

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

LOK SABHA

**UNSTARRED QUESTION NO. 245
TO BE ANSWERED ON WEDNESDAY, THE 03rd FEBRUARY, 2021**

PENDING COURT CASES

245. DR. T. SUMATHY (a) THAMIZHACHI THANGAPANDIAN:

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

(a) whether there has been an increase in pending cases load due to closure of courts in the backdrop of COVID-19 pandemic and if so, the details of pending cases in district courts and high courts during the last one year, State/UT-wise;

(b) whether the Government will strengthen Online Dispute Resolution (ODR) and if so, the steps taken in this regard;

(c) whether the new ODR scheme will also resolve COVID-19 induced disputes such as employment, commercial, tenancy, consumer and family disputes and if so, the details thereof;

(d) if not, the manner in which the Government plan to resolve the problem of mounting cases due to closure of courts in an already overburdened judiciary; and

(e) whether the Government will have a detailed and actionable strategic plan for filling up vacancies in Courts and if so, the details thereof and if not the reasons thereof?

ANSWER

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

(a): The details of pending cases in High Courts and District Courts during the last one year including Covid period State/UT wise is given at *Annexure – I* and *Annexure-II* respectively.

(b) to (d): In order to create an effective implementation framework for Online Dispute Resolution (ODR) in India, NITI Aayog in June 2020, had set up a Committee under the Chairmanship of Justice A. K. Sikri, Retired Judge, Supreme

Court of India to develop an action plan that can aid in mainstreaming ODR and thus promote access to justice through ODR. The Committee has placed the first draft of the report in public domain in November, 2020, including the nature of disputes that can be resolved like family disputes, real estate disputes, inheritance disputes, disputes regarding division of assets, consumer disputes, tenancy disputes, labour and employment disputes, banking and financial disputes, etc.

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 five years under various initiatives are as follows:

- (i) Improving infrastructure for Judicial Officers of District and Subordinate Courts: As on date, Rs. 8,288.30 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 20,062 as on 28.01.2021 and number of residential units has increased from 10,211 as on 30.06.2014 to 17,736 as on 28.01.2021 under this scheme. In addition, 2,808 court halls and 1,843 residential units are under construction.
- (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 28.01.2021, 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 01.01.2021, litigants can access case status of over 17.90 crore cases and 13.36 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.

Nine 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 20.01.2021, these courts have handled 41,98,095 cases and realised Rs.139.25cr in fines.

- (iii) Filling up of vacant positions in Supreme Court, High Courts and District and Subordinate Courts: From 01.05.2014 to 25.01.2021, 35 Judges were appointed in Supreme Court. 570 new Judges were appointed and 520 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 1080 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
28.01.2021	24,247	19,318

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.
- (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 18.01.2021, Fast Track Courts are functional for heinous crimes, crimes against women and children, family and matrimonial disputes, 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) and proportionate funds have been released to these States by the Government. 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 823 FTSCs including 'exclusive POCSO Courts'. Rs.140 crore was released in the financial year 2019-20 and Rs. 89.89 crore has been released during the financial year 2020-21 for the scheme. Presently 609 FTSCs are functional including 331 exclusive POCSO Courts.

(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.

(e): As per Memorandum of Procedure (MoP), 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 the High Courts vests with the Chief Justices of the concerned High Court who may initiate the proposal for appointment of a Judge in the High Court at least six months prior to the occurrence of vacancies. Filling up of vacancies in the Supreme Court and High Courts is a continuous, integrated and collaborative process, between the Executive and the Judiciary. It requires consultation and approval from various Constitutional Authorities. Hence, time frame to appoint Judges cannot be indicated. 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 increase in the Judge strength.

Under Article 235 of the Constitution of India, the administrative control over the members of district and subordinate judiciary in the States vest with the concerned High Court. Further, in exercise of powers conferred under proviso to Article 309 read with Articles 233 and 234 of the Constitution, the respective State Government, in consultation with the High Court, frames the Rules and Regulations regarding the issues of appointment, promotion, reservations *etc.* of Judicial Officers in the State Judicial Service. Therefore, Central Government has no role in this regard. However, 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. 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.

