

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

LOK SABHA

STARRED QUESTION NO. †*305

TO BE ANSWERED ON WEDNESDAY, 02ND JANUARY, 2019.

Backlog of Cases

**†*305. SHRIMATI RAMA DEVI:
SHRI RAM TAHAL CHOUDHARY:**

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

- (a) whether High Courts have set up monitoring / arrears committees / cells to clear backlog of cases;**
- (b) if so, the details thereof; and**
- (c) the extent to which the number of pending cases have been reduced as a result of the work carried out through the said monitoring / arrears committees / cells?**

ANSWER

**MINISTER OF LAW AND JUSTICE AND ELECTRONICS AND
INFORMATION TECHNOLOGY**

(SHRI RAVI SHANKAR PRASAD)

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

STATEMENT REFERRED TO IN REPLY TO PARTS (a) to (c) of LOK SABHA STARRED QUESTION NO. †*305 FOR ANSWER ON 02ND JANUARY, 2019

Pursuant to the Joint Conference of the Chief Ministers of the States and Chief Justices of the High Courts in 2015 where it was resolved that all High Courts would constitute an Arrears Committee, the then Minister of Law and Justice had written to the Chief Justices of the High Courts requesting them to appraise the Government of the steps being taken by them to address the issue of pendency *especially* regarding cases pending for more than 5 years. As per the available information, all 24 High Courts have established Arrears Committees. Arrears Committee has also been established in the Supreme Court of India. At district level, the District Judge holds monthly meetings of all judicial officers to monitor progress made in reduction of long pending cases.

2. Progress made by the High Courts in reducing pendency was taken up for consideration again in the Conference of Chief Justices of High Courts held in April 2016. Based on the reports submitted by the Arrears Committee of various High Courts, it was, *inter-alia*, resolved that (i) all the High Courts shall assign top most priority for disposal of cases which are pending for more than five years; (ii) High Courts where cases are pending for more than five years shall facilitate their disposal in mission mode; (iii) High Court shall progressively thereafter set a target of disposing of cases for more than four years; (iv) While prioritizing the disposal of cases pending in the district courts for more than five years, additional incentives for the Judges of the district judiciary could be considered where feasible; and (v) Efforts shall be made for strengthening case-flow management rules. It was further resolved that the Chief Justices of the High Courts will set up a Cell / Committee for monitoring the implementation of the resolutions passed in

the Chief Justices Conferences and each High Court shall create a mechanism for submitting progress report to the Supreme Court. Accordingly, Arrears Committees are functioning in the Supreme Court, and all the 24 High Courts and in District Courts.

3. Following this Conference, the Department of Justice had written to the Registrars General of all the High Courts requesting them to appraise the Government of the steps being taken towards implementation of the resolution passed in the Conference. A tabulated summary of key steps taken by High Courts for the reduction of pendency in courts consequent to the recommendations of the Arrears Committee are given in a statement at **Annexure**.

4. Pendency in courts depends on several factors which, inter-alia, include availability of adequate number of judges, 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.

5. The Government is, however, fully committed to speedy disposal of cases. The Government has taken several initiatives to provide an ecosystem for faster disposal of cases by the judiciary. The National Mission for Justice Delivery and Legal Reforms established by the Government has adopted a coordinated approach for phased liquidation of arrears and pendency in judicial administration through various strategic initiatives, including improving infrastructure for courts, leveraging Information and Communication Technology (ICT) for better justice delivery, and filling up of vacant positions of Judges in High Courts and Supreme Court. The major achievements during the last four years under various initiatives to make the functioning of subordinate judiciary more efficient are as follows:

(i) Improving infrastructure for Judicial Officers of District and Subordinate

Courts: As on date, Rs.6,623.87 crores have been released since the inception of the Centrally Sponsored Scheme (CSS) for Development of Infrastructure Facilities for Judiciary in 1993-94. Out of this, 3,179.57 crores (which are 48% of the total amount released till date) have been released to the States and UTs since April, 2014. The number of court halls has increased from 15,818 as on 30.06.2014 to 18,731 as on date and number of residential units has increased from 10,211 as on 30.06.2014 to 16,539 as on date under this scheme. In addition, 2,906 court halls and 1,754 residential units are under construction. The Central Government has approved continuation of the Scheme 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.

