

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

**RAJYA SABHA
UNSTARRED QUESTION NO. 276
ANSWERED ON THURSDAY, THE 08.12.2022**

INCLUSION OF EXPERTS IN THE ADMINISTRATION OF THE SUBORDINATE JUDICIARY

276. SHRI S NIRANJAN REDDY:

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

- (a) whether Government is aware that the administration of subordinate judiciary is done through High Courts which lacks expertise in management and statistics;
- (b) whether Government has any proposal for engaging any professional management/ logistic/ statistician agencies for scientifically approaching the problem and improving the disposal of cases;
- (c) if not, the manner in which Government seeks to achieve this; and
- (d) whether Government proposes to move all such information related to the pendency of cases to an open data policy?

ANSWER

**MINISTER OF LAW AND JUSTICE
(SHRI KIREN RIJJU)**

(a) to (c): As per the extant provisions under Article(s) 227 and 235 of the Constitution of India, the power of superintendence and control over all district courts and courts subordinate thereto under its jurisdiction is vested in the respective High Courts. Further, the disposal of cases in courts is within the exclusive domain of the judiciary. Hence, the Central Government has no role in the administration of subordinate judiciary nor in engaging of experts/professionals/statisticians for improving the disposal of cases.

However, the Union Government is committed to speedy disposal of cases and reduction in pendency of cases. 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. To advise on the goals, objectives and strategies of the National Mission and the Action Plan and its implementation, an Advisory Council has been set up under the Chairmanship of Minister of Law and Justice with a wide ranging membership. 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 to address pendency of cases 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. 9291.79 crores has 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 21,159 as on 30.11.2022 and number of residential units has increased from 10,211 as on 30.06.2014 to 18,557 as on 30.11.2022 under this scheme. In addition, 2,673 court halls and 1,662 residential units are under construction (as per Nyaya Vikas Portal). 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 01.12.2022, litigants can access case status of over 21.74 crore cases and 19.80 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, 619 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.

21 virtual courts have been set up in 17 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, West Bengal and Rajasthan 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 1,65,20,791 cases while the High Court heard 75,80,347 cases (totalling 2.41 crore) till 31.10.2022 using video conferencing. The Supreme Court had 2,97,435 hearings since the lockdown period upto 03.09.2022.

(iii) Filling up of vacant positions in Supreme Court, High Courts and District and Subordinate Courts: From 01.05.2014 to 05.12.2022, 46 Judges were appointed in Supreme Court. 853 new Judges were appointed and 621 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 1108 currently. Sanctioned and working strength of Judicial Officers in District and Subordinate Courts has increased as follow:

As on	Sanctioned Strength	Working Strength
31.12.2013	19,518	15,115
05.12.2022	24,994	19,205

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 31.10.2022, 838 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. Rs.140 crore was released in the financial year 2019-20, Rs. 160 crore has been released during the financial year 2020-21 and Rs. 134.557 crore has been released during the financial year 2021-22 for the scheme Rs. 53.55 crore has been released during current FY upto October, 2022. 731 FTSC are functional 412 exclusive POCSO Courts, which disposed more than 1,24,000 cases as on 31.10.2022.

(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.

(d): The National Judicial Data Grid (NJDG), a flagship project implemented under the aegis of the eCourts project, is the national repository of data relating to pending cases and cases disposed of in all district, taluka as well as High Courts of the country.

The information on NJDG is available in public domain for all stakeholders. Through the eCourts services platform using elastic search technology, currently litigants can access case status information in respect of over 21.26 crore cases and more than 19.14 crore orders / judgments of District and Subordinate Courts pertaining to these computerized courts as on date 03.10.2022. Case data is available on NJDG for both civil and criminal cases with the ability to perform drill-down analysis based on the age of the case as well as the State and District.

In consonance with the National Data sharing and Accessibility Policy (NDSAP) announced by the Government of India, Open Application Programming Interface (API) has been provided to the Central & State Government to allow easy access to the NJDG data using a departmental ID and access key. This

allows the institutional litigants to access the NJDG data for their evaluation and monitoring purposes. It is proposed to expand the facility to non-institutional litigants as well in future.
