

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

LOK SABHA

**UNSTARRED QUESTION NO. †3897
TO BE ANSWERED ON FRIDAY, THE 25TH MARCH, 2022**

SPEEDY DISPOSAL OF THE CASES

†3897. SHRIMATI KESHARI DEVI PATEL:

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

- (a) the details of the steps taken for quick disposal/ redressal of cases in the courts;**
- (b) the reason for not giving decisions so far in those cases in which hearing was completed even before the onset of COVID-19 pandemic;**
- (c) the reason behind pendency of decisions of cases despite all facilities being made available in courts;**
- (d) whether the Government has issued/proposes to issue guidelines for disposal of cases within fixed time frame; and**
- (e) if so, the details thereof?**

ANSWER

MINISTER OF LAW AND JUSTICE

(SHRI KIREN RIJJU)

(a) to (e): Disposal of pending cases in courts is within the domain of the judiciary. No time frame has been prescribed for disposal of various kinds of cases by the respective courts. Government has no role in disposal of cases in courts. 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. There are several factors which may lead to delay in disposal of cases. These, inter-alia, include

vacancies of judges, frequent adjournments and lack of adequate arrangement to monitor, track and bunch cases for hearing. The Central Government is fully committed to speedy disposal of cases in accordance with Article 21 of the Constitution and reducing pendency. The Government has taken several initiatives to provide an ecosystem for faster disposal of cases by the judiciary.

After announcement of nation-wide lockdown from 25th March, 2020, directions have been issued from time to time by the respective High Courts to the Subordinate Courts under their administrative jurisdiction for hearing of urgent civil and criminal matters in virtual or physical mode depending on local conditions. Most High Courts have further advised district and subordinate courts that where there is no shut down/lockdown, they may, as far as possible, resume normal functioning by virtual/physical mode and take up all kind of cases, including those pertaining to under-trial prisoners, trial of civil cases, matrimonial disputes, child custody matters, recording of evidence and other old matters. Wherever physical hearing was permitted in district and subordinate courts, they were advised to strictly adhere to Covid protocols and social distancing norms and take all precautions including consent of the parties. A new Software Patch and Court User Manual has been developed for COVID- 19 Management. This tool has been developed to help in smart scheduling all cases to effectively manage overcrowding in courts. As regards the Supreme Court, an overarching order has been issued by the Supreme Court on 06.04.2020 giving legal sanctity and validity to video conference hearing.

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.

The major steps taken during the last seven years under various initiatives are as follows:

(i) **Improving infrastructure for Judicial Officers of District and Subordinate Courts:** As on date, Rs. 8,758.71 crores have been released since the inception of the Centrally Sponsored Scheme (CSS) for Development of Infrastructure Facilities for Judiciary in 1993-94. The number of court halls has increased from 15,818 as on 30.06.2014 to 20,812 as on 17.03.2022 and number of residential units has increased from 10,211 as on 30.06.2014 to 18,338 as on 17.03.2022 under this scheme. In addition, 2,767 court halls and 1,651 residential units are under construction. The Centrally Sponsored Scheme for the Development of Infrastructure Facilities for Judiciary has been extended till 2025-26 at a total cost of Rs. 9000 crores, out of which Central share will be Rs. 5307 crores. Besides, construction of Court Halls and Residential Units, it would also cover construction of Lawyer's Halls, Toilet Complexes and Digital Computer Rooms.

(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 computerized District & Subordinate courts has increased to 18,735 so far. WAN connectivity has been provided to 98.9% of court complexes. New and user-friendly version of Case Information Software has been developed and deployed at all the computerized District and Subordinate Courts. All stakeholders including Judicial Officers can access information relating to judicial proceedings/decisions of computerized District & Subordinate Courts and High Courts on the National Judicial Data Grid (NJDG). As on 02.03.2022, litigants can access case status

of over 19.92 crore cases and 16.81 crore order/judgments pertaining to these courts. 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 computerized courts, eCourts Mobile App, email service, SMS push & pull services. Video Conferencing facility has been enabled between 3240 court complexes and 1272 corresponding jails. With a view to handle the COVID- 19 challenges better and to make the transition to virtual hearings smoother, 475 e-Sewa Kendras have been set up at court complexes to facilitate lawyers and litigants needing assistance ranging from case status, getting judgments/orders, court/case related information and e-filing facilities. Rs. 5.01 crores has been allocated for providing equipment in Video Conferencing cabins in various court complexes to facilitate virtual hearings. Rs. 12.12 crores has been allocated for 1732 Help desk counters for e-filing in various court complexes.

