

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

**LOK SABHA**

**UNSTARRED QUESTION NO. †1704**

**TO BE ANSWERED ON WEDNESDAY, THE 13<sup>TH</sup> FEBRUARY, 2019.**

**Cases Pending in M.P. High Court**

**†1704. SHRI LAXMI NARAYAN YADAV:**

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

- (a) the details of number of cases pending in Madhya Pradesh High Court at present along with the number of cases pending for 15 years;**
- (b) whether the pendency of legal cases has prevented people from getting justice in Madhya Pradesh;**
- (c) if so, the reaction of the Government in this regard;**
- (d) the number of judges working in Madhya Pradesh High Court during each of the last three years;**
- (e) whether the need for increase in number of courts has been felt; and**
- (f) if so, the details thereof and the steps taken in this regard so far?**

**ANSWER**

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

(a): As per data available on the National Judicial Data Grid (NJDG), 3,34,727 cases were pending in Madhya Pradesh High Courts as on 08.02.2019, out of which 61,679 cases were 10 – 20 years old. NJDG does not provide the number of cases pending for 15 years.

(b) & (c) : 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.6,670.12 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, 3,225.82 crores (which are 48.36% 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 18,796 as on date and number of residential units has increased from 10,211 as on 30.06.2014 to 16,652 as on date under this scheme. In addition, 2,925 court halls and 1,756 residential units are under construction. The Central Government has approved continuation of the Scheme beyond the 12<sup>th</sup> 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: Government has been implementing the e-Courts Mission Mode Project throughout the country for Information and Communication Technology enablement of district and subordinate courts. Number of computerised District & Subordinate courts has increased from 13,672 to 16,845 registering an increase of 3,173 during 2014 to 2018. New and user-friendly version of Case Information Software developed and deployed at all the computerized District and Subordinate Courts. QR Code facility has been made operational in the software, which enables checking of current status of the case. 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 10.97 crore cases is 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 (JSCs) in all computerised courts, eCourts Mobile App, email service, SMS

push & pull services. Information Kiosks have been setup at all computerized court complexes for disseminating judicial information related to cause lists and other case related information to the lawyers and litigants. 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 and District and Subordinate Courts:

From 01.01.2014 to 31.12.2018, 27 Judges were appointed in Supreme Court. 446 new Judges were appointed and 379 Additional Judges 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. Sanctioned and working strength of Judicial Officers in District and Subordinate Courts has been increased as follows:

As on	Sanctioned Strength	Working Strength
31.12.2013	19,518	15,115
31.12.2018	22,833	17,701

- (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 20<sup>th</sup> August, 2018 whereby mandatory pre-Institution mediation

mechanism has been introduced for settlement of commercial disputes. Amendment to the Arbitration and Conciliation Act, 1996 has been made by the Arbitration and Conciliation (Amendment) Act 2015 for expediting 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, 731 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 has been enacted on 11.08.2018 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.

(d) : Sanctioned / working strength and vacancies of Judges in Madhya Pradesh High Court during the last three years and current year are given below:

As on	Sanctioned Strength	Working Strength	Vacancies as per the Sanctioned Strength.
01.01.2016	53	30	23
01.01.2017	53	39	14
01.01.2018	53	34	19
01.01.2019	53	35	18

(e) & (f) : In its 245<sup>th</sup> report (2014), the Law Commission has observed that filing of cases *per capita* varies substantially across geographic units as filings are associated with economic and social conditions of the population. As such the Law Commission did not consider the judge population ratio to be a scientific criterion for determining the adequacy of the judge strength in the country. The Law Commission found that in the absence of complete and scientific approach to data collection across various High Courts in the country, the “*Rate of Disposal*” method is more pragmatic and useful to calculate the number of additional judges required to clear the backlog of cases as well as to ensure that new backlog is not created.

In May, 2014, the Supreme Court asked the State Governments and the High Courts to file their response to the recommendations made by the Law Commission. In August 2014, the Supreme Court asked the National Court Management System Committee (NCMS Committee) to examine the recommendations made by the Law Commission and to furnish its recommendations in this regard.

NCMS Committee submitted its report to the Supreme Court in March, 2016. The report, *inter-alia*, observes that the clearance of backlog is not the sole or central basis for determining the judge strength and that the judge strength of the subordinate courts will have to be assessed by a scientific method to determine the total number of “*Judicial Hours*” required for disposing of the case load of each court. In the interim, the Committee has proposed a “*weighted*” disposal approach i.e. disposal weighted by the nature and complexity of cases in local conditions.

The Hon’ble Supreme Court considered the aforesaid reports of the Law Commission and the NCMS Committee and directed in its Order dated 02.01.2017 *inter alia*, that the NCMS Committee shall formulate a scientific method for determining the basis for computing the required judge strength of the district judiciary; that in the interim, the judge strength shall be computed for each state in accordance with the approach indicated by the NCMS Committee; that the interim report of the NCMS Committee shall be forwarded by the Union Ministry of Law and Justice to the Chief Justices of all the High Courts and Chief Secretaries of all states so as to enable them to take follow up action to determine the required judge strength of the district judiciary / courts based on the said report.

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