

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

**LOK SABHA**

**STARRED QUESTION NO.†\*178  
TO BE ANSWERED ON FRIDAY, THE 02<sup>ND</sup> AUGUST, 2024**

**DISPOSAL OF PENDING CASES**

**†\*178. SMT. DHANORKAR PRATIBHA SURESH:**

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

- (a) whether the Government has taken note of the suggestion made by Justice RM Lodha that the courts should function on all 365 days of the year to dispose off the pending cases;**
- (b) if so, the details thereof and reaction of the Government thereto;**
- (c) whether the Government proposes to increase the number of courts and its working, if so, the details thereof; and**
- (d) whether the Government has consulted the concerned institutions/organisations in this regard, if so, the details thereof?**

**ANSWER**

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

**(SHRI ARJUN RAM MEGHWAL)**

**(a) to (d):** A Statement is laid on the Table of the House.

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**STATEMENT REFERRED TO IN REPLY TO PARTS (A) TO (D) OF RAJYA SABHA STARRED QUESTION NO. †\*178 FOR ANSWER ON 02.08.2024 REGARDING 'DISPOSAL OF PENDING CASES'.**

**(a) & (b):** The Government is aware of the suggestion made by Justice RM Lodha that the courts should function on all 365 days of the year to dispose off the pending cases.

The Rajya Sabha Department-Related Parliamentary Standing Committee on Personnel, Public Grievances, Law And Justice (DRPSC) in its 133rd Report, on the subject "Judicial Processes and their Reform" while examining the issue "Vacations in the Supreme Court and High Courts" had referred to the suggestion of former Chief Justice of India Shri R.M. Lodha on court vacations that instead of all judges going on vacations, all at one time, individual judges should take their leave at different times through the year so that the courts are constantly open and they are always present to hear cases. This Committee opined that this suggestion of former Chief Justice of India Shri R.M. Lodha on court vacations should be considered by Judiciary. Accordingly, the recommendation of the Rajya Sabha DRPSC in respect of the aforementioned subject was forwarded by the Government to the Secretary General, Supreme Court and all Registrars General of the respective High Court for appropriate consideration.

The Supreme Court of India, in exercise of the powers conferred on it under Article 145 of the Constitution of India, makes rules for regulating the Court's practice and procedures which includes its sittings and vacations, etc. Accordingly, the Supreme Court has framed the 'Supreme Court Rules, 2013 which was notified on 27.05.2014. Order II of Part I of the Supreme Court Rules, 2013 provide for sittings of the Supreme Court, length of summer vacation and the number of holidays of the Court and also the Benches of the Hon'ble Judges during summer vacation and winter holidays.

Similarly, the High Courts in exercise of the powers conferred on them under Article 225 of the Constitution of India frame rules for regulating their practice & procedures, including sittings and vacations.

**(c) & (d):** Article 130 of the Constitution of India provides that the Supreme Court shall sit in Delhi or in such other place or places as the Chief Justice of India may, with the approval of the President, from time to time, appoint. The Eleventh Law Commission in its 125th Report titled “The Supreme Court – A Fresh Look”, submitted in 1988, reiterated the recommendations made by Tenth Law Commission in its 95th Report for splitting the Supreme Court into two namely (i) Constitutional Court at Delhi and (ii) Court of appeal or Federal Court sitting in North, South, East, West and Central India. The Eighteenth Law Commission in its 229<sup>th</sup> Report had also suggested that a Constitutional Bench be set up at Delhi and four Cassation Benches be set up in the Northern region at Delhi, Southern region at Chennai/Hyderabad, Eastern region at Kolkata and Western region at Mumbai. The matter was referred to the Chief Justice of India, who informed that after consideration of the matter, the Full Court in its meeting held on 18th February, 2010, found no justification for setting up of Benches of the Supreme Court outside Delhi. In Writ Petition WP(C) No. 36/2016 on establishment of National Court of Appeal, the Supreme Court vide its judgment dated 13.07.2016 deemed it proper to refer the aforementioned issue to Constitutional Bench for authoritative pronouncement. **The matter is sub-judice in the Supreme Court.**

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 and after due consideration of a complete proposal from the State Government which has to provide necessary expenditure and infrastructural facilities and the Chief Justice of the concerned High Court who is required to look after the day today administration of the High Court. The proposal to be complete, should also have the consent of the Governor of the concerned State. At present, there is no complete proposal pending with the Government for setting up of Bench(es) in any High Court.

The setting up of more courts at district and subordinate level is in the domain of the concerned High Courts and respective State Governments.

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