(ii) Leveraging Information and Communication Technology (ICT) for

improved justice delivery: Number of computerised District & Subordinate courts has increased from 13,672 to 16,755 registering an increase of 3,083 during 2014 to 2018. National Judicial Data Grid (NJDG) provides citizens with online information about case filings, case status and electronic copies of orders and judgments from district and subordinate courts that have already been computerized. Information regarding 10.80 crore cases including more than three crore pending cases and more than 7.91 crore orders / judgments are available on this portal. eCourts services such as details of case registration, cause list, case status, daily orders & final judgments are available to litigants and advocates through eCourts web portal, Judicial Service Centres (JSC) in all computerised courts, eCourts

Mobile App, email service, SMS push & pull services. eCourts Project has been consistently amongst the top 5 Mission Mode Projects of country.

6. 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, in certain States recruitment is done by the High Courts, whereas in other States, the recruitment is done by High Courts in consultation with State Public Service Commission.

7. During the Chief Justice's Conference held in 2016 it was, *inter-alia*, resolved that the Chief Justices shall take effective steps in coordination with the State Governments to ensure an increase in the cadre strength of the District and Subordinate Courts commensurate with the needs of their states in compliance with the judgment of the Hon'ble Supreme Court in Brij Mohan Lal *versus* Union of India, and to ensure compliance with the time schedule and directions laid down in the judgment of the Hon'ble Supreme Court in Malik Mazhar Sultan case (2006). It was also resolved that the Chief Justices shall, in particular, ensure that the Selection and Appointment Committees in the High Courts periodically monitor the process of filling up of vacancies in the District and Subordinate Courts.

8. In September, 2016, Union Minister of Law & Justice wrote to the Chief Ministers of States and the Chief Justices of High Courts to enhance the cadre strength of the District and Subordinate Courts and provide physical infrastructure to the State judiciary. The same was reiterated in May, 2017. In August, 2018, in the context of increasing pendency of cases, the Union Minister of Law & Justice has written to all Chief Justices of High Courts to monitor the Status of the

vacancies regularly and to ensure proper coordination with the state Public Service Commission to fill up vacant posts as per time schedule prescribed by the Hon'ble Supreme Court in the Malik Mazhar Sultan case. The filling up of vacancies is also being monitored by the Supreme Court in a *suo-motu* writ petition (civil) no. 2 of 2018.

9. A series of meetings were held with Registrars General of all High Courts and Law Secretaries of all State Governments / UTs *through* Video Conferencing in the month of January, 2018, July, 2018 and November, 2018 to follow up on filling up posts of Judicial Officers in District and Subordinate Courts.

10. The Department of Justice has hosted a web-portal on its website for reporting and monitoring of sanctioned and working strength, and vacancies of Judicial Officers of District and Subordinate Courts on monthly basis.

ANNEXURE

**Statement referred to Lok Sabha Starred Question No. *305 dated 02.01.2019.
Summary of Responses Received from High Courts on Steps Taken Towards
Reducing Pendency on the recommendations of Arrears Committees.**

