

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

LOK SABHA

**UNSTARRED QUESTION NO.2146
TO BE ANSWERED ON FRIDAY, THE 15TH DECEMBER, 2023**

DELAY IN DELIVERY OF JUSTICE

**2146. SHRI JUAL ORAM:
DR. PON GAUTHAM SIGAMANI:
SHRI MALOOK NAGAR:**

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

- (a) whether Government is aware of the problem being faced by common people in getting justice in time due to continuous rise in the number of pending cases in the various courts across the country and if so, the details thereof;**
- (b) whether Government is considering for setting up various courts and appointing the judges in large numbers across the country to ensure quick delivery of judgement to the people and speedy disposal of cases pending in various courts and if so, the details thereof and the time by which the final decision in this regard is likely to be taken;**
- (c) if so, whether the Government is making efforts to ensure that poor people have easy access to the judicial system and if so, the details thereof;**
- (d) whether it is also a fact that the cause of justice is best served by making it accessible to all and if so, the details thereof; and**
- (e) whether it is also true that cost and language are barriers for getting access to justice in the country and if so, the details thereof?**

ANSWER

**MINISTER OF STATE (INDEPENDENT CHARGE) OF THE MINISTRY OF LAW
AND JUSTICE; MINISTER OF STATE IN THE MINISTRY OF
PARLIAMENTARY AFFAIRS; AND MINISTER OF STATE IN THE MINISTRY
OF CULTURE**

(SHRI ARJUN RAM MEGHWAL)

(a): As per information available on National Judicial Data Grid (NJDG), the pendency of cases across courts, as on 1.12.2023, is as follows:

| S. No | Court | No. of Pending Cases |
|--------------------|-------------------------------|----------------------|
| 1 | Supreme Court | 80,040 |
| 2 | High Court | 61,75,579 |
| 3 | District & Subordinate Courts | 4,46,30,237 |
| Grand Total | | 5,08,85,856 |

Source: National Judicial Data Grid (NJDG).

There are several reasons that lead to pendency of cases in courts which, *inter-alia*, include availability of physical infrastructure and supporting court staff, 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. Other factors that lead to delay in disposal of cases include lack of prescribed timeframe by respective courts for disposal of various kinds of cases, frequent adjournments and lack of adequate arrangement to monitor, track and bunch cases for hearing. Moreover, in case of pendency of criminal cases, the Criminal Justice System functions on assistance by various agencies viz. Police, Prosecution, Forensic Labs, Handwriting Experts and Medico-Legal Experts. Delay in providing assistance by allied agencies also entails delay in disposal of cases.

(b): High Court Benches are established in accordance with the recommendations made by the Jaswant Singh Commission and judgment pronounced by the Apex Court in W.P.(C) No. 379 of 2000. Accordingly, setting up of Benches of a High Court is considered by the Government of India only after receipt of a complete proposal from the State Government with the consent of the Chief Justice of the High Court and the Governor of the State. The State Government has to provide requisite infrastructure and facilities for establishment of a Bench of a High Court as well as expenditure of the High Court and its Benches. At present, there is no complete proposal for establishment of High Court Benches.

Appointment of the Judges of the Constitutional Courts is a continuous, integrated and collaborative process between the Executive and the Judiciary. It requires consultation and approval from various constitutional authorities both at state and central level. While every effort is made to fill up the existing vacancies expeditiously, vacancies of Judges in High Courts do keep on arising on account of retirement, resignation or elevation of Judges and also due to increase in the strength of Judges.

The Judge strength of Supreme Court of India has been increased from 31 to 34 (including Chief Justice of India) in 2019. In so far as various High Courts are concerned, the

judge strength of High Courts has been increased from 906 in May, 2014 to 1114 as on 11.12.2023. The Government is committed towards speedy delivery of Justice. As a result of the collaborative process between the Executive and Judiciary, during the year 2022, 165 Judges were appointed in various High Courts which is a significant number of appointments in one year. Further, 110 Judges have been appointed in various High Courts till 11.12.2023.

In the last five years, 01 new post of judge in Tripura High Court and 18 new posts of Judges in the Telangana High Court were created in 2021. In the year 2022, 06 new posts of Judges in the Orissa High Court and 04 new posts in Himachal Pradesh High Court were created. 06 new posts of Judges in the Gauhati High Court have been created w.e.f. 06.02.2023.

