

2021

LOK SABHA REPLIES

**BUDGET SESSION, 2021 [5th
SESSION OF 17th LOK,
SABHA][Ist part from 29th
January, 2021 to 15th
Feburary,2021]**

INDEX

Sl.No.	Question No.	Question Type	Date	Subject	Division	Page No.
1.	29	Starred	03.02.2021	Vacancies of Judges in Supreme Court and High Courts	Appointt. Dvn.	1
2.	30	Starred	03.02.2021	Pending Criminal and Civil Cases	NM	4
3.	239	Unstarred	03.02.2021	Digital platform for legal aid	A2J/LAP	11
4.	245	Unstarred	03.02.2021	Pending Court Cases	NM	13
5.	278	Unstarred	03.02.2021	Fast Track Courts	Justice.II	21
6.	308	Unstarred	03.02.2021	Listing of Court Cases	NM	23
7.	332	Unstarred	03.02.2021	FTSCs and Gram Nyayalayas	NM	24
8.	339	Unstarred	03.02.2021	Pending Court Cases	NM	31
9.	341	Unstarred	03.02.2021	Online Dispute Resolution	NM	40
10.	377	Unstarred	03.02.2021	Sanctioned Strength of Judges	Appointt. Division	42
11.	381	Unstarred	03.02.2021	Virtual Court	eCourt	45
12.	432	Unstarred	03.02.2021	Village Courts	JR Desk	49
13.	442	Unstarred	03.02.2021	Subordinate Courts	NM	55
14.	459	Unstarred	03.02.2021	Appointment of Additional Judges	NM	57
15.	130	Starred	10.02.2021	Vacancies for judicial officers and prosecutors	NM	63
16.	1400	Unstarred	10.02.2021	Gram Nyayalayas	JR Desk	72
17.	1406	Unstarred	10.02.2021	Shortage of Judges in subordinate judiciary	NM	75
18.	1412	Unstarred	10.02.2021	Post Retirement Assignments	Justice.I	78
19.	1445	Unstarred	10.02.2021	Fast Track Courts	Justice.II	79
20.	1480	Unstarred	10.02.2021	Setting up Division Bench of Odisha High Court	Appointt. Division	80
21.	1509	Unstarred	10.02.2021	Fast Track Courts for Rape Cases	Justice.II	82
22.	1510	Unstarred	10.02.2021	Funds for Modernisation of Courts	JR Desk	84
23.	1515	Unstarred	10.02.2021	Pending Court Cases	NM	86
24.	1520	Unstarred	10.02.2021	Judicial Process	NM	93
25.	1524	Unstarred	10.02.2021	Legal Reforms	A2J/LAP	100
26.	1594	Unstarred	10.02.2021	Pending Court Cases	NM	105
27.	1596	Unstarred	10.02.2021	Promotion of Hindi Language in Courts	Justice.I	107
28.	1598	Unstarred	10.02.2021	e-Courts	eCourt	109