S. No.	High Court	Steps taken to reduce pendency
1	Allahabad	The High Court has framed “ <i>Saral Petty Offence Fine Deposit Scheme</i> ” (Power Jyoti Scheme) in order to reduce pendency of petty cases in the District and Subordinate Courts and a Committee to monitor the Scheme has also been constituted. 212 Fast Track Courts have been created and Government Order regarding creation of 38 Additional Courts has been issued. A committee to scrutinize and recommend the names of retired judicial officers for appointment of presiding officers to the Additional Court has also been constituted. Monthly pendency reduction campaigns are carried out. High Court Legal Services Committee has been constituted to give effect to policies, programmes and schemes of legal aid and legal services. Steps are also taken to impart 40 hours training on mediation to at least 500 judicial officers.
2	High Court of Judicature at Hyderabad	Arrears Committee has been constituted. A number of circulars have been issued directing strict observance of Court timings, abstention from administrative work during court working hours, equitable allotment of work to all Additional District Judges and Principal District Court, monitoring and monthly review of the performance of judicial officers, disposal of cases by way of arbitration / conciliation / judicial settlement including Lok Adalat / mediation, <i>etc.</i> The High Court has adopted the Case Flow Management in Subordinate Court Rules.
3	Bombay	A committee of two Judges has been constituted and periodical meetings are conducted. Steps for disposal of cases in the Subordinate Courts which include formulation of an 11 point programme for

		speedy disposal of cases have been taken. A Special Board Scheme, wherein 3 days in a week is earmarked for trials of cases pending for more than 5 years as Special Board Days, has been introduced. Special Drive for reduction of arrears of cases is also organized and a Committee headed by Principal District Judge has been constituted at District level to provide recommendation to the State Government to withdraw old and ineffective Government litigation.
4	Calcutta	Extra units are given as incentive to the Judicial officers on disposal of cases pending for more than five years. Directions have been issued to dedicate one day in a week for hearing old cases. Sensitization on day management, time management and use of mediation as well as ADR are conducted. Lok Adalats are held regularly in different districts. In the High Court 50 ' <i>old motion hearing cases</i> ' are listed on a priority basis.
5	Chhattisgarh	The Arrears Committee in its meeting has recommended the following: <ul style="list-style-type: none"> • Judges of the District Judiciary be granted additional units as incentives; and • Need to strength the Case Flow Management Rules for trial Courts.
6	Delhi	The Committee has been constituted to suggest ways and means of reducing pendency. At the District Judiciary, directions have been issued to give priority to 5 year plus cases. Additional units are given for disposal of such cases.
7	Gujarat	Arrears Committee has been constituted and norms for disposal of cases by judicial officers of the subordinate courts have been revised. The High Court has established District and Sessions Courts in newly created District by the Government. A committee has been constituted for sensitization on family matters. Special

		Courts <i>i.e.</i> , Commercial Courts, to try offences under the Companies Act 2013 and NIA have been established.
8	Gauhati	The Arrears Committee of the High Court has been monitoring the disposal of old cases. Cases up to 2008 are being listed on priority basis. Instructions have been issued to the District Courts to dispose old cases on top priority.
9	Himachal Pradesh	The High Court of Himachal Pradesh has adopted the CMIS system for listing of cases and have prioritized disposal of certain cases. Lok Adalats are organized on a regular basis. Mediation centers have been set up. Instructions have been issued to subordinate courts to achieve the target of five plus zero pendency.
10	Jammu & Kashmir	A number of circulars have been issued to the subordinate Courts. These include giving top priority to the disposal of old cases, ensuring expeditious disposal of cases relating to crime against women, children, differently abled, disposal of anti corruption cases in time bound manner. Additional units are given for disposal of such cases. Lok Adalat and ADR are used for disposal of cases. 2 credit points are awarded to judicial officers for each case settled through mediation.
11	Jharkhand	The State Government has been requested to create posts of section officer and legal assistants. At the district judiciary, priority is given to cases pending for more than 10 years. Guidelines relating to disposal of cases of under trial prisoners have been issued. In the High Court old admission cases are listed for 2 days and old hearing matters are listed for one day every week to prioritize disposal of 5 plus old cases.
12	Karnataka	The Arrears Committee has formulated a guideline directing judicial officers to identify (a) 200 oldest cases to be taken up on priority and (b) 45 old cases among them for disposal within 3 months. General Circular has been issued