The establishment of District / Session Courts in the country lies within the domain of the State Governments, who set up such courts as per their requirement and resources, in consultation with the respective High Courts having territorial jurisdiction.

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 and the Central Government has no direct role in the matter. The strength of subordinate judiciary has seen a marked increase, with district judiciary's sanctioned strength of 19,518 in year 2014 rising to 25,423 in the year 2023, while the corresponding working strength rising from 15,115 judicial officers in the year 2014 to 20,026 in the year 2023.

For timely appointment of judges in the district and subordinate judiciary, the Hon'ble Supreme Court of India, through a judicial order in January 2007 in Malik Mazhar Sultan case, stipulated certain timelines according to which the process for recruitment of judges in subordinate courts should commence on 31st March of a calendar year and end by 31st October of the same year.

(c) to (e): While providing justice to the people lies primarily within the domain of the Judiciary, the Government is making multiple efforts to ensure that justice is accessible to all, especially the poor and downtrodden and that cost and language barriers do not hinder easy access to justice. The important initiatives in this regard are as under: -

- i.** Under the e-Courts Mission Mode Project, information and communication technology (ICT) has been leveraged for IT enablement of district and subordinate courts. The

intervention of technology has contributed to the increase in case clearance rate/disposal particularly during the COVID times. The “Case Clearance Rate” of District & Subordinate Courts had risen from 60.57% in 2011 to 89.33% in 2022. Components of eCourts Mission Mode Project such as Video Conferencing, Virtual Courts for traffic challans, eFiling, ePayment, eSewa kendras, eCourts services app and portal, JustIS app, National Service and tracking of Electronic Processes (NSTEP), etc. have helped in reducing the procedural delay, thus, enabling faster adjudication of cases. A total of 2.92 crore virtual hearings had been conducted by various High Courts and Subordinate Courts until 31.10.2023. The Cabinet on 13.09.2023 has approved eCourts Phase-III with a budgetary outlay of Rs.7,210 crore. Taking the gains of Phase-I and Phase-II to the next level, the e-Courts Phase-III aims to usher in a regime of maximum ease of justice by moving towards digital, online and paperless courts. It intends to incorporate latest technology such as Artificial Intelligence (AI), Block chain etc., to make justice delivery more robust, easy and accessible to all the stakeholders.

- ii.** For the safety and security of women and children, the central government has approved a scheme for setting up Fast Track Special Courts (FTSCs) across the country for the expeditious disposal of pending cases of Rape under IPC and crimes under Protection of Children from Sexual Offences (POCSO) Act, 2012. As of 31.10.2023, a total of 758 FTSCs including 412 exclusive POCSO (ePOCSO) Courts are functional in 30 States/UTs across the country. FTSCs Scheme has been further extended for 3 more years i.e. from FY 2023-24 to FY 2025-26.
- iii.** The Central Sector Scheme “Designing Innovative Solutions for Holistic Access to Justice (DISHA)” was launched in the year 2021 to provide pan India comprehensive and citizen-centric legal delivery, advice, assistance and empowerment solutions through Tele-Law, Pro Bono Legal Services (Nyaya Bandhu) and Legal Literacy and Legal Awareness programmes. Under the Tele-Law programme launched in 2017, an effective and reliable e-interface platform is provided connecting the needy and disadvantaged sections seeking legal advice and consultation with panel lawyers via video conferencing, telephone and chat facilities available at the Common Service Centres (CSCs) situated in Gram Panchayat and through Tele-Law mobile Application. As on 30th November, 2023 legal advice for 60,23,222 cases had been enabled through 2.5 lakh CSCs under the aegis of Tele Law and Tele Law Mobile App. In 2017, Nyaya Bandhu (Pro Bono Legal Services)

was also launched to provide free legal assistance and counsel to eligible persons through advocates who are registered with the Department of Justice. Nyaya Bandhu's primary initiative is to establish a framework for dispensation of pro bono legal services across the country. Apart from this, efforts have been made to institutionalize pro bono culture and pro bono lawyering the country.

