

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

RAJYA SABHA

**UNSTARRED QUESTION NO. 2202
TO BE ANSWERED ON THURSDAY, THE 16th DECEMBER, 2021**

PENDENCY BEFORE COURTS IN BIHAR

2202. SHRI SUSHIL KUMAR MODI:

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

- (a) the number of civil and criminal cases pending before the High Court, District Courts and other Subordinate Courts in Bihar;**
- (b) the details of the number of cases pending across categories, pending for less than 5 years, 5 to 10 years, pending since 10 years and above;**
- (c) the number of vacant posts of judicial officers across district and subordinate courts in Bihar;**
- (d) whether Government has taken measures to address the backlog of past vacancies, the details thereof; and**
- (e) whether any measures have been adopted to speed up the process of disposal of cases?**

ANSWER

MINISTER OF LAW AND JUSTICE

(SHRI KIREN RIJJU)

(a) & (b): The total number of civil and criminal cases pending in Patna High Court and Subordinate Courts of Bihar is at *Annexure*.

(c): As on 10.12.2021, 554 posts of Judicial Officers in District & Subordinate Courts of Bihar are vacant.

(d): 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 Governments, in consultation with the High Court, frames the Rules and Regulations regarding the issue of appointment, promotion, reservations and retirement of Judicial Officers in the State Judicial Service. Hence, in so far as recruitment of judicial officers in the States is concerned, respective High Courts do it in certain States, whereas the High Courts do it in consultation with the State Public Service Commissions in other States.

The Union Government does not have a role under the Constitution in the selection and appointment of judicial officers in District/ subordinate judiciary. The Supreme Court, in its orders of 04th January, 2007 in Malik Mazhar case, has devised a process and time frame to be followed for the filling up of vacancies in subordinate judiciary which stipulates that the process for recruitment of judges in the subordinate courts would commence on 31st March of a calendar year and end by 31st October of the same year. The Supreme Court has permitted State Governments / High Courts for variations in the time schedule in case of any difficulty based on the peculiar geographical and climatic conditions in the State or other relevant conditions.

Further, in compliance of the above directions of the Supreme Court, Department of Justice forwarded a copy of the Malik Mazhar judgement to Registrars General of all High Courts for necessary action. Department of Justice is writing from time to time to Registrars General of all High Courts to expedite the filling up of vacancies in subordinate judiciary mandated by Malik Mazhar case.

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. The sanctioned strength of judges in District and Subordinate Courts increased from 19,518 in the year 2014 to 24,489 as on 10.12.2021. 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. The filling up of vacancies is also being monitored by the Supreme Court in a suo-motu Writ Petition (Civil) No. 2 of 2018.

(e): Disposal of pending cases in courts is within the domain of the judiciary. No time frame has been prescribed for disposal of various kinds of cases by the respective courts. Government has no role in disposal of cases in courts. Timely disposal of cases in courts depends on several factors which, inter-alia, include availability of adequate number of judges and judicial officers, 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. There are several other factors which may lead to delay in disposal of cases. These, inter-alia, include vacancies of judges, frequent adjournments and lack of adequate arrangement to monitor, track and bunch cases for hearing. The Central Government is fully committed to speedy disposal of cases in accordance with Article 21 of the Constitution and reducing

pendency. The Government has taken several initiatives to provide an ecosystem for faster disposal of cases by the judiciary.

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 six years under various initiatives are as follows:

(i) **Improving infrastructure for Judicial Officers of District and Subordinate Courts:** As on date, Rs. 8,709.77 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 20,565 as on 31.10.2021 and number of residential units has increased from 10,211 as on 30.06.2014 to 18,142 as on 31.10.2021 under this scheme. In addition, 2,841 court halls and 1,807 residential units are under construction. The Centrally Sponsored Scheme for the Development of Infrastructure Facilities for Judiciary has been extended till 2025-26 at a total cost of Rs. 9000 crores, out of which Central share will be Rs. 5307 crores. Besides,

construction of Court Halls and Residential Units, it would also cover construction of Lawyer's Halls, Toilet Complexes and Digital Computer Rooms.

(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 to 18,735 as on 01.07.2021. WAN connectivity has been provided to 98.7% of court complexes. 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 01.11.2021, litigants can access case status of over 19.56 crore cases and 15.72 crore order/judgments 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-Sewa Kendras at court complexes to facilitate lawyers and litigants needing assistance ranging from case status, getting judgments/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.

Fifteen Virtual Courts have been set up in 11 States/UTs viz. Delhi (2), Haryana, Tamil Nadu, Karnataka, Kerala (2), Maharashtra (2), Assam, Chhattisgarh, Jammu & Kashmir (2), Uttar Pradesh and Odisha to try traffic offences. As on 01.11.2021, these courts have handled more than 99 lakh cases and realized more than Rs.193.15 crore in fines.

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 1,01,77,289 cases while the High Court heard 55,24,021 cases (totalling to 1.57 crore) till 31.10.2021 using video conferencing only. The Supreme Court had 1,50,692 hearings since the lockdown period upto 29.10.2021.

(iii) Filling up of vacant positions in Supreme Court, High Courts and District and Subordinate Courts: From 01.05.2014 to 29.11.2021, 44 Judges were appointed in Supreme Court. 688 new Judges were appointed and 583 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 1098 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 |
| 10.12.2021 | 24,489 | 19,290 |

However, 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. In the past, Minister of Law & Justice has taken up the matter with Chief Justices of High Courts and Chief Ministers in the past drawing their attention to cases pending for more than five years and to take up pendency reduction campaign. The Department has developed an online portal for reporting by all High Courts on the compliance of Arrears Eradication Scheme guidelines of the Malimath Committee Report.

(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 31.10.2021, 914 Fast Track Courts are functional for heinous crimes, crimes against women and children 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). 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 842 FTSCs including 363 'exclusive POCSO Courts'. Rs.140 crore was released in the financial year 2019-20 and Rs. 160.00 crore has been released during the financial year 2020-21 for the scheme. 681 FTSCs are presently functional including 381 exclusive POCSO Courts, which disposed 64217 cases as on 31.10.2021. The continuation of the Scheme of FTSC has been approved for another two years (2021-23) at a total outlay of Rs. 1572.86 crore, including Rs. 971.70 crore as Central share.

(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.

Annexure

**STATEMENT REFERRED TO IN REPLY TO PARTS (A) & (B) OF RAJYA
SABHA UNSTARRED QUESTION NO. 2202 FOR ANSWER ON 16.12.2021
REGARDING PENDENCY BEFORE COURTS IN BIHAR.**

| Pendency in Patna High Court as on 10.12.2021 | | | | |
|---|--------------------------------------|---|---------------------------|---|
| Nature | Total Pendency (as on 10.12.2021) | Pendency less than 5 years (i.e. 0-5 years) | Pendency 5 to 10 years | Pendency since 10 years and above |
| Civil | 112961 | 86825 | 17288 | 8848 |
| Criminal | 114484 | 87118 | 9940 | 17426 |
| Total | 227445 | 173943 | 27228 | 26274 |
| Pendency in Subordinate Courts of Bihar as on 10.12.2021 | | | | |
| Nature | Total Pendency (as on 10.12.2021) | Pendency less than 5 years (i.e. 0-5 years) | Pendency 5 to 10 years | Pendency since 10 years and above |
| Civil | 473918 | 309964 | 100713 | 63241 |
| Criminal | 2900067 | 1836502 | 625187 | 438378 |
| Total | 3373985 | 2146466 | 725900 | 501619 |

Source: National Judicial Data Grid (NJDG)