

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

RAJYA SABHA

**UNSTARRED QUESTION NO. 595
TO BE ANSWERED ON THURSDAY, THE 21ST JULY, 2022**

PENDENCY OF CASES IN COURTS

595. SHRI A. A. RAHIM:

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

- (a) the data on the total number of pending cases by level of court across the country;**
- (b) the reason for such high level of pendency; and**
- (c) whether Government provide the data on the number of unfilled vacancies of judges by level of court across the country?**

ANSWER

MINISTER OF LAW AND JUSTICE

(SHRI KIREN RIJIJU)

(a): The number of cases pending in Supreme Court of India, High Courts and District & Subordinate Courts in the country is as under:-

Sl. No.	Name of Court	Pendency as on
1	Supreme Court of India	72,062 (01.07.2022)*
2	High Courts	59,45,709 (15.07.2022)**
3	District & Subordinate Courts	4,19,79,353 (15.07.2022)**

Source *Website of Supreme Court of India.

**National Judicial Data Grid (NJDG).

(b): 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 direct 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 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 eight years under various initiatives are as follows:

(i) **Improving infrastructure for Judicial Officers of District and Subordinate Courts:** As on date, Rs. 9,13.21 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 20,993 as on 30.06.2022 and number of residential units has increased from 10,211 as on 30.06.2014 to 18,502 as on 30.06.2022 under this scheme. In addition, 2,777 court halls and 1,659 residential units are under construction (as per MIS data). The

Centrally Sponsored Scheme for the Development of Infrastructure Facilities for Judiciary has been extended till 2025-26 at a total cost of Rs. 9,000 crore, out of which central share will be Rs. 5,307 crore. 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 so far. WAN connectivity has been provided to 99.3% 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 04.07.2022, litigants can access case status of over 20.86 crore cases and 18.02 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 3,240 court complexes and 1,272 corresponding jails. With a view to handle the COVID- 19 challenges better and to make the transition to virtual hearings smoother, 500 e-Sewa Kendras have been set up 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 crore has been allocated for providing equipment in video conferencing cabins in various court complexes to facilitate virtual hearings. Rs. 12.12 crore has been allocated for 1,732 Help desk counters for e-filing in various court complexes.

Twenty virtual courts have been set up in 16 States/UTs viz. Delhi (2), Haryana, Tamil Nadu, Karnataka, Kerala (2), Maharashtra (2), Assam, Chhattisgarh, Jammu & Kashmir (2), Uttar Pradesh, Odisha, Meghalaya, Himachal Pradesh, Madhya Pradesh, Tripura and West Bengal to try traffic offences. As on 03.03.2022, these courts have handled more than 1.69 crore cases and realized more than Rs. 271.48 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 1,28,76,549 cases while the High Court heard 63,76,561 cases (totalling 1.92 crore) till 30.04.2022 using video conferencing. The Supreme Court had 2,61,338 hearings since the lockdown period upto 13.06.2022.

(iii) Filling up of vacant positions in Supreme Court, High Courts and District and Subordinate Courts: From 01.05.2014 to 15.07.2022, 46 judges were appointed in Supreme Court. 769 new judges were appointed and 619 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 1,108 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
15.07.2022	24,631	19,289

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 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 31.05.2022, 892 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 1,023 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 crore has been released during the financial year 2020-21 and Rs. 134.557 crore has been released during the FY 2021-22 for the scheme. 726

FTSCs are presently functional including 408 exclusive POCSO Courts, which disposed 96,736 cases as on 31.05.2022. The continuation of the scheme of FTSC has been approved for another two years (2021-23) at a total outlay of Rs. 1,572.86 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.

(c): The details of existing vacancies in Supreme Court of India & High Courts and District & Subordinate Courts is at *Annexure-I* and *Annexure-II* respectively.

Filling up of vacancies in the High Courts is a continuous, integrated and collaborative process between the Executive and the Judiciary. It requires consultation and approval from various Constitutional Authorities both at the State and Centre level. While every effort is made to fill up the existing vacancies expeditiously, vacancies of Judges in High Courts do keep on arising on account of retirement, resignation or elevation of Judges and also due to increase in the strength of Judges.

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 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.