- iv.** The National Mission for Justice Delivery and Legal Reforms was set up in August, 2011 with the twin objectives of increasing access by reducing delays and arrears in the system and enhancing accountability through structural changes and by setting performance standards and capacities. The Mission has been pursuing a co-ordinated approach for phased liquidation of arrears and pendency in judicial administration, which, inter-alia, involves better infrastructure for courts including computerization, increase in strength of subordinate judiciary, policy and legislative measures in the areas prone to excessive litigation, re-engineering of court procedure for quick disposal of cases and emphasis on human resource development.
- v.** Under the Centrally Sponsored Scheme (CSS) for Judicial Infrastructure for District and Subordinate Courts, suitable infrastructure such as court halls, residential quarters, lawyers halls, toilet complexes and digital computer rooms are being constructed. There has been a marked increase in the number of court halls available from 15,818 in year 2014 to 21,500 in year 2023. Similarly, there has been an increase in the number of residential units for judicial officers from 10,211 units in year 2014 to the present 18,882 units in year 2023.
- vi.** For enhancing the access to justice for the poor people, National Legal Services Authority (NALSA) has been step up under The Legal Services Authorities (LSA) Act, 1987 to provide free and competent legal services to the weaker sections of the society as covered under Section 12 of the Act, to ensure that opportunities for securing justice are not denied to any citizen by reason of economic or other disabilities. The activities/programmes undertaken by Legal Services Authorities include Legal Aid and advice; Legal Awareness Programmes; Legal Services/Empowerment camps; Legal Services Clinics; Legal Literacy Clubs; Lok Adalats and implementation of Victim Compensation Scheme. Lok Adalats are being given impetus as an Alternative Disputes Resolution Mechanism available to common people. It is a forum where the disputes/ cases pending in the court of law or at pre-litigation stage are settled/ compromised amicably. There are three types

of Lok Adalats: National Lok Adalats, State Lok Adalats and Permanent Lok Adalats. Mobile Lok Adalats are also organized in various parts of the country, which travel from one location to another to resolve disputes in order to facilitate the resolution of disputes through a mediated mechanism. Since June, 2020, online Lok Adalat/e-Lok Adalats have been organized virtually that facilitates party interaction and exchange of information, allowing people to effectively participate from their homes with the help of internet technology.

- vii.** The Government is aware of the difficulties which common people face because of the litigation costs and language barriers in the day-to-day court proceedings. Recognizing that language is a barrier in access to justice in the country, Article 348(1)(a) of the Constitution of India mandates that while all proceedings in the Supreme Court and in every High Court, shall be in English language, as per Clause (2) of the Article 348 it is stated that notwithstanding anything in sub-clause (a) of clause (1), the Governor of a State may, with the previous consent of the President, authorize the use of Hindi Language, or any other language used for any official purposes of the State, in proceedings in the High Court having its principal seat in that State. In pursuance of the same, the use of Hindi in the proceedings of High Court of Rajasthan was authorized under clause (2) of Article 348 of the Constitution in 1950. After the Cabinet Committee's decision dated 21.05.1965, as mentioned above, the use of Hindi was authorized in the High Courts of Uttar Pradesh (1969), Madhya Pradesh (1971) and Bihar (1972) in consultation with the Chief Justice of India.

Government of India had received proposals from the Government of Tamil Nadu, Gujarat, Chhattisgarh, West Bengal and Karnataka to permit the use of Tamil, Gujarati, Hindi, Bengali and Kannada in the proceedings of the Madras High Court, Gujarat High Court, Chhattisgarh High Court, Calcutta High Court and Karnataka High Court respectively. The advice of Chief Justice of India was sought on these proposals and it was intimated that the Full Court of the Supreme Court after due deliberations, decided not to accept the proposals.

Under the aegis of the Ministry of Law & Justice, the Bar Council of India has constituted 'Bharatiya Bhasha Samiti' chaired by former Chief Justice of India, Hon'ble Mr. Justice S.A. Bobde. The committee is developing a Common Core Vocabulary close to all Indian languages for the purpose of translating legal material into regional languages.

Recently, on 26th November, 2023 during the Constitution Day celebrations, the Hon'ble President of India inaugurated the eSCR (electronic Supreme Court Reports) portal of the Supreme Court of India, developed under the eCourts Mission Mode Project. This portal includes Hindi translations for 21,388 judgements out of a total of 36,068 delivered since January, 1950. Already, the English versions of all judgements are accessible through this portal at no cost to judges, lawyers, litigants and the general public.
