition, Regular Lok Adalats have settled 83.60 lakh pending cases during the last three years *i.e.* 2015-16, 2016-17 and 2017-18 (upto December, 2017).
- (ix) 1824 obsolete laws have been repealed.
- (x) The Government has launched a nation-wide drive to reduce the number of cases pending in courts by curtailing the government litigation. The Department of Justice has written to all Ministers of Central Ministries and State Governments launching 'special arrears clearance drives' to reduce pending cases and minimize fresh litigations.
- (xi) Based on the proposals received from the High Court Collegium, during the year 2016, 126 fresh appointment of Judges in High Courts and 131 Additional Judges were made permanent, which is the highest number of appointments made in a given year. In addition, the tenure of 22 Additional Judges of High Courts was also extended. During the year (2017), 115 Judges have been appointed in the High Courts and 31 Additional Judges have been made Permanent. Besides, 08 Chief Justices have been appointed in the High Courts. During the current year (2018), 04 Chief Justices, and 11 Judges have been appointed in High Courts, and 66 Additional Judges have been made permanent.
- (xii) The 14th Finance Commission has endorsed the proposal to strengthen the judicial system in States which includes, *inter-alia*, establishing 1800 FTCs for a period of five years for cases of heinous crimes; cases involving senior citizens, women, children, disabled and litigants affected with HIV AIDS and other terminal ailments; and civil disputes involving land acquisition and property / rent disputes pending for more than five years at a cost of Rs. 4144 crore. The 14th Finance Commission has urged State Governments to use the additional fiscal space provided by the Commission in the tax devolution to meet such requirements. The Hon'ble Prime Minister had written to all Chief Ministers on 23rd April, 2015 followed by reminders from the Hon'ble Minister of Law & Justice to make available the fund recommended by the 14th Finance Commission to judiciary from the additional fiscal space available under the 14th Finance Commission.
- (xiii) As per the resolution adopted in the Joint Conference held in New Delhi on 24th April, 2016, The Government *vide* its letter dated 26th September, 2016 requested the State Governments to strengthen the institutional mechanism between the State and the Judiciary where the Chief

Secretary and his team and 2 or 3 Judges of the High Court to regularly meet and monitor utilisation of plan funds and timely completion of judicial infrastructure and eCourts Mission Mode project in the jurisdiction of the High Court. The States have also been requested to assist Judiciary in preparing perspective / annual plan for various activities to be undertaken in the justice sector on account of enhanced devolution of funds to the States under the 14th Finance Commission. In addition, the States were requested to provide technical manpower for ICT upgradation.

- (xiv) The Ministry of Law & Justice vide letter dated 3 Feb 2017, addressed the Chief Justices of the 24 High Courts, raising concerns regarding the increased number of undertrials in jails across the country. The Government, in underscoring the importance of fair trial for every accused, requested the High Court to advise the district judiciary to ensure effective implementation of Section 436A Code of Criminal Procedure and ensure periodic monitoring of the associated Undertrial Review Committee mechanism. So far, two High Courts – Punjab and Haryana High Court and Madhya Pradesh High Court – have responded to this letter who have assured action on this front.
- (xv) As per the direction of the Hon'ble Supreme Court in its Order dated 02.01.2017 in the matter of Imtiyaz Ahmed Case, the Department of Justice has forwarded a copy of interim report of the NCMS (National Court Management System) Committee to all State Governments and High Courts to enable them to take follow up action to determine the required Judges Strength of district judiciary based on the NCMS report.
- (xvi) Commercial Courts, Commercial Division and Commercial Appellate Division of High Court Act, 2015 has been notified on 1st January, 2016 to have a streamlined procedure for the conduct of cases in the Commercial Division and in the Commercial Court by amending the Code of Civil Procedure, 1908 (CPC) for commercial cases so as to improve the efficiency and reduce delays in disposal of commercial cases.
- (xvii) Necessary amendments have been made to Arbitration and Conciliation Act, 1996 to make the award within 12 months, to resolve the dispute through fast track procedure, to ensure Neutrality of arbitrators, and to restrict the term 'Public Policy of India' (as a ground for challenging the award)
- (xviii) The Negotiable Instruments (Amendment) Act 2015 has been notified to clarify the jurisdiction where dishonour of cheque cases may be filed and provide for transfer of cases to the appropriate jurisdiction and consolidation of multiple cases filed in different courts.

