

**GOVERNMENT OF INDIA
LAW AND JUSTICE
LOK SABHA**

STARRED QUESTION NO:183

ANSWERED ON:06.12.2012

PENDING COURT CASES

Chaudhary Shri Jayant;Tandon Shri Lal Ji

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

- (a) the number of cases pending for disposal in High Courts across the country, State-wise and the reasons therefor;
- (b) the average number of cases disposed of by the High Courts in the country in a year;
- (c) whether the Government had initiated any pendency reduction drive in the recent past;
- (d) if so, the details thereof; and
- (e) the other precise steps proposed to be taken by the Government with a view to assisting the judiciary in addressing the problem of pending cases?

Answer

MINISTER OF THE STATE IN THE MINISTRY OF LAW AND JUSTICE (DR. ASHWANI KUMAR)

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

STATEMENT REFERRED IN REPLY TO PARTS (a) to (e) OF LOK SABHA STARRED QUESTION NO.183 FOR ANSWER ON 06th DECEMBER, 2012.

As per information made available by High Courts, a statement on number of cases pending for disposal in various High Courts across the country as on 31.12.2011 is at Annex. The problem of pendency has arisen mainly because the filings have been either equal or more than the disposal. The other causes of increasing pendency are number of State and Central legislations, accumulation of first appeals, continuation of ordinary civil jurisdiction in some of the High Courts, vacancies of Judges, appeals against orders of quasi-judicial forums going to High Courts, number of revisions / appeals, adjournments, indiscriminate use of writ jurisdiction in High Courts, lack of arrangement to monitor, track and bunch cases for hearing, changing pattern of litigation etc. The average rate of disposal in High Courts during last three years (2009 to 2011) has been 16.85 lakh cases per year.

A pendency reduction drive was undertaken from July 2011 to December, 2011 in a campaign mode approach for clearing long pending cases and cases relating to marginalized sections of the society in High Courts and Subordinate Courts under their jurisdiction. As per information received from the High Courts, net pendency in all courts was reduced by over 6 lakh cases. Out of them about 1.36 lakh cases were of the targeted groups such as senior citizens, disabled, minors and marginalized sections of society. A similar drive has been launched in this year as well from July, 2012 to December, 2012. The focus of pendency reduction drive this year is to make our judicial system 'five plus' free. Simultaneously, emphasis is being laid on increasing the number of judges in subordinate judiciary by filling the existing vacancies and creating additional posts so that disposal of cases is expedited by setting up of additional courts.

The Government has set up a National Mission for Justice Delivery and Legal Reforms 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 coordinated 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. The National Mission has a time frame of five years (2011-16) to pursue them.

The Mission has taken several steps in the strategic areas towards fulfillment of its objectives. An Inter-Ministerial Group (IMG) has been constituted to suggest necessary amendments to the Negotiable Instruments Act, 1881 along with other policy and administrative measures to check increasing litigation relating to cheque bounce cases. For the re-engineering of court procedures and court processes for early disposal of cases, a National Court Management System has been notified by the Supreme Court for addressing the issues of case management, court management, setting measurable standards for performance of the courts and the National System of Judicial Statistics in the country.

Infrastructure development for the subordinate judiciary is a major thrust area for the National Mission. With a view to enhancing the resources of the State Governments, the Government has increased the central share by revising the funding pattern from 50:50 to

75:25 (for States other than North Eastern States) under modified Centrally Sponsored Scheme for development of infrastructure facilities for the judiciary from the year 2011-12 onwards. The funding pattern for North-Eastern States has been kept as 90:10 with effect from 2010-11.

Rs. 595 crore has been released as central assistance to States / UTs for infrastructure development of subordinate judiciary during 2011-12. Out of budget of Rs 660 crore in the current financial year, Rs. 557 crore has been released to States / UTs till 30th November, 2012. On the recommendations of 13th Finance Commission, the Government has sanctioned Rs. 5000 crore as grants to the States for 5 years between 2010-15 for undertaking various initiatives such as increasing the number of court working hours using the existing infrastructure by holding morning / evening / shift courts; enhancing support to Lok Adalats to reduce the pressure on regular courts; providing additional funds to State Legal Services Authorities to enable them to provide legal aid to the marginalized and empower them to access justice; promoting the Alternative Dispute Resolution (ADR) mechanism to resolve part of the disputes outside the court system.