Annexure-I**STATEMENT REFERRED TO IN REPLY TO PART (C) OF RAJYA SABHA UNSTARRED QUESTION NO. 595 FOR ANSWER ON 21.07.2022 REGARDING PENDENCY OF CASES IN COURTS**

Statement showing Sanctioned Strength, Working Strength and Vacancies of Judges in the Supreme Court of India and the High Courts. (As on 14.07.2022)

		Sanctioned strength			Working strength			Vacancies		
A.	Supreme Court	34			32			2		
B.	High Court	Pmt.	Addl	Total	Pmt.	Addl	Total	Pmt.	Addl	Total
1	Allahabad	119	41	160	79	12	91	40	29	69
2	Andhra Pradesh	28	9	37	24	0	24	4	9	13
3	Bombay	71	23	94	46	9	55	25	14	39
4	Calcutta	54	18	72	36	10	46	18	8	26
5	Chhattisgarh	17	5	22	8	4	12	9	1	10
6	Delhi	46	14	60	46	1	47	0	13	13
7	Gauhati	18	6	24	16	6	22	2	0	2
8	Gujarat	39	13	52	28	0	28	11	13	24
9	Himachal Pradesh	13	4	17	9	0	9	4	4	8
10	J & K and Ladakh	13	4	17	12	3	15	1	1	2
11	Jharkhand	20	5	25	20	1	21	0	4	4
12	Karnataka	47	15	62	37	7	44	10	8	18
13	Kerala	35	12	47	28	9	37	7	3	10
14	Madhya Pradesh	39	14	53	33	0	33	6	14	20
15	Madras	56	19	75	48	10	58	8	9	17
16	Manipur	4	1	5	3	0	3	1	1	2
17	Meghalaya	3	1	4	3	0	3	0	1	1
18	Orissa	24	9	33	22	0	22	2	9	11
19	Patna	40	13	53	37	0	37	3	13	16
20	Punjab & Haryana	64	21	85	40	6	46	24	15	39
21	Rajasthan	38	12	50	28	0	28	10	12	22
22	Sikkim	3	0	3	3	0	3	0	0	0
23	Telangana	32	10	42	27	0	27	5	10	15
24	Tripura	4	1	5	4	0	4	0	1	1
25	Uttarakhand	9	2	11	7	0	7	2	2	4
	Total	836	272	1108	644	78	722	192	194	386

Annexure-II**STATEMENT REFERRED TO IN REPLY TO PART (C) OF RAJYA SABHA
UNSTARRED QUESTION NO. 595 FOR ANSWER ON 21.07.2022
REGARDING PENDENCY OF CASES IN COURTS**

(As on 15.07.2022)

Sl. NO.	States & UTs	Total Sanctioned Strength	Total Working Strength	Total Vacancy
1	Andaman and Nicobar	0	13	-13
2	Andhra Pradesh	607	483	124
3	Arunachal Pradesh	41	35	6
4	Assam	484	430	54
5	Bihar	1954	1354	600
6	Chandigarh	30	30	0
7	Chhattisgarh	482	439	43
8	D & N Haveli	3	2	1
9	Daman & Diu	4	4	0
10	Delhi	884	683	201
11	Goa	50	40	10
12	Gujarat	1523	1172	351
13	Haryana	772	471	301
14	Himachal Pradesh	175	162	13
15	Jammu and Kashmir	314	236	78
16	Jharkhand	675	583	92
17	Karnataka	1364	1065	299
18	Kerala	569	478	91
19	Ladakh	17	9	8
20	Lakshadweep	3	2	1
21	Madhya Pradesh	2021	1539	482
22	Maharashtra	2190	1940	250
23	Manipur	59	42	17
24	Meghalaya	99	51	48
25	Mizoram	65	41	24
26	Nagaland	34	24	10
27	Odisha	977	775	202
28	Puducherry	26	11	15
29	Punjab	692	600	92
30	Rajasthan	1579	1262	317
31	Sikkim	28	21	7
32	Tamil Nadu	1329	1074	255
33	Telangana	512	411	101
34	Tripura	122	109	13
35	Uttar Pradesh	3634	2508	1126
36	Uttarakhand	299	271	28
37	West Bengal	1014	918	96
TOTAL		24631	19288	5343

Source MIS portal of DoJ