

THE MINISTER OF STATE IN THE MINISTRY OF LAW AND JUSTICE (SHRI P. P. CHAUDHARY): (a) to (d) To provide access to justice to the citizen at their door steps, the Central Government has enacted the Gram Nyayalayas Act, 2008. It provides for establishment of Gram Nyayalayas at intermediate panchayat level. The State Governments are responsible for establishing Gram Nyayalayas in consultation with the respective High Courts. As per information made available by State Governments/High Courts, 343 Gram Nyayalayas have been notified so far by 11 States. Out of these, 210 are operational in 9 States at present.

The Central Government has been encouraging the States to set up Gram Nyayalayas by providing financial assistance. As per the scheme for assistance to State Governments for establishing and operating Gram Nyayalayas, the Central Government provides one-time assistance to States towards non-recurring expenses for setting up of Gram Nyayalayas subject to a ceiling of ₹ 18.00 lakhs per Gram Nyayalaya. The Central Government also provides assistance towards recurring expenses for operating these Gram Nyayalayas subject to a ceiling of ₹ 3.20 lakhs per Gram Nyayalaya per year for the first three years.

The issues affecting operationalisation of the Gram Nyayalayas were discussed in the Conference of Chief Justices of High Courts and Chief Ministers of the States on 7th April, 2013. It was decided in the Conference that the State Governments and High Courts should decide the question of setting up of Gram Nyayalayas wherever feasible, taking into account the local issues and situation.

The Central Government has requested the Chief Ministers of States and Chief Justices of High Courts for setting up of Gram Nyayalayas in the respective States. Recently, the Registrars General of High Courts and Law/Home/Finance Secretaries of State Governments were requested through video conferences held in January, 2018, July, 2018 and November, 2018, to set up Gram Nyayalayas and seek financial assistance for operationalising them under the Scheme mentioned above.

Pendency of cases in the Supreme Court and High Courts

2677. DR. VIKAS MAHATME:

SHRI G. C. CHANDRASHEKHAR:

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

(a) whether large number of cases are pending in various courts across the country;

(b) if so, details thereof, including number of cases pending in Supreme Court and High Courts during each of last four years, court-wise and reasons therefor;

(c) the sanctioned strength and vacancies of Judges in such courts and action taken to fill these vacancies at the earliest;

(d) whether Government has taken note of delay in delivery of justice to litigants for various reasons; and

(e) if so, the details along with corrective measures taken by Government for expeditious disposal of cases pending in various courts of the country?

THE MINISTER OF STATE IN THE MINISTRY OF LAW AND JUSTICE (SHRI P. P. CHAUDHARY): (a) and (b) The details of cases pending in the Supreme Court and High Courts of the country during the last four years are given below:—

Court	Number of cases pending during last four years			
	Year 2015	Year 2016	Year 2017	Year 2018
Supreme Court	59,272	62,537	55,588	56,994 (As on 01.12.2018)
High Courts	38,70,373	40,15,147	42,44,907	49,84,995 (As on 31.12.2018)

High Court-wise details of pending cases as on 31.12.2018 are given in Statement (See below)

(c) Court-wise details of Sanctioned strength, working strength and vacancies of Judges/Judicial Officers are as below:—

Court	Sanctioned Strength	Working Strength	Vacancies
Supreme Court	31	27	4
High Courts	1,079	692	387

Filling up of vacancies in the Supreme Court and the 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 the High Courts vests with the Chief Justice of the concerned High Court. While every effort is made to fill up the existing vacancies expeditiously, vacancies in High Courts keep on arising on account of retirement, resignation or elevation of Judges (to the Supreme Court) and also due to 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 the High Courts and State Governments concerned. In so far as recruitment of judicial officers in the States is concerned, in certain States recruitment is done by the High Courts, whereas

in other States, the recruitment is done by High Courts in consultation with State Public Service Commission.

During the Chief Justice's Conference held in 2016 it was, *inter alia*, resolved that the Chief Justices shall take effective steps in coordination with the State Governments to ensure an increase in the cadre strength of the District and Subordinate Courts commensurate with the needs of their States in compliance with the judgment of the Hon'ble Supreme Court in Brij Mohan Lal *versus* Union of India, and will ensure compliance with the time schedule and directions laid down in the judgment of the Hon'ble Supreme Court in Malik Mazhar Sultan case (2006). It was also resolved that the Chief Justices shall, in particular, ensure that the Selection and Appointment Committees in the High Courts periodically monitor the process of filling up of vacancies in the District and Subordinate Courts.

In September, 2016, the Union Minister of Law and 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 and Justice wrote to Chief Justices of all the 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. The filling up of vacancies is also being monitored by the Supreme Court in a *suo-motu* writ petition (civil) no. 2 of 2018.

A series of meetings were held 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.

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.

(d) and (e) Timely disposal of cases in courts depends on several factors which, *inter alia*, include availability of adequate number of judges, supporting court staff and physical infrastructure, complexity of facts involved, nature of evidence, co-operation of stake holders *viz.* bar, investigation agencies, witnesses and litigants and proper application of rules and procedures. No time-frame has been prescribed for disposal of various kinds of cases by the respective courts.

