

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

LOK SABHA

**UNSTARRED QUESTION NO. 1594
TO BE ANSWERED ON WEDNESDAY, THE 10th FEBRUARY, 2021**

PENDING COURT CASES

1594. SHRI T. R. BAALU

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

- (a) whether the increase in the number of courts was insufficient to address the backlog of cases;**
- (b) if so, the remedial steps taken by the Government in this regard;**
- (c) the measures being taken by the Government in this direction considering the fact that access to justice can also be increased by managing the duration of cases more effectively?**

**ANSWER
MINISTER OF LAW AND JUSTICE, COMMUNICATIONS AND
ELECTRONICS & INFORMATION TECHNOLOGY
(SHRI RAVI SHANKAR PRASAD)**

(a) to (c): Disposal of cases pending in various courts is within the domain of judiciary. Timely disposal of cases in courts depends on several factors which, *inter-alia*, include availability of adequate number of judges and judicial officers, 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.

In the case of *Imtiyaz Ahmed versus State of Uttar Pradesh and others*, the Supreme Court had asked the Law Commission of India to evolve a method for

scientific assessment of the number of additional courts required 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 in the absence of complete and scientific approach to data collection across various High Courts in the country, 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.

As per the direction of the Hon’ble Supreme Court in its Order dated 02.01.2017, the Department of Justice has forwarded a copy of interim report of the NCMS Committee to all the State Governments and High Courts to enable them to take follow up action to determine the required Strength of district and subordinate judiciary.

The cadre strength of Judges in Supreme Court was raised from 30 to 33 excluding the Chief Justice of India in the year 2019 and in the High Courts from 906 to 1080 from the year 2014 to 2021. The new courts at District and below District / Subordinate (Tehsil / Taluka) level are established by the respective State Governments in consultation with the concerned High Courts, as per their need and resources. Central Government has no role in the matter.
