

AIJS incorporated in the Constitution by 42nd Amendment Act, 1976 are not applicable to the State of Jammu and Kashmir. No response has yet been received from rest of the States.

The proposal for constitution of All India Judicial Service with views from the High Courts and State Governments received thereon was included in the agenda for the Joint Conference of Chief Ministers and Chief Justices of the High Courts held on 5th April, 2015. However, no progress was made on the subject. The matter regarding creation of a Judicial Service Commission to help the recruitment to the post of district judges and review of selection process of judges / judicial officers at all level was also included in the agenda for the Chief Justices Conference, which was held on 03rd and 04th April, 2015, wherein it was resolved to leave it open to the respective High Courts to evolve appropriate methods within the existing system to fill up the vacancies for appointment of District judges expeditiously.

However, keeping in view the divergence of opinion among the stakeholders on constitution of All India Judicial Service, the Government has undertaken the consultative process to arrive at a common ground.

Shortage of Judges and pendency of cases

†748. SHRI NARESH AGRAWAL: Will the Minister of LAW AND JUSTICE be pleased to state:

(a) whether it is a fact that people are not getting justice timely due to shortage of Judges in courts and the burden of cases continue to increase on courts, if so, the reasons therefor;

(b) the reasons for Government not taking any concrete steps in this regard in spite of being aware of it;

(c) if not, the number of pending cases in courts as of now and by when these cases will be disposed of; and

(d) by when shortage of Judges in courts will be fulfilled?

THE MINISTER OF STATE IN THE MINISTRY OF LAW AND JUSTICE (SHRI P.P. CHAUDHARY): (a) to (d) The sanctioned strength of judges in the Supreme Court is 31 and 4 posts of judges are vacant as on 10.07.2017. The sanctioned strength

†Original notice of the question was received in Hindi.

of judges in the High Courts is 1,079 in July, 2017. 401 posts of judges in the High Courts are vacant as on 10.07.2017 which includes 173 newly created posts. The Appointment of Judges and Judicial Officers in the District and Subordinate Courts falls within the domain of the High Courts and State Governments concerned. The details of approved and working strength and vacancies of Judges of Supreme Court and High Courts as on 10.07.2017 is given in the Statement (*See below*).

The Government has adopted a co-ordinated approach to assist judiciary for phased liquidation of arrears and pendency in judicial systems, which, *inter alia*, involves better court infrastructure including computerisation, increase in the strength of subordinate judiciary and initiating policy and legislative measures in the areas prone to excessive litigation and emphasis on human resource development. In pursuance of resolution passed in the Chief Justices' Conference held in April, 2015, High Courts have set up Arrears Committees to clear the backlog of cases pending for more than five years. The Supreme Court has also constituted an Arrears Committee consisting of two Hon'ble Judges to formulate steps to reduce pendency of cases in High Courts and District Courts.

The Hon'ble Minister of Law and Justice *vide* his letters dated 10th April, 2017 addressed to all Hon'ble Union Ministers and all Hon'ble Chief Ministers requested to launch '*special arrears clearance drives*' to reduce Government Litigations. In the case of Imtiyaz Ahmed *versus* State of Uttar Pradesh and others, the Supreme Court had asked the Law Commission of India to evolve a method for scientific assessment of the number of additional courts to clear the backlog of cases. In its 245th report (2014), the Law Commission has observed that filing of cases *per capita* varies substantially across geographic units as filings are associated with economic and social conditions of the population. As such the Law Commission did not consider the judge population ratio to be a scientific criterion for determining the adequacy of the judge strength in the country. The Law Commission found that in the absence of complete and scientific approach to data collection across various High Courts in the country, the "Rate of Disposal" method to calculate the number of additional judges required to clear the backlog of cases as well as to ensure that new backlog is not created, is more pragmatic and useful. In May, 2014, the Supreme Court asked the State Governments and the High Courts to file their response to the recommendations made by the Law Commission. In August 2014, the Supreme Court asked the National Court Management System Committee (NCMS) to examine the recommendations made by the Law Commission and

to furnish their recommendations in this regard. NCMS submitted its report to the Supreme Court in March, 2016. It has, *inter-alia*, observed that in the long term, the judge strength of the subordinate courts will have to be assessed by a scientific method to determine the total number of "Judicial Hours" required for disposing of the case load of each court. In the interim, the Committee has proposed a "weighted" disposal approach - disposal weighted by the nature and complexity of cases in local conditions. The matter is *sub-judice* before the Supreme Court, at present. As per the direction of the Hon'ble Supreme Court in its Order dated 02.01.2017, the Department of Justice has forwarded a copy of interim report of the NCMS Committee to all State Governments and High Courts to enable them to take follow up action to determine the required Judges Strength of district judiciary based on the NCMS report.

