

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

LOK SABHA

**UNSTARRED QUESTION NO. †2653
TO BE ANSWERED ON WEDNESDAY, THE 04th AUGUST, 2021**

PENDING COURT CASES

†2653. SHRI MALOOK NAGAR:

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

- (a) the policy framed by the Government to clear the backlog of higher number of pending cases in the country as compared to the world;**
- (b) whether the Government propose to formulate any policy to address the major reasons of pendency cases in the country like shortage of courts in India, lesser number of sanctioned posts of judges and filling up the vacant posts etc. ;**
- (c) the various steps being taken by the Government to check corruption in judiciary; and**
- (d) whether the Government propose to formulate any policy with regard to framing of strict laws or to bring some substantial changes into the earlier laws in order to strictly check the increasing gruesome crimes and to maintain law and order situation in the country?**

ANSWER

MINISTER OF LAW AND JUSTICE

(SHRI KIREN RIJJU)

(a) & (b): 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 geographical 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 the “*Rate of Disposal*” method i.e. 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 to be 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 1098 from the year 2014 to 2021. The cadre strength of Judges in District and Subordinate Courts has increased from 19,518 in 2014 to 24,365 in July, 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. In Malik Mazhar case, the Supreme Court, through a judicial order has devised a process and time-frame for filling up vacancies in the Subordinate Judiciary in a time bound manner.

The Union Government is committed to speedy disposal of cases and reduction in pendency of cases to improve access to justice in line with the mandate under Article 39A of the Constitution. The National Mission for Justice Delivery and Legal Reforms, established by the Union Government, has adopted many strategic initiatives, including improving infrastructure 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 etc.

(c): The issue of checking corruption in the judiciary is to be addressed by the judiciary itself, as it is an independent organ under the Indian Constitution. Accountability in higher judiciary is maintained through “*in-house procedure*”, adopted by the Supreme Court in Full Court meeting held on 7th May, 1997. As per the “*In-house procedure*”, Chief Justice of India is competent to receive complaints against the conduct of the Judges of the Supreme Court and the Chief Justices of the High Courts. Similarly, the Chief Justices of the High Courts are competent to receive complaints against the conduct of High Court Judges. Further, as per Article 235 of the Constitution of India, the control over District Courts and Courts subordinate thereto vests in the High Court.

Complaints and representations regarding allegation of corruption received are dealt with by the Chief Justice of India or to the Chief Justice of the concerned High Court, as the case may be, for appropriate action. Similarly, complaints/

representations against member of Subordinate Judiciary received are forwarded to the Registrar General of the concerned High Court, for appropriate action.

(d): Existing criminal laws have adequate provisions to check various kind of crimes and maintain law and order. However, amendments to criminal law is a continuous process.