(e) Data on pendency of cases in the Supreme Court and High Courts is maintained by the Supreme Court and High Courts respectively. As per information made available by the Supreme Court of India, the total number of pending cases in the Supreme Court is 55,892. As per information on the web-portal of National Judicial Data Grid (NJDG), the details of cases pending before various High Courts are given in the Statement at **Annexure – III**. The details of cases pending before the District and Subordinate, courts State-wise / UT-wise (excluding State / UTs of Arunachal Pradesh, Nagaland, Lakshadweep and Puducherry) are given in the Statement at **Annexure – IV**.

Statement referred to Lok Sabha Starred Question No. *521 dated 04th April, 2018.

Number of Judges appointed in Supreme Court and High Courts during last three years

Court (Supreme Court / High Courts) and type of appointment of Judges	Year of appointment		
	2016	2017	2018
Judges appointed in the Supreme Court	04	05	--
Appointment of Chief Justices	14	08	04
Transfer of Chief Justices	04	--	01
Judges appointed in the High Courts	*126	115	11
Additional Judges made Permanent in High Courts	*131	31	66
Additional Judges given fresh term	22	05	01
Transfer of Judges	33	05	01
New posts of Judges created in High Courts	173	--	--

*Highest ever in a given year.

Note: 78 new posts of Judges were created in the year 2014, 60 posts were created in 2015 and 35 posts were created in 2016.

Annexure - II

Statement referred to Lok Sabha Starred Question No. *521 dated 04th April, 2018

Sanctioned Strength / Working Strength and Vacancies of Judicial Officers in District and Subordinate Courts during the last three years

Sl. No	Name of States/UTs	Position of Judicial Officers as on 31.12.2015			Position of Judicial Officers as on 31.12.2016			Position of Judicial Officers as on 31.12.2017		
		Sanctioned Strength	Working Strength	Vacancies	Sanctioned Strength	Working Strength	Vacancies	Sanctioned Strength	Working Strength	Vacancies
1.	Andhra Pradesh & Telangana	1034	785	249	1025	929	96	986	920	66
2.	Arunachal Pradesh	17	15	2	26	17	9	28	17	11
3.	Assam	424	319	105	424	311	113	429	352	77
4.	Bihar	1727	1067	660	1825	1002	823	1828	993	835
5.	Chhattisgarh	385	341	44	395	356	39	398	335	63
6.	Goa	57	49	8	57	50	7	55	43	12
7.	Gujarat	1939	1170	769	1502	1111	391	1496	1121	375
8.	Haryana	644	474	170	644	501	143	645	496	149
9.	Himachal Pradesh	152	134	18	155	147	8	159	148	11
10.	Jammu & Kashmir	245	220	25	246	219	27	253	224	29
11.	Jharkhand	592	466	126	673	448	225	672	419	253
12.	Karnataka	1122	820	302	1300	913	387	1303	976	327
13.	Kerala	457	442	15	491	427	64	535	450	85
14.	Madhya Pradesh	1350	1132	218	2021	1240	781	2021	1293	728
15.	Maharashtra	2251	1917	334	2094	1969	125	2097	1930	167
16.	Manipur	41	35	6	34	25	9	49	40	09
17.	Meghalaya	57	29	28	57	41	16	97	39	58
18.	Mizoram	63	30	33	63	30	33	63	46	17
19.	Nagaland	27	25	2	34	25	9	34	22	12
20.	Odisha	716	598	118	862	601	261	862	656	206
21.	Punjab	672	490	182	674	546	128	674	538	136
22.	Rajasthan	1191	985	206	1205	1076	129	1225	1122	103
23.	Sikkim	18	14	4	23	13	10	23	18	5

24.	Tamil Nadu	1015	969	46	1047	939	108	1108	908	200
25.	Tripura	104	68	36	106	77	29	107	76	31
26.	Uttar Pradesh	2104	1827	277	3142	1728	1414	3204	1856	1348
27.	Uttarakhand	280	206	74	291	218	73	291	230	61
28.	West Bengal	959	900	59	1013	913	100	956	916	40
29.	A & N Island							11	11	0
30.	Chandigarh	30	30	0	30	30	0	30	30	0
31.	D & N Haveli and Daman & Diu	7	6	1	7	6	1	7	7	0
32.	Delhi	793	490	303	793	489	304	799	482	317
33.	Lakshadweep	3	3	0	3	3	0	3	2	1
34.	Puducherry	26	14	12	26	13	13	26	12	14
Total		20502	16070	4432	22288	16413	5875	22474	16728	5746