INDEX

Sl.No.	Question No.	Question Type	Date	Subject	Division	Page No.
1.	*231	Starred	10.03.2021	Law Commission Report	Appointment Division	1
2.	2603	Unstarred	10.03.2021	Enhancing Online Connectivity for Judicial Process	eCourt	4
3.	2607	Unstarred	10.03.2021	E-courts	eCourt	6
4.	2676	Unstarred	10.03.2021	Leave in Courts	Justice.I	9
5.	2683	Unstarred	10.03.2021	DISHA PROGRAMME	A2J/LAP	11
6.	2698	Unstarred	10.03.2021	Pending Court Cases	NM	14
7.	2746	Unstarred	10.03.2021	Nyay Kaushal	eCourt	20
8.	*303	Starred	17.03.2021	Shortage of Judges	NM	23
9.	*320	Starred	17.03.2021	Legal Literacy Outreach Programmes	A2J/LAP	28
10.	3459	Unstarred	17.03.2021	Setting up a Bench of High Court	Appointment Division	31
11.	3489	Unstarred	17.03.2021	Lok Adalats	A2J/LAP	33
12.	3507	Unstarred	17.03.2021	Pending cases in Supreme Court	NM	40
13.	3525	Unstarred	17.03.2021	New Bench of Bombay High Court	Appointment Division	43
14.	3526	Unstarred	17.03.2021	Development of Infrastructural Facilities	JR Desk	45
15.	3535	Unstarred	17.03.2021	E-Filing in Courts	eCourt	47
16.	3539	Unstarred	17.03.2021	e-Courts	eCourt	50
17.	3568	Unstarred	17.03.2021	Reservation in appointment of Supreme Court and High Court Judges	Appointment Division	55
18.	3601	Unstarred	17.03.2021	Nyaya Mitra	A2J/LAP	57
19.	3638	Unstarred	17.03.2021	Amending Contempt of Courts Act	Justice.I	59
20.	3644	Unstarred	17.03.2021	Establishment of Court in Rajasthan	NM	61
21.	4649	Unstarred	24.03.2021	Pending cases in Gujarat High Court	NM	69
22.	4675	Unstarred	24.03.2021	e-Court Project	eCourt	71
23.	4801	Unstarred	24.03.2021	National Legal Service Day	A2J/LAP	74
24.	4808	Unstarred	24.03.2021	Fast Track Courts	Justice.II	77
25.	4826	Unstarred	24.03.2021	Use of Local Language in High Court	Justice.I	79

Appointt. D.V.N.

GOVERNMENT OF INDIA
MINISTRY OF LAW AND JUSTICE
DEPARTMENT OF JUSTICE

LOK SABHA
STARRED QUESTION NO. 29

TO BE ANSWERED ON WEDNESDAY, THE 03.02.2021

Vacancies of Judges in Supreme Court and High Courts

*29. SHRI KALYAN BANERJEE:

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

- a) whether there are four vacancies of judges in the Supreme Court and another 411 vacancies of judges in 25 High Courts in the country including 38 vacancies in Calcutta High Court and 30 each in Bombay and Delhi High Courts;
- b) if so, the action taken by the Government to fill up these vacancies during the last two years; and
- c) the time by which all the vacancies are likely to be filled up for early disposal of cases?

ANSWER

**MINISTER OF LAW AND JUSTICE, COMMUNICATIONS AND
ELECTRONICS & INFORMATION TECHNOLOGY**

(SHRI RAVI SHANKAR PRASAD)

(a) to (c): A Statement is laid on the Table of the House.

Statement referred to in reply to parts (a) to (c) of Lok Sabha Starred Question No. 29 due for answer on 03.02.2021 regarding "Vacancies of Judges in Supreme Court and High Courts"

(a) to (c): As on 01.02.2021, there were 4 vacancies of Judges in the Supreme Court and 419 vacancies of Judges in 25 High Courts. Further, there were 31, 30 and 40 vacancies of judges in the High Courts of Delhi, Bombay and Calcutta respectively.

As per Memorandum of Procedure for appointment of High Court Judges, the proposal for appointment is initiated by the Chief Justice of the concerned High Court. Government appoints only those persons as Judges of High Courts who are recommended by Supreme Court Collegium (SCC). During the last 3 years i.e. 2018, 2019, 2020, High Court Collegiums made 505 recommendations, out of which 177 names, which were recommended by SCC were appointed by the Government as High Court Judges in various High Courts. 134 names were rejected by SCC and remitted to High Courts and remaining 194 proposals received from various High Court Collegium are under various stages of processing with Government and SCC.

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 state and central level. Hence, the time for filling up of vacancies of the Judges in the higher Judiciary cannot be indicated.