The Government is, however, fully committed to speedy disposal of cases.

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 four 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, ₹ 6,623.87 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, 3,179.57 crores (which are 48% 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 18,731 as on date and number of residential units has increased from 10,211 as on 30.06.2014 to 16,539 as on date under this scheme. In addition, 2,906 court halls and 1,754 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 ₹ 3,320 crore.
- (ii) Leveraging Information and Communication Technology (ICT) for improved justice delivery: Number of computerised District and Subordinate courts has increased from 13,672 to 16,755 registering an increase of 3,083 during 2014 to 2018. 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 10.80 crore cases including more than three crore pending cases and more than 7.91 crore orders/judgments are available on this portal. eCourts services such as details of case registration, cause list, case status, daily orders and final judgments are available to litigants and advocates through eCourts web portal, Judicial Service Centres (JSC) in all computerised courts, e-Courts Mobile App, email service, SMS push and pull services. 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 01.01.2014 to 26.12.2018, 27 Judges were appointed in Supreme Court. 446 new Judges were appointed and 379

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
30.09.2018	22,644	17,509

- (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 24 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) Nyaya Mitra Scheme: In order to reduce cases pending in courts for over 10 years, the Government launched the Nyaya Mitra Scheme in April, 2017. Under the Scheme, retired judicial officers are engaged and designated as 'Nyaya Mitra' to facilitate expeditious disposal of the cases pending over 10 years. In the first Phase, 15 Nyaya Mitra have been engaged in 15 Districts of Rajasthan, West Bengal, Bihar, Uttar Pradesh and Tripura.
- (vi) Emphasis on Alternate Dispute Resolution (ADR): Commercial Courts, Commercial Division and Commercial Appellate Division of High Courts (Amendment) Act, 2018 has been enacted on 20th August, 2018 whereby mandatory pre-Institution mediation mechanism has been introduced for settlement of commercial disputes. Amendment to the Arbitration and Conciliation Act, 1996 by the Arbitration and Conciliation (Amendment) Act 2015 is done to expedite the speedy resolution of disputes by prescribing timelines. The Arbitration and Conciliation (Amendment) Bill, 2018 passed by the Lok Sabha on 10.08.2018 seeks to set up Arbitration Council of India (ACI) to *inter alia* grade arbitral institutions, accredit arbitrators and impart training and award certificate in the ADR field.
- (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. At present, 708 such Fast Track Courts are functioning across the country. To fast track criminal cases involving elected MPs/MLAs, twelve (12) Special Courts have been 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 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 has been enacted on 11th August, 2018.

Statement

Number of cases pending in High Courts as on 31.12.2018

Sl. No.	Name of High Court	Total Cases pending in High Courts as on 31.12.2018
1	2	3
1.	Allahabad High Court	725143
2.	Calcutta High Court	243677
3.	Gauhati High Court	40580
4.	High Court of Bombay	464074
5.	High Court of Chhattisgarh	63574
6.	High Court of Delhi	73933
7.	High Court of Gujarat	113809
8.	High Court of Himachal Pradesh	36133
9.	High Court of Jammu and Kashmir	91970
10.	High Court of Jharkhand	88931
11.	High Court of Judicature at Hyderabad	361842
12.	High Court of Karnataka	236747
13.	High Court of Kerala	193579
14.	High Court of Madhya Pradesh	331416
15.	High Court of Manipur	6579
16.	High Court of Meghalaya	1063
17.	High Court of Punjab and Haryana	393953
18.	High Court of Rajasthan	741358

1	2	3
19.	High Court of Sikkim	255
20.	High Court of Tripura	2985
21.	High Court of Uttarakhand	55812
22.	Madras High Court	399072
23.	Orissa High Court	167866
24.	Patna High Court	150644
TOTAL		49,84,995

Fast track special courts

2678. SHRIMATI AMBIKA SONI:

DR. T. SUBBARAMI REDDY:

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

(a) whether Government has finalised formulation of a scheme for creation of fast track special courts for rape cases, involving girls and women;

(b) if so, the details thereof;

(c) if not, by when the scheme would be finalised and given effect to; and

(d) whether the State Governments and other stakeholders have been consulted before finalising the scheme and if so, the response thereof?

THE MINISTER OF STATE IN THE MINISTRY OF LAW AND JUSTICE (SHRI P. P. CHAUDHARY): (a) to (d) The Government of India has enacted the "The Criminal Law (Amendment) Act, 2018" which has, *inter alia*, effected amendments in the IPC, Cr.PC, The Indian Evidence Act and the Protection of Children from Sexual Offences (POCSO) Act and brought in stringent provisions for expeditious trial and disposal of cases exclusively pertaining to sexual offences involving girls and women. The Government has also decided to formulate a scheme for creation of Fast Track Special Courts for expeditious trial and disposal of rape cases involving girls and women. The Empowered Committee of Officers under 'Nirbhaya Fund' has recommended the proposal of the Department of Justice for setting up of 1,023 Fast Track Special Courts (FTSCs) as a Centrally Sponsored Scheme with a total financial implication of ₹ 767.25 crore of which Central Support shall stand at ₹ 474.00 crore under the Nirbhaya Fund.