Annexure - IIIStatement referred to Lok Sabha Starred Question No. *521 dated 04th April, 2018.**Number of Cases Pending before High Courts**

Sr. No.	High Court Name	Total Number of Cases Pending			
		Civil	Criminal	Writs	Total
1.	Allahabad High Court	153725	301891	250958	706574
2.	Calcutta High Court	106717	43284	85203	235204
3.	Gauhati High Court	12578	6871	15574	35023
4.	High Court of Bombay	302656	50704	110714	464074
5.	High Court of Chhattisgarh	37253	23899	0	61152
6.	High Court of Delhi	29879	18812	21057	69748
7.	High Court of Gujarat	43069	32527	34113	109709
8.	High Court of Himachal Pradesh	24505	6059	5419	35983
9.	High Court of Jammu and Kashmir	76393	8274	0	84667
10.	High Court of Jharkhand	46314	43685	0	89999
11.	High Court of Karnataka	118262	30943	68113	217318
12.	High Court of Kerala	79647	38157	65687	183491
13.	High Court of Madhya Pradesh	105694	118437	89236	313367
14.	High Court of Manipur	15074	1549	0	16623
15.	High Court of Meghalaya	316	39	621	976
16.	High Court of Punjab and Haryana	197422	119379	72702	389503
17.	High Court of Rajasthan	84825	71870	103799	260494
18.	High Court of Sikkim	54	63	104	221
19.	High Court of Tripura	1025	458	1522	3005
20.	High Court of Uttarakhand	10258	10267	15470	35995
21.	Madras High Court	128196	42105	144044	314345
22.	Orissa High Court	43258	44112	83895	171265
23.	Patna High Court	29615	55796	60979	146390
24.	Telangana and Andhra Pradesh High Court	107804	46325	170410	324539
Total Pending Cases		1754539	1115506	1399620	4269665

Source: NJDG

Annexure - IV**Statement referred to Lok Sabha Starred Question No. *521 dated 04th April, 2018.****Number of Cases Pending before the District and Subordinate Courts, State-wise /
UT-wise**

Sr. No.	Name of State / UT	Total Number of Cases Pending		
		Civil	Criminal	Total
1.	Andaman And Nicobar	3296	7889	11185
2.	Andhra Pradesh	286741	221744	508485
3.	Assam	58507	176217	234724
4.	Bihar	254200	1452554	1706754
5.	Chandigarh	16575	23926	40501
6.	Chhattisgarh	57533	210446	267979
7.	Delhi	182427	466235	648662
8.	Diu and Daman	957	850	1807
9.	Dadra and Nagar Haveli	1429	2059	3488
10.	Goa	21674	19444	41118
11.	Gujarat	511161	1041926	1553087
12.	Haryana	261858	393228	655086
13.	Himachal Pradesh	103579	111947	215526
14.	Jammu And Kashmir	56636	62013	118649
15.	Jharkhand	55521	276156	331677
16.	Karnataka	662992	745295	1408287
17.	Kerala	370434	842991	1213425
18.	Madhya Pradesh	307400	1048693	1356093
19.	Maharashtra	1137033	2251492	3388525
20.	Manipur	5572	4415	9987
21.	Meghalaya	2102	4792	6894
22.	Mizoram	1432	2268	3700
23.	Odisha	244798	795867	1040665
24.	Punjab	248272	342136	590408
25.	Rajasthan	399917	1051400	1451317
26.	Sikkim	617	917	1534
27.	Tamil Nadu	583631	437364	1020995
28.	Telangana	201641	230867	432508
29.	Tripura	8069	16570	24639

30.	Uttar Pradesh	1388759	4317273	5706032
31.	Uttarakhand	33092	181586	214678
32.	West Bengal	477396	1334009	1811405
Total Pending Cases		7945251	18074569	26019820

Source: NJDG

Data in respect of the States of Arunachal Pradesh & Nagaland and Union Territories of Lakshadweep & Puducherry are not available on the website of National Judicial Data Grid (NJDG).