As far as, disposal of cases are concerned, it is in the domain of Judiciary. Data on pendency of cases is maintained by the Supreme Court and the High Courts. As per the information available on the website of the Supreme Court, 58,438 cases were pending in the Supreme Court as on 14.07.2017. As per the information furnished by High Courts, 40.15 lakh cases were pending in various High Courts, and 2.74 crore cases were pending in various District and Subordinate Courts as on 31.12.2016.

Following steps have also been taken by the Central Government in the matter:—

- (i) The sanctioned strength of Judges of High Courts has been increased from 906 judges to 1079 judges. Total 173 posts were sanctioned between June 2014 and May, 2016.
- (ii) The sanctioned strength of the subordinate judiciary has been increased from 20,174 at the end of 2014 to 22,288 in December, 2016.
- (iii) National Legal Services Authority (NALSA) provides mechanisms for access to justice for poor people in India, under the overall supervision of the Chief Justice of India as the Patron-in Chief. It organised the National Lok Adalat in July, 2017. More than 9.97 lakh cases including 5.33 lakh pending cases and 4.64 lakhs pre-litigation cases with the settlement amount of ₹ 2925 crores were disposed.
- (iv) 1824 redundant Central Acts have been identified for repeal. So far, 1200 Acts have been repealed.
- (v) The Government has launched a nation-wide drive to reduce the number of cases pending in courts by curtailing the Government litigation. The Minister

of Law and Justice has written on 10th April, 2017 to all Ministers of Central Ministries and Chief Ministers of States to launch 'special arrears clearance drives' to reduce pending cases and minimize fresh litigations.

- (vi) Based on the proposals received from the High Court Collegium, during the year 2016, 126 fresh appointment of Judges in High Courts and 131 Additional Judges were made permanent, which is the highest number of appointments made in a given year. In addition, the tenure of 22 Additional Judges of High Courts was also extended. Besides, based on the proposal received from the Supreme Court Collegium, 4 judges were appointed in the Supreme Court in 2016. During the current year (2017), 05 Judges have been appointed in the Supreme Court, 75 Judges in the High Courts and 28 Additional Judges have been made Permanent. Besides, 08 Chief Justices have been appointed in the High Courts.
- (vii) The 14th Finance Commission has endorsed the proposal to strengthen the judicial system in States which includes, *inter-alia*, establishing 1800 Fast Track Courts (FTCs) for a period of five years for cases of heinous crimes; cases involving senior citizens, women, children, disabled and litigants affected with HIV AIDS and other terminal ailments; and civil disputes involving land acquisition and property / rent disputes pending for more than five years at a cost of ₹ 4,144 crore. The 14th Finance Commission has urged State Governments to use the additional fiscal space provided by the Commission in the tax devolution to meet such requirements. The Hon'ble Minister for Law and Justice has written to all Chief Ministers on 2nd May, 2017 to make available the fund recommended by the 14th Finance Commission to judiciary and to furnish the status of the implementation of the recommendations of the 14th Finance Commission.
- (viii) As per the resolution adopted in the Joint Conference held in New Delhi on 24th April, 2016, the Government *vide* its letter dated 26th September, 2016 requested the State Governments to strengthen the institutional mechanism between the State and the Judiciary where the Chief Secretary and his team and 2 or 3 Judges of the High Court to regularly meet and monitor utilisation of plan fund and timely completion of infrastructure and eCourts Mission Mode project. The States have also been requested to assist Judiciary in preparing perspective / annual plan for various activities to be undertaken

in the justice sector on account of enhanced devolution of funds to the States under the 14th Finance Commission. In addition, the States were requested to provide technical manpower for ICT upgradation.

