

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

LOK SABHA

UNSTARRED QUESTION NO. 3884

TO BE ANSWERED ON WEDNESDAY, 11th DECEMBER, 2019.

Judicial Reforms

3884. SHRI NAMA NAGESWARA RAO:

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

- (a) whether the Government is planning to bring in judicial reforms in the courts to reduce pending court cases both at the subordinate court level and higher courts and if so, the details thereof;**
- (b) whether the Government is thinking of bringing about changes in the functioning of the subordinate courts so that pending cases are reduced in an expeditious manner and if so, the details thereof;**
- (c) the manner by which delivery of justice system can be honed further or bettered;**
- (d) whether the Government has achieved the goals of National Mission for Justice Delivery and Legal Reforms and if so, the details thereof; and**
- (e) whether any study has been conducted to ensure that pending cases in subordinate courts are put on fast track and disposed of fast and if so, the details thereof?**

ANSWER

**MINISTER OF LAW AND JUSTICE, COMMUNICATIONS AND ELECTRONICS &
INFORMATION TECHNOLOGY**

(SHRI RAVI SHANKAR PRASAD)

(a), (b) and (c): Disposal of pending cases in courts, including High Courts and Supreme Court is within the domain of judiciary. The Supreme Court of India with an objective to revisit and implement the recommendations of Law Commission of India in its various reports to promote Court Management, Case Management and improve Administration of Justice, established the scheme of National Court Management Systems (NCMS) in 2012 for enhancing timely justice under overall control of Chief Justice of India. A National Court Management System Committee (NCMS Committee) was constituted by the Supreme Court to facilitate development of policy initiative in order to reform and

strengthen the judicial system and enhance quality, responsiveness and timely of judicial administration. The Policy and Action Plan of the NCMS provides for proposals to be developed by the NCMS Committee on setting measurable performance standards for courts, adoption of case management systems, standardization of judicial data and statistics and adoption of human resource plan for courts. The plan, *inter-alia*, outlines a broad framework for case management, which includes settling issues, encouraging parties to resort to Alternate Dispute Resolution, extensive use of Order X of Code of Civil Procedure, 1908 in civil matters and fixing a time schedule for resolution of cases. However, it was left open to High Courts to implement the recommendations relating to case management.

However, the Union Government is committed to speedy disposal of cases and reduction in pendency of cases. The National Mission for Justice Delivery and Legal Reforms has adopted many strategic initiatives, including improving infrastructure [court halls and residential units] for Judicial Officers of District and Subordinate Courts, leveraging Information and Communication Technology (ICT) for better justice delivery, filling up of vacant positions of Judges in High Courts and Supreme Court, reduction in pendency through follow up by Arrears Committees at District, High Court and Supreme Court level, emphasis on Alternate Dispute Resolution (ADR) and initiatives to fast track special type of cases.

(d): 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 computerisation, 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.

To advise on the goals, objectives and strategies of the National Mission and the Action Plan and its implementation, an Advisory Council has been set up under the Chairmanship of Union Minister of Law and Justice with wide ranging membership. An action plan of the National Mission was formulated under 5 strategic initiatives which are reviewed by the Advisory Council of the National Mission from time to time. Eleven

meetings of the Advisory Council have been held so far. Activities under the National Mission are of an on-going nature and regular reports are presented before the Advisory Council of the National Mission.

(e). The Supreme Court, in the case of *Imtiyaz Ahmed versus State of Uttar Pradesh & Others, inter-alia*, asked the Law Commission of India to evolve a method for scientific assessment of the number of additional courts to clear the backlog of cases. In 245th report (2014), the Law Commission 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 the “Rate of Disposal” method, 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, is more pragmatic and useful.

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 in the long term, 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.