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. During the period from May, 2014 to

: 2 :

2021 (till 1.2.2021), the details of appointment in the Supreme Court and the High Courts are as follows:-

- 35 Judges were appointed in Supreme Court of India
- 570 fresh Judges were appointed in the various High Courts
- 520 Additional Judges were appointed as Permanent Judges of High Courts

Government is committed to filling up of vacancy expeditiously in time-bound manner.

Nm

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

**LOK SABHA
STARRED QUESTION NO. †*30
TO BE ANSWERED ON WEDNESDAY, 03RD FEBRUARY 2021.
PENDING CRIMINAL AND CIVIL CASES**

**†*30. SHRI VINAYAK RAUT:
SHRIMATI REKHA VERMA:**

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

- (a) the number of criminal and civil cases pending in the lower courts in Maharashtra and Uttar Pradesh;**
- (b) the average time taken by lower courts for the disposal of various civil and criminal cases in Maharashtra and Uttar Pradesh;**
- (c) the details of the vacancies of judges in the lower courts in Maharashtra and Uttar Pradesh along with the vacancies filled during the years 2020 and 2021;**
- (d) whether any recent assessment has been made regarding the effects of these vacancies on the disposal of cases; and**
- (e) If so, the details thereof?**

ANSWER

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

(a) to (e): A Statement is laid on the Table of the House.

**STATEMENT REFERRED TO IN REPLY TO PARTS (a) TO (e) OF LOK
SABHA STARRED QUESTION NO. †*30 FOR ANSWER ON 03.02.2021
REGARDING 'PENDING CRIMINAL AND CIVIL CASES'.**

(a): Number of criminal and civil cases pending in the lower courts in Maharashtra and Uttar Pradesh as on 31.12.2020 is as follows:-

S. No.	State	Civil	Criminal	Total pendency as on 31.12.2020
1.	Maharashtra	13,63,965	31,40,608	45,04,573
2.	Uttar Pradesh	18,05,336	69,75,768	87,81,104

(b): No data is centrally maintained with regard to the average time taken by the lower courts for the disposal of various civil and criminal cases as it depends on the facts and circumstances of each case.

(c): The details of the vacancies filled in the lower courts in Maharashtra and Uttar Pradesh during the years 2020 and 2021 along with the details of vacancies are as follows:

S. No.	State	Vacancies as on 27.01.2021	Vacancies filled up during the year 2020	Vacancies filled up during year 2021
1.	Maharashtra	292	7	-
2.	Uttar Pradesh	1046	84	-

(d) & (e): Disposal of cases in courts is within the domain of the judiciary. Timely disposal 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.

Under Article 235 of the Constitution of India, the administrative control over the members of district and subordinate judiciary in the States vests 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 issues of appointment, promotion, reservations, etc. of Judicial Officers in the State Judicial Service.

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. 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:

- (a) **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.
- (b) **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 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.

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.

- (c) **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.

- (d) **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.

- (e) **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.
- (f) **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.

- (g) 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.

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

LOK SABHA

UNSTARRED QUESTION NO. 239

TO BE ANSWERED ON WEDNESDAY, THE 3rd FEBRUARY, 2021

Digital platform for legal aid

†239. SHRI DIPSINH SHANKARSINH RATHOD:
SHRI ANIL FIROJIYA:
SHRI MOHANBHAI KALYANJI KUNDARIYA:

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

- (a) whether any measures have been taken to integrate legal expertise with digital technology for better functioning;
- (b) if so, the details thereof;
- (c) whether any digital platform has been introduced for providing legal aid for rural areas and rural entrepreneurs;
- (d) if so, the details thereof; and
- (e) the extent to which this digital platform is effective?