		providing for additional units for disposal of old cases.
13	Kerala	Subordinate Courts have been directed to focus on disposal of five plus year old cases. High Court have been assigned TFD (targeted for Disposal) of cases listed up to 2010. One Bench of the High Court has been assigned to deal with five plus year old cases.
14	Madhya Pradesh	New Listing Policy has been introduced which identifies and classifies more than five year old cases to be listed mandatorily. 10 years old cases are also given priority. At the Subordinate courts, Arrears Committee cum Case Management Committee cum Committee for State Court Management System has been constituted. An Action Plan has been prepared to clear backlog of cases pending for more than 5 years. The District Judges in the State have been directed to furnish the information / report with regard to nature of cases pending for 5 years or more for certain offences.
15	Madras	Directions have been issued to the subordinate judiciary to hear and dispose of old cases pending for more than 5 years on every Monday (criminal cases) and Wednesday (civil cases). Video conference is conducted on a regular basis between the Chief Justice, the member Judge of the Arrears Committee and the judges of the subordinate courts in the State of Tamil Nadu and the Union Territory of Puducherry to discuss and review the issue relating to pendency of old cases.
16	Manipur	The High Court of Manipur has an Arrears Committee consisting of Hon'ble Chief Justice as Chairman, two Senior most Judges of the High Court as Member and Registrar (Judicial) as Secretary. Regular meetings are held and disposal of cases are monitored by the Committee. Emphasis is made to dispose of cases which are more than 10 years old. Recently, in a meeting chaired by the Hon'ble Chief Justice direction was

		also issued to all the District & Sessions Judges, Addl. District & Sessions Judges, Judges of Special Courts, Judges of Family Courts and Presiding Officers of MACT / Revenue / Co-operative Society Tribunal to dispose of cases of more than 10 years old within 10 months.
17	Meghalaya	Arrears Committee has been reconstituted.
18	Orissa	Arrears Committee was constituted as per instruction of Hon'ble Apex Court for expeditious disposal of cases pending in the High Court. Necessary instructions have been imparted from time to time by the Arrears Committee for speedy disposal of cases.
19	Patna	Directions have been issued to District and Sessions court to undertake special drive to dispose cases pending before 2000 within 3 months and to dispose of matter instituted before 2006 within 6 months. Target of 50 cases per month has been specified for disposal. Exclusive Benches have been constituted for disposal of criminal appeals especially pending since 1992 in the High Courts.
20	Punjab & Haryana	The High Court has introduced mechanism to list old cases on priority. The High Court has conceptualized Annual Action Plan 2016-17, fixing targets for all judicial officers (except District and Sessions Judges) in the Subordinate courts. Instructions have been issued to the Subordinate courts to dispose of cases which are more than 15 and 20 years within a period of 6 months and 3 months respectively. Further specific instructions to dispose of traffic cases and cases under Section 138 of Negotiable Instruments Act have also been issued.
21	Rajasthan	Hon'ble Arrears Committee has prepared an Action plan for speedy & time bound disposal of cases. An effective mechanism of monitoring was also evolved. Monthly progress reports are obtained to monitor timely disposal of cases by the Subordinate courts. Bimonthly meetings are

		convened under the Chairmanship of respective District Judge to discuss issues relating to work performance, pendency, <i>etc.</i> Old cases are listed regularly in the High Court.
22	Sikkim	The Arrears Committee is convening regular monthly review meetings with judicial officers of the Subordinate Courts to ensure compliance with Subordinate Courts of Sikkim Case Flow Management Rules, 2006. The High Court has fixed norms for disposal of cases and additional units are given for disposal of such cases.
23	Tripura	Matters regarding non execution of warrants in cases pending for more than five years have been taken up with the Director General of Police (DGP). DGP has constituted a cell at the District level headed by the Superintendent of Police to monitor the execution of all long pending warrants. An Action Plan to reduce the number of cases pending for more than 5 years has been prepared. Time frame for disposal of cases in the District Judiciary has been issued.
24	Uttarakhand	On the recommendations of Arrears Committee and after approval of Hon`ble the Chief Justice, Subordinate Courts have been directed to dispose of by 31 st March 2018, cases of all nature, which were instituted before 1 st January, 2012. Arrears Committee at districts level has also been constituted.