- (ix) The Government *vide* a letter dated 3rd February, 2017, addressed the Chief Justices of the 24 High Courts requesting them to advise the district judiciary to ensure effective implementation of Section 436A Code of Criminal Procedure and ensure periodic monitoring of the associated Undertrial Review Committee Mechanism.
- (x) Commercial Courts, Commercial Division and Commercial Appellate Division of High Court Act, 2015 has been notified on 1st January, 2016 to have a streamlined procedure for the conduct of cases in the Commercial Division and in the Commercial Court by amending the Code of Civil Procedure, 1908 (CPC) for commercial cases so as to improve the efficiency and reduce delays in disposal of commercial cases.
- (xi) Necessary amendments have been made to Arbitration and Conciliation Act, 1996 to make the award within 12 months, to resolve the dispute through fast track procedure, to ensure neutrality of arbitrators, and to restrict usage of the term 'Public Policy of India' (as a ground for challenging the award).
- (xii) The Negotiable Instruments (Amendment) Act, 2015 has been notified to clarify the jurisdiction where cases pertaining to dishonour of cheque may be filed and provide for transfer of cases to the appropriate jurisdiction and consolidation of multiple cases filed in different courts.
- (xiii) The Minister of State for Law and Justice *vide* a letter dated 7th February, 2017, addressed the Chief Justices of the all High Courts requesting them to speed up the process of implementation of e-courts Project actualising the objectives of the Project.
- (xiv) The Government has approved a scheme of engaging 227 Nyaya Mitras in States where there are large number of pendency of court cases. The Nyaya Mitras are required to assist the litigants who are suffering due to delay in investigations or trial, by actively identifying such cases through the National Judicial Data Grid (NJDG). These Nyaya Mitras are meant to identify the bottlenecks due to which these cases are delayed.

- (xv) The Government has also approved two 'legal aid and empowerment initiatives', Pro bono legal services and Tele Law service. Under the Pro bono legal services an online database of lawyers and eligible litigants has been created. As on date 140 lawyers have enrolled under the scheme to provide free legal aid to marginalized persons. Under the Tele Law service, legal aid is mainstreamed through 1800 Common Services Centres in selected Panchayats in U.P., Bihar and States of North East and J & K. As on date a total of 568 cases have been registered in Tele Law portal for legal aid.
- (xvi) In pursuance of resolution passed in the Chief Justices' Conference held in April, 2015, High Courts have set up Arrears Committees to clear the backlog of cases pending for more than five years. The Supreme Court has also constituted an Arrears Committee consisting of two Hon'ble Judges to formulate steps to reduce pendency of cases in High Courts and District Courts.
- (xvii) The Minister of State for Law and Justice has also written to all Chief Ministers on July 19, 2017 to use additional fiscal space provided by 14th Finance Commission to set up special Courts especially for the crimes against women.

Statement

Details of Approved Strength, Working Strength and Vacancies of Judges in the Supreme Court of India and the High Courts

(As on 10.07.2017)

Sl. No.	Name of the Court	Approved Strength			Working Strength			Vacancies as per Approved Strength		
A.	Supreme Court	31			27			04		
B.	High Court	Pmt	Addl	Total	Pmt	Addl	Total	Pmt	Addl	Total
1	2	3	4	5	6	7	8	9	10	11
1.	Allahabad	76	84	160	67	24	91	09	60	69
2.	High Court of Judicature at Hyderabad	46	15	61	27	0	27	19	15	34
3.	Bombay	71	23	94	54	20	74	17	03	20
4.	Calcutta	54	18	72	33	01	34	21	17	38

1	2	3	4	5	6	7	8	9	10	11
5.	Chhattisgarh	17	05	22	08	05	13	09	0	09
6.	Delhi	45	15	60	38	0	38	07	15	22
7.	Gauhati	18	06	24	07	12	19	11	-06	05
8.	Gujarat	39	13	52	25	06	31	14	07	21
9.	Himachal Pradesh	10	03	13	06	02	08	04	01	05
10.	Jammu and Kashmir	13	04	17	12	0	12	01	04	05
11.	Jharkhand	19	06	25	08	06	14	11	0	11
12.	Karnataka	47	15	62	21	08	29	26	07	33
13.	Kerala	35	12	47	31	05	36	04	07	11
14.	Madhya Pradesh	40	13	53	17	18	35	23	-05	18
15.	Madras	56	19	75	45	09	54	11	10	21
16.	Manipur	04	01	05	02	0	02	02	01	03
17.	Meghalaya	03	01	04	03	0	03	0	01	01
18.	Odisha	20	07	27	18	0	18	02	07	09
19.	Patna	40	13	53	23	12	35	17	01	18
20.	Punjab and Haryana	64	21	85	43	10	53	21	11	32
21.	Rajasthan	38	12	50	21	16	37	17	-04	13
22.	Sikkim	03	0	03	03	0	03	0	0	0
23.	Tripura	04	0	04	02	0	02	02	0	02
24.	Uttarakhand	09	02	11	09	01	10	0	01	01
TOTAL		771	308	1079	523	155	678	248	153	401