

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

LOK SABHA

UNSTARRED QUESTION NO. 2886

TO BE ANSWERED ON WEDNESDAY, THE 10TH JULY, 2019.

Pending Cases in Supreme Court

**2886. SHRIMATI DARSHANA VIKRAM JARDOSH:
SHRI SU. THIRUNAVUKKARASAR:
SHRI P. RAVEENDRANATH KUMAR:
SHRI A. GANESHAMURTHI:
SHRI RAJENDRA AGRAWAL:
SHRIMATI RITI PATHAK:**

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

- (a) whether a large number of court cases are pending in Supreme Court, High Courts and various subordinate courts for more than a decade, if so, the details thereof and the reasons therefor;**
- (b) the details of number of pending cases in which Government revenue is involved for the last three years;**
- (c) whether the Government has formulated an action plan and requested respective High Courts to expedite the disposal of cases which are pending for more than ten years and if so, the details thereof;**
- (d) whether the Government proposes to appoint more judges in various courts, including Supreme Court to dispose of these cases in a time-bound manner and if so, the details thereof; and**
- (e) whether setting up of benches of High Court at different locations in States is being considered for the purpose, if so, the details thereof and if not, the reasons therefor?**

ANSWER

**MINISTER OF LAW AND JUSTICE, COMMUNICATIONS AND ELECTRONICS &
INFORMATION TECHNOLOGY
(SHRI RAVI SHANKAR PRASAD)**

(a) to (e): As per the information available 4,223 cases are pending in Supreme Court for more than 10 years and as per the data available on the web-portal of National Judicial Data Grid (NJDG), 8.33 lakh cases are pending in High Courts and 25.10 lakh cases are pending District and Subordinate Courts for more than 10 years.

Pursuant to the Joint Conference of the Chief Ministers of the States and Chief Justices of the High Courts held in 2015, where it was resolved that all High Courts would

constitute Arrears Committee, the then Minister of Law and Justice had written to the Chief Justices of the High Courts requesting them to appraise the Government of the steps being taken by them to address the issue of pendency especially regarding cases pending for more than 5 years. As per the available information, all High Courts have established Arrears Committees. Progress made by the High Courts in reducing pendency was taken up for consideration again in the Conference of Chief Justices of High Courts held in April 2016. Based on the reports submitted by the Arrears Committee of various High Courts, it was, *inter-alia*, resolved that (i) all the High Courts shall assign top most priority for disposal of cases which are pending for more than five years; (ii) High Courts where cases are pending for more than five years shall facilitate their disposal in mission mode; (iii) High Court shall progressively thereafter set a target of disposing of cases for more than four years; (iv) While prioritizing the disposal of cases pending in the district courts for more than five years, additional incentives for the Judges of the district judiciary could be considered where feasible; and (v) Efforts shall be made for strengthening case-flow management rules. It was further resolved that the Chief Justices of the High Courts will set up a Cell / Committee for monitoring the implementation of the resolutions passed in the Chief Justices Conferences and each High Court shall create a mechanism for submitting progress report to the Supreme Court. Accordingly, Arrears Committees are functioning in all High Courts and in District Courts.

The Government is fully committed to speedy disposal of cases and reducing pendency and has, in conjunction with the judiciary, taken many corrective steps. The Government has taken several initiatives to provide an ecosystem for faster disposal of cases by the judiciary. The National Mission for Justice Delivery and Legal Reforms established by the Government has adopted a coordinated approach for phased liquidation of arrears and pendency in judicial administration through various strategic initiatives, including improving infrastructure for courts, leveraging Information and Communication Technology (ICT) for better justice delivery, and filling up of vacant positions of Judges in High Courts and Supreme Court. The major achievements during the last five years under various initiatives to make the functioning of judiciary more efficient are as follows:

- (i) Improving infrastructure for Judicial Officers of District and Subordinate Courts: As on date, Rs.6,986.50 crores have been released since the inception of the Centrally Sponsored Scheme (CSS) for Development of Infrastructure Facilities for Judiciary in

1993-94. Out of this, 3,542.20 crores (which are 50.70% of the total amount released till date) have been released to the States and UTs since April, 2014. The number of court halls has increased from 15,818 as on 30.06.2014 to 19,101 as on date and number of residential units has increased from 10,211 as on 30.06.2014 to 16,777 as on date under this scheme. In addition, 2,879 court halls and 1,886 residential units are under construction. The Central Government has approved continuation of the Scheme beyond the 12th Five Year Plan period *i.e.* from 01.04.2017 to 31.03.2020 with an estimated additional outlay of Rs.3,320 crore.

