

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

RAJYA SABHA

**UNSTARRED QUESTION NO.1211
TO BE ANSWERED ON THURSDAY, THE 11TH FEBRUARY, 2021**

IMPACT OF COVID-19 PANDEMIC ON COURTS

1211. SHRI DEREK O' BRIEN:

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

- (a) whether the courts are hearing limited matters owing to the COVID-19 pandemic;**
- (b) whether this has impacted the pendency of cases across courts; and**
- (c) if so, the details and data thereof for district courts, High Courts and the Supreme Court?**

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

(a) & (b): Disposal of pending cases in courts is within the domain of the judiciary. There is no one single factor like Covid which can be attributed to increase in pendency of cases. Pendency of cases in courts depends on several factors which, inter-alia includes availability of adequate number of judges, supporting court staff and physical infrastructure, complexity of facts involved, nature of evidence, cooperation of stake holders viz. bar, investigation agencies, witnesses and litigants and proper application of rules and procedures.

After announcement of nation-wide lockdown from 25th March, 2020, directions have been issued from time to time by the respective High Courts to the Subordinate Courts under their administrative jurisdiction for hearing of urgent civil and criminal matters in virtual or physical mode depending on local conditions. Most High Courts have further advised district and subordinate courts that where there is no shut down/lockdown, they may, as far as possible, resume normal functioning by virtual/physical mode and take up all kind of cases, including those pertaining to under-trial prisoners, trial of civil cases, matrimonial disputes, child custody matters, recording of evidence and other old matters. Wherever physical hearing has been permitted in district and subordinate courts, they have been advised to strictly adhere to Covid protocols and social distancing norms and take all precautions including consent of the parties. A new Software Patch and Court User Manual has been recently developed for COVID- 19 Management. This tool has been developed to help in smart scheduling all cases to effectively manage overcrowding in courts. As regards the Supreme Court, an overarching order has been issued by the Supreme Court on 06.04.2020 giving legal sanctity and validity to video conference hearing.

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 45,73,159 cases while the High Court heard 20,60,318 cases (totalling to 66.33 lakh) till 31.12.2020 using video conferencing only. The Supreme Court had 52,353 hearings since the lockdown period upto 31.01.2021.

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 efilings 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 efilings 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.

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) 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.

(C): The total number of cases pending in Hon’ble Supreme Court of India is 66,072 (As on 01.02.2021).

As per the information/data available on the web portal of National Judicial Data Grid (NJDG), details of pendency of cases in the High Courts and the District and Subordinate Courts are given in Statement at ***Annexure-I*** and ***Annexure-II*** respectively.

**STATEMENT REFERRED TO IN REPLY TO PART (c) OF RAJYA SABHA
UNSTARRED QUESTION NO. 1211 FOR ANSWER ON 11.02.2021
REGARDING IMPACT OF COVID-19 PANDEMIC ON COURTS**

Statement showing the Pendency of High Courts as on 05.02.2021

Sl.No.	High Court Name	Civil	Criminal	Total
1.	Allahabad High Court	413422	359905	773327
2.	Bombay High Court	459211	88034	547245
3.	Calcutta High Court	227907	42348	270255
4.	Gauhati High Court	42225	9750	51975
5.	High Court for state of Telangana	203093	33759	236852
6.	High Court of Andhra Pradesh	178047	30868	208915
7.	High Court of Chhattisgarh	47941	28510	76451
8.	High Court of Delhi	65654	25541	91195
9.	High Court of Gujarat	99015	47340	146355
10.	High Court of Himachal Pradesh	65796	9350	75146
11.	High Court for Jammu & Kashmir and Ladakh	55518	7941	63459
12.	High Court of Jharkhand	40914	45663	86577
13.	High Court of Karnataka	246072	41981	288053
14.	High Court of Kerala	171583	44866	216449
15.	High Court of Madhya Pradesh	226139	141879	368018
16.	High Court of Manipur	4069	437	4506
17.	High Court of Meghalaya	1322	126	1448
18.	High Court of Punjab & Haryana	376872	271344	648216
19.	High Court of Rajasthan	392418	137477	529895
20.	High Court of Sikkim	206	39	245
21.	High Court of Tripura	2044	303	2347
22.	High Court of Uttarakhand	23418	15258	38676
23.	Madras High Court	519971	61847	581818
24.	Orissa High Court	118995	52710	171705
25.	Patna High Court	101414	89418	190832
	Total	4083266	1586694	5669960

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Statement showing the Pendency of Distict and Subordinate Courts as on 05.02.2021

Sl.No.	State	Civil	Criminal	Total
1.	Andhra Pradesh	356043	294548	650591
2.	Arunachal Pradesh	----	----	----
3.	Assam	78406	286665	365071
4.	Bihar	436698	2761308	3198006
5.	Chandigarh	21514	38148	59662
6.	Chhattisgarh	62875	275166	338041
7.	Delhi	222457	762102	984559
8.	Diu and Daman	1378	1474	2852
9.	DNH at Silvasa	1487	1897	3384
10.	Goa	24228	33310	57538
11.	Gujarat	464786	1497860	1962646
12.	Haryana	393858	739905	1133763
13.	Himachal Pradesh	146822	276859	423681
14.	Jammu and Kashmir	87581	131651	219232
15.	Jharkhand	79236	369879	449115
16.	karnataka	849645	919947	1769592
17.	Kerala	486908	1369384	1856292
18.	Ladakh	368	404	772
19.	Lakshadweep	----	----	----
20.	Madhya Pradesh	363967	1362151	1726118
21.	Maharashtra	1374973	3231228	4606201
22.	Manipur	7080	4105	11185
23.	Meghalaya	2735	7647	10382
24.	Mizoram	1639	3061	4700
25.	Nagaland	181	1380	1561
26.	Orissa	287503	1116686	1404189
27.	Punjab	355116	480223	835339
28.	Puducherry	----	----	----
29.	Rajasthan	494756	1380424	1875180
30.	Sikkim	578	1052	1630
31.	Tamil Nadu	727426	571355	1298781
32.	Telangana	291090	403883	694973
33.	Tripura	9111	32549	41660
34.	Uttar Pradesh	1869275	6810272	8679547
35.	Uttarakhand	42733	226898	269631
36.	Andaman and Nicobar	0	0	0
37.	West Bengal	555648	1849809	2405457
	Total	10098101	27243230	37341331