ANSWER

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

- (a) to (e) Digital technology has been effectively harnessed in the realm of legal aid. The government has launched the Tele-Law programme since 2017 which has provided an effective and reliable e-interface platform connecting the needy and disadvantaged sections including rural populace seeking legal advice. Tele-Law aims to provide legal advice at the pre-litigation stage to the beneficiary by connecting them with Panel Lawyers via video conferencing and telephone facilities which are available at the Common Service Centers (CSC)

at Panchayat level. This service is free for persons entitled under Section 12 of Legal Services Authorities (LSA), Act 1987 and for others by paying Rs 30/- per consultation. Tele-Law programme is presently operational in 29,860 CSCs in 285 Districts across 29 States/UTs. As on 31st December, 2020, 5,26,132 advice have been enabled under the programme. Another notable measure has been integration of technology to move Lok Adalat to the virtual platform. E-Lok Adalats have been organized in 24 States/UTs. As on 09.01.2021, more than 4.07 lakh cases have been disposed of by these E-Lok Adalats.

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GOVERNMENT OF INDIA
MINISTRY OF LAW & JUSTICE
DEPARTMENT OF JUSTICE

LOK SABHA

UNSTARRED QUESTION NO. 245
TO BE ANSWERED ON WEDNESDAY, THE 03rd FEBRUARY, 2021

PENDING COURT CASES

245. DR. T. SUMATHY (a) THAMIZHACHI THANGAPANDIAN:

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

- (a) whether there has been an increase in pending cases load due to closure of courts in the backdrop of COVID-19 pandemic and if so, the details of pending cases in district courts and high courts during the last one year, State/UT-wise;
- (b) whether the Government will strengthen Online Dispute Resolution (ODR) and if so, the steps taken in this regard;
- (c) whether the new ODR scheme will also resolve COVID-19 induced disputes such as employment, commercial, tenancy, consumer and family disputes and if so, the details thereof;
- (d) if not, the manner in which the Government plan to resolve the problem of mounting cases due to closure of courts in an already overburdened judiciary; and
- (e) whether the Government will have a detailed and actionable strategic plan for filling up vacancies in Courts and if so, the details thereof and if not the reasons thereof?

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

(a): The details of pending cases in High Courts and District Courts during the last one year including Covid period State/UT wise is given at *Annexure – I* and *Annexure-II* respectively.

(b) to (d): In order to create an effective implementation framework for Online Dispute Resolution (ODR) in India, NITI Aayog in June 2020, had set up a Committee under the Chairmanship of Justice A. K. Sikri, Retired Judge, Supreme

Court of India to develop an action plan that can aid in mainstreaming ODR and thus promote access to justice through ODR. The Committee has placed the first draft of the report in public domain in November, 2020, including the nature of disputes that can be resolved like family disputes, real estate disputes, inheritance disputes, disputes regarding division of assets, consumer disputes, tenancy disputes, labour and employment disputes, banking and financial disputes, etc.

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:

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- (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:

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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.
- (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.

(e): As per Memorandum of Procedure (MoP), 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 Justices of the concerned High Court who may initiate the proposal for appointment of a Judge in the High Court at least six months prior to the occurrence of vacancies. Filling up of vacancies in the Supreme Court and High Courts is a continuous, integrated and collaborative process, between the Executive and the Judiciary. It requires consultation and approval from various Constitutional Authorities. Hence, time frame to appoint Judges cannot be indicated. While every effort is made to fill up the existing vacancies

expeditiously, vacancies in High Courts do keep on arising on account of retirement, resignation or elevation of Judges and increase in the Judge strength.

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 issues of appointment, promotion, reservations *etc.* of Judicial Officers in the State Judicial Service. Therefore, Central Government has no role in this regard. However, 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. The same was reiterated in May, 2017. 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.

Regular meetings have been held by Department of Justice with Registrars General of all High Courts and Law Secretaries of all State Governments /Uts in January, 2018, July, 2018, November, 2018, September, 2019 and May, 2020 wherein steps taken to fill up posts of Judicial Officers in District and Subordinate Courts have been reviewed.