(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 computerised District & Subordinate courts has increased from 13,672 to 16,845 registering an increase of 3,173 during 2014 till date. New and user-friendly version of Case Information Software developed and deployed at all the computerized District and Subordinate Courts. QR Code facility made operational in the software, which enables to check current status of the case. National Judicial Data Grid (NJDG) provides citizens with online information about case filings, case status and electronic copies of orders and judgments from district and subordinate courts that have already been computerized. Information regarding 11.67 crore cases is available on this portal. 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 computerised courts, eCourts Mobile App, email service, SMS push & pull services. Information Kiosks have been setup at all computerized court complexes for disseminating judicial information related to cause lists and other case related information to the lawyers and litigants. eCourts Project has been consistently amongst the top 5 Mission Mode Projects of country.

(iii): Filling up of vacant positions in Supreme Court, High Courts and District and Subordinate Courts: From 01.05.2014 to 24.06.2019, 31 Judges were appointed in Supreme Court. 454 new Judges were appointed and 366 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 1079 currently. Sanctioned and

working strength of Judicial Officers in District and Subordinate Courts has been increased as follows:

| As on | Sanctioned Strength | Working Strength |
|------------|---------------------|------------------|
| 31.12.2013 | 19,518 | 15,115 |
| 30.06.2019 | 23,199 | 17,757 |

- (iv) Reduction in Pendency through / follow up by Arrears Committees: Further, 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.
- (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. At present, 581 such Fast Track Courts are functioning across the country. To fast track criminal cases involving elected MPs / MLAs, twelve (12) Special Courts were set up in eleven (11) States (Andhra Pradesh, Telangana, Kerala, Karnataka, Tamil Nadu, Maharashtra, Madhya Pradesh, Uttar Pradesh, Bihar, West Bengal and NCT of Delhi) and proportionate funds have been released to these States by the Government. The Criminal Law (Amendment) Act, 2018 has been enacted on 11.08.2018 to amend the Indian Penal Code, Indian Evidence Act, 1872, the Code of Criminal Procedure, 1973 and the Protection of Children from Sexual Offences Act, 2012.

Filling up of vacancies in the Supreme Court and High Courts is a continuous and collaborative process, between the Executive and the Judiciary. It requires consultation and approval from various Constitutional Authorities. Initiation of proposal for appointment of Judges in the Supreme Court vests with the Chief Justice of India, while initiation of proposals for appointment of Judges in High Courts vests with the Chief Justice of the High Court concerned. While every effort is made to fill up the existing vacancies expeditiously, vacancies in High Courts do keep on arising on account of retirement, resignation or elevation of Judges and also the increase in the strength of Judges.

Further, as per the Constitutional framework, the selection and appointment of judges in subordinate courts is the responsibility of High Court and State Government concerned. However, following steps have been taken by the Government to facilitate filling of vacancies in lower judiciary:-

- (i) In September, 2016, Union Minister of Law & Justice wrote to the Chief Ministers of States and the Chief Justices of High Courts to enhance the cadre strength of the District and Subordinate Courts and provide physical infrastructure to the State judiciary. The same was reiterated in May, 2017. In August, 2018, in the context of increasing pendency of cases, the Union Minister of Law & Justice has written to all Chief Justices of High Courts to monitor the Status of the vacancies regularly and to ensure proper coordination with the state Public Service Commission to fill up vacant posts as per time schedule prescribed by the Hon'ble Supreme Court in the Malik Mazhar Sultan case.
- (ii) The filling up of vacancies is also being monitored by the Supreme Court in a *suo-motu* Writ Petition (Civil) No. 2 of 2018.
- (iii) A series of meetings were held by Secretary, Department of Justice with Registrars General of all High Courts and Law Secretaries of all State Governments / UTs *through* Video Conferencing in the month of January, 2018, July, 2018 and November, 2018 to follow up on filling up posts of Judicial Officers in District and Subordinate Courts.
- (iv) The Department of Justice has hosted a web-portal on its website for reporting and monitoring of sanctioned and working strength, and vacancies of Judicial Officers of District and Subordinate Courts on monthly basis.
- (v) In order to facilitate regular filling up of these vacancies in a smooth and time-bound manner, the Department of Justice *vide* its letter dated 28th April, 2017 suggested creation of a Central Selection Mechanism to the Hon'ble Supreme Court. The

Hon'ble Supreme Court *suo motu* converted the Government's suggestions into a Writ Petition on 09th May, 2017 and directed all State Governments (including Union Territories) to file their responses and suggestions by way of affidavits to the Supreme Court Registry.

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 and the Chief Justice of the concerned High Court along with the consent of the Governor of the concerned State. The State Government has to provide necessary infrastructural facilities to establish a Bench of the High Court away from its principal seat and to bear the entire expenditure of the High Court and its Bench. The Chief Justice of the High Court is required to look after the day-to-day administration of the High Court and its Bench and depute Judges from the Principal Seat to Bench from time-to-time. It is, therefore, necessary that both the State Government and the High Court consider the matter from all angles and arrive at a consensus.
