

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

**LOK SABHA**

**UNSTARRED QUESTION NO. 608**

**TO BE ANSWERED ON WEDNESDAY, THE 06<sup>TH</sup> FEBRUARY, 2019.**

**Pending Court Cases**

**608. SHRIMATI ANJU BALA:  
SHRI L. R. SHIVARAME GOWDA:  
SHRI TEJ PRATAP SINGH YADAV:  
SHRI KESINENI NANI:**

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

- (a) whether large 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, State / Court-wise and the reasons therefor;**
- (c) the sanctioned strength and vacancies of Judges in such courts and action taken to fill these vacancies at the earliest;**
- (d) whether Government has taken note of delay in delivery of justice to litigants for various reasons;**
- (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;**
- (f) whether the arrears committee formed by Supreme Court and High Courts have failed to solve the problem of pendency if so, the details thereof along with the steps taken by the Government to facilitate faster disposal of cases; and**
- (g) whether Government is going ahead with its proposal of bringing in National level exam conducted by UPSC to appoint judges in lower judiciary and if so, the details thereof?**

**ANSWER**

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

**(a) & (b):** 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			
	2015	2016	2017	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	42,45,775 (As on 31.01.2019)

High Court-wise details of pending cases as on 31.01.2019 are given in a statement at **Annexure**.

(c) :Court-wise details of Sanctioned strength, working strength and vacancies of Judges / Judicial Officers as on 31.01.2019 are as below:

Court	Sanctioned Strength	Working Strength	Vacancies
Supreme Court	31	28	3
High Courts	1,079	679	400

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 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.

Further, 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 will 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, the 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 wrote to Chief Justices of all the 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 also 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.

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.

(d) & (e) : 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 posts 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.6,662.36 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, Rs. 3,218.06 crores (which are 48.30% 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 has been 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 10.99 crore cases including more than three crore pending cases and more than 8.21 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. Information Kiosks has 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 the 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 also 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 by the Arbitration and Conciliation (Amendment) Act 2015 has been made 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 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.

(f) 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.

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. 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.

(g): The appointment of Judges and Judicial Officers in the District and Subordinate Courts falls within the domain of the High Courts and State Governments concerned in which the Central Government has no role. However, in order to facilitate regular filling up of these vacancies in a smooth and time-bound manner, the Department of Justice *vide* its letter dated 28<sup>th</sup> April, 2017 suggested certain options to the Hon'ble Supreme Court for creation of a Central Selection Mechanism. The Hon'ble Supreme Court *suo motu* converted the Government's suggestions into a writ petition on 09<sup>th</sup> May, 2017 and directed all State Governments (including Union Territories) to file their responses and suggestions by way of affidavits. The above matter is *subjudice* at present.

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Statement referred to Lok Sabha Unstarred Question No. 608 for reply on 06<sup>th</sup> February, 2019 regarding Pending Court Cases

Number of cases pending in High Courts as on 31.01.2019 (as per NJDG Data)

S. No.	High Court Name	Number of Cases pending as per NJDG Data
1	Allahabad High Court	726260
2	Calcutta High Court	20684
3	Gauhati High Court	40967
4	High Court of Bombay	267809
5	High Court of Chhattisgarh	63305
6	High Court of Delhi	74526
7	High Court of Gujarat	115066
8	High Court of Himachal Pradesh	36673
9	High Court of Jammu and Kashmir	79567
10	High Court of Jharkhand	88340
11	High Court of Judicature at Hyderabad	363146
12	High Court of Karnataka	239293
13	High Court of Kerala	191446
14	High Court of Madhya Pradesh	333905
15	High Court of Manipur	4772
16	High Court of Meghalaya	1099
17	High Court of Punjab And Haryana	373199
18	High Court of Rajasthan	449052
19	High Court of Sikkim	262
20	High Court of Tripura	2980
21	High Court of Uttarakhand	56362
22	Madras High Court	401770
23	Orissa High Court	161412
24	Patna High Court	153880
	<b>Total Cases</b>	<b>4245775</b>

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