Details of Pending Cases in the High Court

Sl. No	Name of High Courts	Number of Cases pending in High Courts as on 29.01.2020	Number of Cases pending in High Courts as on 28.01.2021
1.	Allahabad High Court	732239	771665
2.	Calcutta High Court	21906	269680
3.	Gauhati High Court	47569	51646
4.	High Court for the State of Telangana	219749	236852
5.	High Court of Andhra Pradesh	196553	209164
6.	High Court of Bombay	267809	545989
7.	High Court of Chhattisgarh	70233	76412
8.	High Court of Delhi	80047	91195
9.	High Court of Gujarat	129980	145539
10.	High Court of Himachal Pradesh	58546	74775
11.	High Court of Jammu & Kashmir and Ladakh	75613	63548
12.	High Court of Jharkhand	83699	86692
13.	High Court of Karnataka	248285	289023
14.	High Court of Kerala	198739	215901
15.	High Court of Madhya Pradesh	361085	366167
16.	High Court of Manipur	3806	4470
17.	High Court of Meghalaya	1114	1472
18.	High Court of Punjab & Haryana	541520	645213
19.	High Court of Rajasthan	472241	529570
20.	High Court of Sikkim	237	242
21.	High Court of Tripura	2373	2347
22.	High Court of Uttarakhand	40060	38676
23.	Madras High Court	403176	581555
24.	Orissa High Court	151411	171779
25.	Patna High Court	173629	188337
Total		4581619	5657909

Details of Pending Cases in the country State / UT-wise

Sl. No	Name of States/UTs	Total Number of Cases pending in District and Subordinate Courts as on 29.01.2020	Total Number of Cases pending in District and Subordinate Courts as on 28.01.2021
1.	A & N Island	0	0
2.	Andhra Pradesh	564693	645518
3.	Telangana	566407	686819
4.	Arunachal Pradesh	-----	---
5.	Assam	297372	361274
6.	Bihar	2875713	3191323
7.	Chandigarh	48262	59265
8.	Chhattisgarh	279410	335230
9.	D & N Haveli	3033	3413
10.	Daman & Diu	2310	2828
11.	Delhi	866265	978490
12.	Goa	24813	57311
13.	Gujarat	1611359	1949686
14.	Haryana	869120	1126576
15.	Himachal Pradesh	290465	423074
16.	Jammu & Kashmir	177254	218833
17.	Jharkhand	386064	446803
18.	Karnataka	1555617	1763930
19.	Kerala	1294910	1841556
20.	Ladakh	450	768
21.	Lakshadweep	-----	----
22.	Madhya Pradesh	1449383	1719056
23.	Maharashtra	3766400	4582365
24.	Manipur	9826	11139
25.	Meghalaya	8847	10410
26.	Mizoram	2544	4710
27.	Nagaland	-----	1562
28.	Odisha	1244832	1398399
29.	Punjab	639683	831225
30.	Rajasthan	1699168	1863560
31.	Sikkim	1302	1600
32.	Tamil Nadu	1153262	1297274
33.	Puducherry	-----	----
34.	Tripura	25109	44534
35.	Uttar Pradesh	7690966	8653883
36.	Uttarakhand	208011	269058
37.	West Bengal	2290464	2401947
Total		31903314	37183419

Note: Data on District and Subordinate Courts in the States of Arunachal Pradesh and Union Territories of Lakshadweep and Puducherry are not available on the web-portal of NJDG. Data in respect of Andaman & Nicobar Islands is not available on NJDG Portal

Jus. II

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

LOK SABHA

UNSTARRED QUESTION NO. 278

TO BE ANSWERED ON WEDNESDAY, THE 3-2- 2021

Fast Track Courts

278. SHRIMATI VEENA DEVI:

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

- (a) whether fast track courts have been established in Bihar;
- (b) if so, the details thereof;
- (c) whether the required funds are not being released for smooth operation of the fast track courts and the reaction of Government thereto; and
- (d) if so, the details of funds released to Bihar for the above mentioned task during the last four years?

