

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

LOK SABHA

**UNSTARRED QUESTION NO.2754
TO BE ANSWERED ON WEDNESDAY, THE 04th AUGUST, 2021**

JUSTICE DELIVERY SYSTEM

2754. SHRI SURESH PUJARI:

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

- (a) whether there is any proposal to strengthen the Justice Delivery System in India for early disposal of pending cases piled up in different High Courts of India and to ensure that justice is delivered at the door steps of the poor litigants and that too without delay and if so, the details thereof;**
- (b) if so, whether the Government will consider establishment of the Permanent Bench of Odisha High Court in Western Odisha in pursuance of the recommendation of Justice Jaswant Singh Commission Report; and**
- (c) whether the Government will take up the matter with the State Government and the Hon'ble Chief Justice of Odisha High Court and in consultation with the stake holders to come to a consensus to pave the way for establishment of permanent bench in Western Odisha and if so, the details thereof?**

ANSWER

MINISTER OF LAW AND JUSTICE

(SHRI KIREN RIJJU)

(a): 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. 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. 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 six years under various initiatives are as follows:

- (i) Improving infrastructure for Judicial Officers of District and Subordinate Courts: As on date, Rs. 8,644.00 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 20,218 as on 22.07.2021 and number of residential units has increased from 10,211 as on 30.06.2014 to 17,815 as on 22.07.2021 under this scheme. In addition, 2,693 court halls and 1,852 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 from 13,672 (in 2014) to 18,735 as on 01.07.2021, registering an increase of 5,063. 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 01.07.2021, litigants can access case status of over 18.77 crore cases and 14.61 crore order/judgements 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, funds have been provided for setting up 235 e-SewaKendras at court complexes to facilitate lawyers and litigants needing assistance ranging from case status, getting judgements/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.

Twelve Virtual Courts have been set up at Delhi (2 courts), Faridabad (Haryana), Pune & Nagpur (Maharashtra) Kochi (Kerala), Chennai (Tamil Nadu), Guwahati (Assam) and Bengaluru (Karnataka) to try traffic offences. As on 12.07.2021, these courts have handled 75 lakh cases and realised Rs.160.05 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 74,15,989 cases while the High Court heard 40,43,300 cases (totalling to 1.14 crore) till 30.06.2021 using video conferencing only. The Supreme Court had 96,239 hearings since the lockdown period upto 09.07.2021.

- (iii) Filling up of vacant positions in Supreme Court, High Courts and District and Subordinate Courts: From 01.05.2014 to 01.03.2021, 35 Judges were appointed in Supreme Court. 602 new Judges were appointed and 551 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 1098 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
29.07.2021	24,368	19,259

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.

Further Communications have been addressed by Minister of Law & Justice to Chief Justices of High Courts and to Chief Ministers on 20.06.2014 and 14.08.2018 drawing their attention to cases pending for more than five years and to take up pendency reduction campaign.

- (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) Lok Adalats are one of the Alternative Disputes Resolution mechanism u/s 89 of C.P.C. Lok Adalat has been given statutory status under the Legal Services Authorities Act 1987 recognizing its efficacy as an expeditious, less costly and speedier system of administration of justice by which Justice Delivery System is strengthened in the country. As per section 19 of the said Act, the Lok Adalat has jurisdiction to take up any case which is pending before any court or any matter of dispute between the parties which has yet not been brought to the court. Lok Adalat take up civil matters and all criminal compoundable matters, whether pending in a court or at the pre-litigative stage.

Lok Adalats are held at National and State levels. National Lok Adalats are held on single day in all the Courts and Tribunals of the country on dates decided by NALSA in the beginning of each calendar year. State Legal Services Authorities also organize Lok Adalats from time to time as per the local circumstances and requirements.

In the period of turbulence caused by the Covid pandemic, Legal Services Authorities appropriately responded by creatively adapting to the new normal and moving Lok Adalat to the virtual platform. E- Lok Adalat is a process to settle disputes, combining technology and alternative dispute resolution (“ADR”) mechanisms which offers a faster, transparent and accessible option.

Although, these Lok Adalats take up both pending and pre-litigative matters, the focus is on reducing the pendency in the courts by taking up more matters actually pending in the High courts and also lower courts. Lok Adalats are organised at District and Taluk levels, including Talukas of remote and far flung areas also. To promote Lok Adalat, a provision is made to refund/reimburse court fee paid by party (ies). Parties can appear and put up their case without any representative.

(vii) 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 30.04.2021, 870 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 for the scheme. Rs. 39.77 crore has been released till June 2021 for Financial Year 2021-22. 640 FTSCs are functional including 338 exclusive POCSO Courts, which disposed 50484 cases as on 31.05.2021.

(viii) 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.

(b) & (c): High Court Benches, at a place other than its Principal seat, 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 incorporating readiness to provide infrastructure and meet the expenditure, along with the consent of the Chief Justice of the concerned High Court and the consent of the Governor of the concerned State.

The State Government of Odisha has requested for setting up of Orissa High Court Bench in Western and Southern region of Odisha. The Central Government has requested the State Government of Odisha to work out details of proposed Bench including its location in consultation with High Court of Orissa. At present no complete proposal regarding setting up of bench(es) of Orissa High Court is pending with the Government.
