

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

LOK SABHA

UNSTARRED QUESTION NO. 3632

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

Pending Court Cases

3632. SHRI MD. BADARUDDOZA KHAN:

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

- (a) whether a number of cases are pending in various courts across the country;
- (b) if so, the details thereof including number of cases pending in Supreme Court and High Courts during each of the last four years along with the reasons therefor court-wise;
- (c) the sanctioned strength and vacancies of Judges in such courts and action taken by Government to fill these vacancies at the earliest;
- (d) whether the Government has taken note of delay in delivery of justice to litigants for various reasons; and
- (e) if so, the details thereof along with the corrective measures taken by the Government for expeditious disposal of cases pending in various courts in the country?

ANSWER

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

(a) to (e) : The details of cases pending in the Supreme Court and High Courts of the country during the last four years are given below:

Court	Number of Cases Pending during last four years			
	Year 2015	Year 2016	Year 2017	Year 2018
Supreme Court	59,272	62,537	55,588	56,994 (As on 01.12.2018)
High Courts	38,70,373	40,15,147	42,44,907	49,83,236 (As on 27.12.2018)

High Court-wise details of pending cases are given in a statement at **Annexure**.

Court-wise details of sanctioned strength, working strength and vacancies of Judges / Judicial Officers are as below:

Court	Sanctioned Strength	Working Strength	Vacancies
Supreme Court	31	27	4
High Courts	1,079	692	387

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.

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.

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.

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 January, 2018, July, 2018 and November, 2018 to follow up on filling up posts of Judicial Officers in District and Subordinate Courts.

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.

Filling up of vacancies in 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 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 keep on arising on account of retirement, resignation or elevation of Judges (to the Supreme Court) and also due to increase in the strength of Judges.

Timely disposal of cases 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. No time frame has been prescribed for disposal of various kinds of cases by the respective courts.

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 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.
- (iii) Filling up of vacant positions in Supreme Court & High Courts.

From 01.01.2014 to 26.12.2018, 27 Judges were appointed in Supreme Court. 446 new Judges were appointed and 379 Additional were made permanent in the High Courts. Sanctioned strength of Judges of High Courts has been increased from 906 in May, 2014 to 1079 currently.

- (iv) Reduction in Pendency through / follow up by Arrears Committees: Further, in pursuance of resolution passed in Chief Justices' Conference held in April, 2015, Arrears Committees have been set up in 24 High Courts to clear cases pending for more than five years. Arrears Committees have been set up under District Judges too. Arrears Committee has been constituted in the Supreme Court to formulate steps to reduce pendency of cases in High Courts and District Courts.
- (v) Nyaya Mitra Scheme: In order to reduce cases pending in courts for over 10 years, the Government launched the Nyaya Mitra Scheme in April 2017. Under the Scheme, retired judicial officers are engaged and designated as 'Nyaya Mitra' to facilitate expeditious disposal of the cases pending over 10 years. In the first Phase, 15 Nyaya Mitra have been engaged in 15 Districts of Rajasthan, West Bengal, Bihar, Uttar Pradesh and Tripura.
- (vi) Emphasis on Alternate Dispute Resolution (ADR): Commercial Courts, Commercial Division and Commercial Appellate Division of High Courts (Amendment) Act, 2018 has been enacted on 20th August, 2018 whereby mandatory pre-Institution mediation mechanism has been introduced for settlement of commercial disputes. Amendment to the Arbitration and Conciliation Act, 1996 by the Arbitration and Conciliation (Amendment) Act 2015 is done to expedite the speedy resolution of disputes by prescribing timelines. The Arbitration and Conciliation (Amendment) Bill, 2018 passed by the Lok Sabha on 10.08.2018 seeks to set up Arbitration Council of India (ACI) to *inter-alia* grade arbitral institutions, accredit arbitrators and impart training and award certificate in the ADR field.
- (vii) Initiatives to Fast Track Special Type of Cases: The Fourteenth Finance Commission endorsed the proposal of the Government to strengthen the judicial system in States which included, *inter-alia*, establishing Fast Track Courts for cases of heinous crimes; cases involving senior citizens, women, children *etc.*, and urged the State Governments to use the additional fiscal space provided in the form of enhanced tax devolution from 32% to 42% to meet such requirements. At present, 708 such Fast Track Courts are functioning across the country. To fast track criminal cases involving elected MPs / MLAs, twelve (12) Special Courts have been set up in eleven (11) States (Andhra Pradesh, Telangana, Kerala, Karnataka, Tamil Nadu, Maharashtra,

Madhya Pradesh, Uttar Pradesh, Bihar, West Bengal and NCT of Delhi) and proportionate funds have been released to these States by the Government. The Criminal Law (Amendment) Act, 2018 to amend the Indian Penal Code, Indian Evidence Act, 1872, the Code of Criminal Procedure, 1973 and the Protection of Children from Sexual Offences Act, 2012 has been enacted on 11th August, 2018.

Statement referred to Lok Sabha Unstarred Question No. 3632 for reply on 02nd January, 2019 regarding Pending Court Cases
Number of cases pending in High Courts as on 27.12.2018

Sr. No.	High Court Name	Cases pending in High Courts
1.	Allahabad High Court	725143
2.	Calcutta High Court	243661
3.	Gauhati High Court	40448
4.	High Court of Bombay	464074
5.	High Court of Chhattisgarh	63574
6.	High Court of Delhi	73879
7.	High Court of Gujarat	113746
8.	High Court of Himachal Pradesh	36117
9.	High Court of Jammu and Kashmir	91626
10.	High Court of Jharkhand	88931
11.	High Court of Judicature At Hyderabad	361010
12.	High Court of Karnataka	236697
13.	High Court of Kerala	193329
14.	High Court of Madhya Pradesh	331300
15.	High Court of Manipur	7121
16.	High Court of Meghalaya	1063
17.	High Court of Punjab And Haryana	393953
18.	High Court of Rajasthan	741358
19.	High Court of Sikkim	255
20.	High Court of Tripura	2985
21.	High Court of Uttarakhand	55812
22.	Madras High Court	399234
23.	Orissa High Court	167277
24.	Patna High Court	150643
	Total	4983236