ANSWER

**MINISTER OF LAW & JUSTICE, COMMUNICATIONS AND
ELECTRONICS & INFORMATION TECHNOLOGY**

(SHRI RAVI SHANKAR PRASAD)

(a) to(d): Setting up of Fast Track Courts (FTCs) and its functioning falls within the domain of the State Governments in consultation with the respective High Courts. As per information obtained from the Patna High Court, at present, 33 FTCs are functional in the State of Bihar. The 14th

Finance Commission had urged all State Governments to utilize the enhanced fiscal space available through tax devolution (32% to 42%) to meet the financial requirement of the FTCs. The details of funds released by Bihar during the last 4 years for FTCs are as under:

Financial Year	Funds allocated by the State Government (in Rs. Cr.)	Funds released (in Rs.Cr.)
2016-17	67.686	0
2017-18	67.0437	17.66
2018-19	67.686	18.50
2019-20	40.00	11.56

NM

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

LOK SABHA

**UNSTARRED QUESTION NO. 308
TO BE ANSWERED ON WEDNESDAY, THE 03rd FEBRUARY, 2021**

LISTING OF COURT CASES

308. SHRI E. T. MOHAMMED BASHEER:

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

- (a) whether the Government is aware that selective listing is allegedly being done in Hon'ble Supreme Court while hundreds of bail applications are pending; and**
(b) if so, the action taken by the Government in this regard?

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

(a): No, Sir.

(b): Government is committed to independence of judiciary. Listing of cases in the Supreme Court falls within the domain of the Supreme Court Registry and the Government has no role to play in this matter.

NM

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

LOK SABHA

**UNSTARRED QUESTION NO. 332
TO BE ANSWERED ON WEDNESDAY, THE 03rd FEBRUARY, 2021**

FTSCs AND GRAM NYAYALAYAS

332. SHRIMATI APARAJITA SARANGI:

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

- (a) whether the pendency of cases in various Courts across India have increased post lockdown from 25 March 2020;**
- (b) if so, the action taken thereon to reduce pendency;**
- (c) the number of Fast Track Special Courts (FTSCs) set up in Odisha to expedite resolution of rape cases;**
- (d) whether the FTSCs have recorded high pendency;**
- (e) if so, the action taken thereon;**
- (f) the number of Gram Nyayalayas established and currently functional at panchayat level in Odisha;**
- (g) whether there have been any factors hindering the efficient functioning of the Gram Nyayalayas; and**
- (h) if so, the details thereof and the action taken thereon?**

ANSWER

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

(a) & (b): 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 they may, as far as possible, resume normal functioning by virtual/physical mode. 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. 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.

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 nearly 32,000 hearings during the lockdown period.

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 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.

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.
- (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) to (e): Currently, 15 FTSCs are operational in Odisha, which are exclusive POCSO Courts for expeditious resolution of cases related to POCSO Act. These FTSCs have disposed of 240 POCSO cases and 6119 cases are pending as on 31.12.2020. An online monitoring framework has been devised for regular monitoring of case disposal statistics.

(f) to (h): As per the information made available by the High Court/State Government 22 Gram Nyayalayas have been notified by the State of Odisha out of which 16 Gram Nyayalayas are operational.

Some of the challenges related to the efficient functioning of the Gram Nyayalayas are overlapping jurisdiction of Gram Nyayalayas with regular courts, shortage of First Class Magistrates to man the Gram Nyayalayas, need

for creation of a cadre of Gram Nyayadhikaries and their training, need to widen the jurisdiction of Gram Nyayalayas, creating awareness amongst stakeholders and also setting up mobile courts.

The issues affecting operationalization 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 their local problems. The Department of Justice is continuously monitoring and evaluating the issues relating to the establishment and functioning of the Gram Nyayalayas. Periodic meetings via Video Conferencing is done with the State functionaries and Registrar Generals of the High Courts for redressal of various issues.