Regular meetings have been held by Department of Justice with Registrars General of all High Courts and Law Secretaries of all State Governments /Uts in January, 2018, July, 2018, November, 2018, September, 2019 and May, 2020 wherein steps taken to fill up posts of Judicial Officers in District and Subordinate Courts have been reviewed.

Annexure -I

Details of Pending Cases in the High Court

Sl. No	Name of High Courts	Number of Cases pending in High Courts as on 29.01.2020	Number of Cases pending in High Courts as on 28.01.2021
1.	Allahabad High Court	732239	771665
2.	Calcutta High Court	21906	269680
3.	Gauhati High Court	47569	51646
4.	High Court for the State of Telangana	219749	236852
5.	High Court of Andhra Pradesh	196553	209164
6.	High Court of Bombay	267809	545989
7.	High Court of Chhattisgarh	70233	76412
8.	High Court of Delhi	80047	91195
9.	High Court of Gujarat	129980	145539
10.	High Court of Himachal Pradesh	58546	74775
11.	High Court of Jammu & Kashmir and Ladakh	75613	63548
12.	High Court of Jharkhand	83699	86692
13.	High Court of Karnataka	248285	289023
14.	High Court of Kerala	198739	215901
15.	High Court of Madhya Pradesh	361085	366167
16.	High Court of Manipur	3806	4470
17.	High Court of Meghalaya	1114	1472
18.	High Court of Punjab & Haryana	541520	645213
19.	High Court of Rajasthan	472241	529570
20.	High Court of Sikkim	237	242
21.	High Court of Tripura	2373	2347
22.	High Court of Uttarakhand	40060	38676
23.	Madras High Court	403176	581555
24.	Orissa High Court	151411	171779
25.	Patna High Court	173629	188337
Total		4581619	5657909

Details of Pending Cases in the country State / UT-wise

Sl. No	Name of States/UTs	Total Number of Cases pending in District and Subordinate Courts as on 29.01.2020	Total Number of Cases pending in District and Subordinate Courts as on 28.01.2021
1.	A & N Island	0	0
2.	Andhra Pradesh	564693	645518
3.	Telangana	566407	686819
4.	Arunachal Pradesh	-----	---
5.	Assam	297372	361274
6.	Bihar	2875713	3191323
7.	Chandigarh	48262	59265
8.	Chhattisgarh	279410	335230
9.	D & N Haveli	3033	3413
10.	Daman & Diu	2310	2828
11.	Delhi	866265	978490
12.	Goa	24813	57311
13.	Gujarat	1611359	1949686
14.	Haryana	869120	1126576
15.	Himachal Pradesh	290465	423074
16.	Jammu & Kashmir	177254	218833
17.	Jharkhand	386064	446803
18.	Karnataka	1555617	1763930
19.	Kerala	1294910	1841556
20.	Ladakh	450	768
21.	Lakshadweep	-----	----
22.	Madhya Pradesh	1449383	1719056
23.	Maharashtra	3766400	4582365
24.	Manipur	9826	11139
25.	Meghalaya	8847	10410
26.	Mizoram	2544	4710
27.	Nagaland	-----	1562
28.	Odisha	1244832	1398399
29.	Punjab	639683	831225
30.	Rajasthan	1699168	1863560
31.	Sikkim	1302	1600
32.	Tamil Nadu	1153262	1297274
33.	Puducherry	-----	----
34.	Tripura	25109	44534
35.	Uttar Pradesh	7690966	8653883
36.	Uttarakhand	208011	269058
37.	West Bengal	2290464	2401947
Total		31903314	37183419

Note: Data on District and Subordinate Courts in the States of **Arunachal Pradesh** and Union Territories of **Lakshadweep** and **Puducherry** are not available on the web-portal of NJDG. Data in respect of **Andaman & Nicobar Islands** is not available on NJDG Portal

