

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

LOK SABHA

UNSTARRED QUESTION NO. 1220

TO BE ANSWERED ON WEDNESDAY, THE 25TH JULY, 2018.

Problems within Judiciary

1220. SHRI J.J.T. NATTERJEE:

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

- (a) whether the judiciary is plagued by pendency of cases, corruption, lack of transparency (particularly in the appointment of judges), plight of under trials, lack of information and interaction among people and courts; and**
- (b) if so, the details thereof and the steps being taken by Government to resolve each of these problems / issues?**

ANSWER

**MINISTER OF STATE FOR LAW AND JUSTICE AND CORPORATE AFFAIRS
(SHRI P. P. CHAUDHARY)**

(a) & (b): Data on pendency of cases in the Supreme Court and High Courts is maintained by the Supreme Court and High Courts respectively. As per latest information available on the website of Supreme Court of India, the total number of pending cases in the Supreme Court is 54,013. As per information available on the web-portal of National Judicial Data Grid (NJDG), 43.48 lakh cases are pending in various High Courts as on date. 2.75 crore cases are pending in various District and Subordinate courts of the country (excluding State / Union Territories of Arunachal Pradesh, Nagaland, Lakshadweep and Puducherry) as on date. Disposal of cases pending in various courts is within the domain of judiciary. In pursuance of resolution passed in the Chief Justices' Conference held in April, 2015, all the High Courts have set up Arrears Committees to take necessary steps for clearing the backlog of pending cases. The Arrears Committees have chalked out Action Plans to reduce pendencies in their respective jurisdictions. The Supreme Court has also constituted an Arrears Committee to formulate steps to reduce pendency

of cases in High Courts and District Courts. At district level, the District Judge holds monthly meeting of all judicial officers to monitor progress made in reduction of long pending cases. Further, the Central Government has taken several steps to provide an ecosystem for faster disposal of cases by the judiciary. The Government has set up a National Mission for Justice Delivery and Legal Reforms to achieve this objective. The Mission has adopted a coordinated approach for improving the working condition of the district and subordinate judiciary through various strategic initiatives, including improving infrastructure for courts, leveraging information, communication and technology (ICT) for better justice delivery, and filling up of vacant positions of judges in High Courts and Supreme Court.

Any complaint against the Judges of Supreme Court and High Courts are handled as per the “In-house procedure”. Further, as per Article 235 of the Constitution of India, the control over district courts and courts subordinate thereto vests in the High Court.

In order to bring transparency in the area of appointment of Judges in higher judiciary, the Government passed the National Judicial Appointment Commission (NJAC) Act 2014 but the same was struck down by the Supreme Court. However, the Supreme Court of India vide order dated 16.12.2015 in Writ Petition (Civil) No.13 of 2015 directed the Government of India for bringing improvement in the Collegium system by supplementing the existing Memorandum of Procedure (MoP) in consultation with the Supreme Court Collegium, taking into consideration factors such as eligibility criteria, transparency, establishment of Secretariat and mechanism to deal with complaints. The Government of India after due deliberations, proposed changes in the existing MoP. The draft MoP was sent to the Hon’ble Chief Justice of India vide letter dated 22.03.2016. The response of the Chief Justice of India thereon was received on 25.05.2016 and 01.07.2016. The views of the Government were conveyed to the Chief Justice of India on 03.08.2016. The inputs on the MoP of the Supreme Court Collegium were received from Chief Justice of India vide letter dated 13.03.2017. Meanwhile,

in another judgment dated 4.7.2017 of Supreme Court in a “suo moto” contempt proceeding against a Judge of the Calcutta High Court, the Supreme Court has underlined the need to revisit the process of selection and appointment of Judges. The Government of India has conveyed the need to make improvement on the draft MoP to the Secretary General of the Supreme Court vide letter dated 11.07.2017.

Under Trial Review Committees (UTRCs) headed by the District & Session Judges, who are also the Chairperson of the District Legal Services Authorities (DLSAs), have been established in all the districts. The said committee holds quarterly meetings. The areas which primarily are looked into by the UTRCs includes Under-Trial Prisoners (UTPs) covered under Section 436A Cr.P.C.; UTPs released on bail by the court, but who have not been able to furnish sureties; UTPs accused of compoundable offences; UTPs eligible under Section 436 of Cr.P.C.; convicts who have undergone their sentence or are entitled to release because of remission granted to them; UTPs who are imprisoned for offences which carry a maximum punishment of 2 years; UTPs who are sick or infirm and require specialized medical treatment; UTPs women offenders.

Under Phase-I (2010-15) of eCourts Mission Mode Project undertaken by the Central Government, 13,672 district and subordinate courts were computerized. This includes the installation of hardware, the LAN and software. This has enabled the courts to upload the case status and orders online. Status of cases and copies of judgments have also been made available on the websites of the respective District and Subordinate Court Complexes which have been computerized. A budget outlay of Rs.1,670 crore was approved for the Phase II of the eCourts Mission Mode Project (2015 to 2019), out of which Rs.1073.18 crores has been released till date. The facilities of e-services *etc.* are being provided under the supervision of e-Committee of the Supreme Court and Computer Committees of respective High Courts for cause lists, case status, daily orders, judgements *etc.* . A total of 16,089 district and subordinate courts have been computerised under the

eCourts Project till date. Video Conferencing facility has also been operationalised between 488 court complexes and 342 corresponding prisons during the period 2015-17. The National Judicial Data Grid (NJDG) developed under this project provides updated information on civil and criminal cases, including pending cases, for the computerised district / subordinate courts in the country.