Seventeen Virtual Courts have been set up in 13 States/UTs viz. Delhi (2), Haryana, Tamil Nadu, Karnataka, Kerala (2), Maharashtra (2), Assam, Chhattisgarh, Jammu & Kashmir (2), Uttar Pradesh, Odisha, Meghalaya and Himachal Pradesh to try traffic offences. As on 03.03.2022, these courts have handled more than 1.32 crore cases and realized more than Rs. 229.22 crore in fines.

Video conferencing emerged as the mainstay of the Courts during the Covid lockdown period as physical hearings and normal court proceedings in the congregational mode were not possible. Since Covid lockdown started, the District courts heard 1,11,40,223 cases while the High Court heard 60,21,688 cases (totalling to 1.71 crore) till 30.01.2022 using video conferencing. The Supreme Court had 2,18,891 hearings since the lockdown period upto 14.03.2022.

(iii) Filling up of vacant positions in Supreme Court, High Courts and District and Subordinate Courts: From 01.05.2014 to 17.03.2022, 44 Judges were appointed in Supreme Court. 710 new Judges were appointed and 588 Additional Judges were made permanent in the High Courts. Sanctioned strength of Judges of High Courts has been

increased from 906 in May, 2014 to 1104 currently. Sanctioned and working strength of Judicial Officers in District and Subordinate Courts has increased as follows:

As on	Sanctioned Strength	Working Strength
31.12.2013	19,518	15,115
21.03.2022	24,521	19,341

However, filling up of vacancies in Subordinate judiciary falls within the domain of the State Governments and High Courts concerned.

(iv) **Reduction in Pendency through / follow up by Arrears Committees:** In pursuance of Resolution passed in Chief Justices' Conference held in April, 2015, Arrears Committees have been set up in 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. In the past, Minister of Law & Justice has taken up the matter with Chief Justices of High Courts and Chief Ministers in the past drawing their attention to cases pending for more than five years and to take up pendency reduction campaign. The Department has developed an online portal for reporting by all High Courts on the compliance of Arrears Eradication Scheme guidelines of the Malimath Committee Report.

(v) **Emphasis on Alternate Dispute Resolution (ADR):** Commercial Courts Act, 2015 (as amended on 20th August, 2018) stipulates mandatory pre-institution mediation and settlement of commercial disputes. Amendment to the Arbitration and Conciliation Act, 1996 has been made by the Arbitration and Conciliation (Amendment) Act 2015 for expediting the speedy resolution of disputes by prescribing timelines.

(vi) **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. As on 31.01.2022, 915 Fast Track Courts are functional for heinous crimes, crimes against women and children etc. To fast track criminal cases involving elected MPs / MLAs, ten (10) Special Courts are functional in nine (9) States/UTs (1 each in Madhya Pradesh, Maharashtra, Tamil Nadu, Karnataka, Andhra Pradesh, Telangana, Uttar Pradesh, West Bengal and 2 in NCT of Delhi). Further, Government has approved a scheme for setting up 1023 Fast Track Special Courts (FTSCs) across the country for expeditious disposal of pending cases of Rape under IPC and crimes under POCSO Act. As on date, 28 States/UTs have joined the scheme for setting up of 842 FTSCs including 363 'exclusive POCSO Courts'. Rs.140 crore was released in the financial year 2019-20 and Rs. 160.00 crore has been released during the financial year 2020-21 and Rs. 62.23 crore has been released during the FY 2021-22 upto 15.03.2022 for the scheme. 712 FTSCs are presently functional including 399 exclusive POCSO Courts, which disposed 81462 cases as on 28.02.2022. The continuation of the Scheme of FTSC has been approved for another two years (2021-23) at a total outlay of Rs. 1572.86 crore, including Rs. 971.70 crore as Central share.

(vii) In addition, to reduce pendency and unclogging of the courts, the Government has recently amended various laws like the Negotiable Instruments (Amendment) Act, 2018, the Commercial Courts (Amendment) Act, 2018, the Specific Relief (Amendment) Act, 2018, the Arbitration and Conciliation (Amendment) Act, 2019 and the Criminal Laws (Amendment) Act, 2018.
