

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

LOK SABHA

**UNSTARRED QUESTION NO. 3249
TO BE ANSWERED ON FRIDAY, THE 05TH AUGUST, 2022**

PENDENCY OF LEGAL CASES IN COURTS

**3249. SHRI SHA.BRA.DR.JAI SIDDESHWAR SHIVACHARYA MAHASWAMIJI:
SHRI SANGANNA AMARAPPA:
SHRI B.Y. RAGHAVENDRA:
SHRI S. MUNISWAMY:
SHRI PRATHAP SIMHA:
DR. UMESH G. JADHAV:**

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

- (a) the number of cases which are pending in Karnataka and Maharashtra High Courts for the last 15 years;**
- (b) whether the pendency of legal cases has deprived the people of Maharashtra and Karnataka of getting justice;**
- (c) if so, the reaction of the Government thereto;**
- (d) the number of serving judges in Karnataka and Maharashtra during each of the last three years;**
- (e) whether a need has been felt to increase the number of courts; and**
- (f) if so, the details thereof along with the steps taken in this regard so far?**

ANSWER

MINISTER OF LAW AND JUSTICE

(SHRI KIREN RIJIJU)

(a): As per the information provided by respective High Courts, the number of cases pending for the last 15 years in the High Court of Karnataka and Bombay High Court is 2,56,906 and 2,81,986 respectively.

(b) & (c): Disposal of pending cases in all courts including in Karnataka and Maharashtra 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, 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 besides availability of adequate number of judges and judicial officers, supporting court staff and physical infrastructure. There are several factors which may lead to delay in disposal of cases. These, inter-alia, include frequent adjournments, lack of adequate arrangement to monitor, track and bunch cases for hearing and also vacancies of judges. 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. 9013.21 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, 2,677 court halls and 1,659 residential units are under construction as per data available on 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, three new components, i.e. construction of Lawyer's Halls, Toilet Complexes and Digital Computer Rooms have now been included.

Till date, the Central Government has sanctioned Rs. 9150.71 crore under the Scheme to States/UTs, out of which Rs. 5706.41 crore has been released since 2014-15 which is around 62.36% of the total release under the scheme. This includes release of Rs. 811.94 crore to the State Government of Maharashtra and Rs. 727.49 crore to the State Government of Karnataka.

As per information made available by the High Courts as on 30.06.2022, against sanctioned strength of 24,623 and working strength of 19,313 Judicial Officers, 20,993 Court Halls and 18,502 Residential Units are available in the District and Subordinate Courts. Moreover, 2,677 Court Halls and 1,659 Residential Units are under construction as per the data available on Nyaya Vikas portal. In the State of Karnataka, as on 30.06.2022 there are 1165 court halls and 1120 residential units are available against the working strength of 1071 Judges/Judicial Officers of District and Subordinate Courts. As far as the State of Maharashtra is concerned there are 2350 court halls and 2055 residential units are available against the working strength of 1940 Judges/Judicial Officer of District and Subordinate Courts.

(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-SewaKendras 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.

The details of Leveraging Information and Communication Technology (ICT) for improved justice delivery in respect of States of Karnataka and Maharashtra is as under:-

	Karnataka	Maharashtra
Courts Computerized	1031	2157
WAN	195	464
NJDG	Pending & Disposed Cases more than 1.73 crore Total orders/Judgement more than 2.09 crore	Pending & Disposed Cases more than 2.36 crore Total orders/Judgement more than 1.19 crore
eSewa Kendra	10	40
VC Court	297	466
VC Jail	97	138
VC hearing no.	9,64,593	78,247

(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
29.07.2022	24,631	19,288

However, filling up of vacancies in Subordinate judiciary falls within the domain of the State Governments and High Courts concerned.

The Sanctioned Strength, Working Strength and Vacancy position of Judges in High Courts of Karnataka and Bombay is as under:-

(As on 29.07.2022.)

Name of High Court	Sanctioned Strength	Working Strength	Vacancy
Karnataka	62	44	18
Bombay	94	62	32

The Sanctioned Strength, Working Strength and Vacancy position of Judicial Officers in the States of Karnataka and Maharashtra is as under:-

(As on 29.07.2022)

Name of State	Sanctioned Strength	Working Strength	Vacancy
Karnataka	1364	1065	299
Maharashtra	2190	1940	250

(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 31.5.2022, 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 1023 Fast Track Special Courts (FTSCs) across the country for expeditious disposal of pending cases of Rape under IPC and crimes under POCSO Act. 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. 728 FTSC are functional including 408 exclusive POCSO Courts, which disposed 1,02,344 cases as on 30.6.2022.

The details of earmarked and functional FTSC in the States of Karnataka and Maharashtra is as under:-

Name of High Court	Earmarked FTSC	Functional FTSC	Earmarked ePocso Court	Functional ePocso Court
Karnataka	31	25	17	17
Maharashtra	138	39	20	21

The details of grants released to States of Karnataka and Maharashtra is as under:-

Name of High Court	Central share released	Due State share	Utilization Certificate obtained
Karnataka	13.61 crore	9.07 crore	12.97 crore
Maharashtra	31.05 crore	20.7 crore	7.01 crore

(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 number of serving judges in Karnataka and Maharashtra during each of the last three years is at *Annexure*.

(e) & (f) The new courts at District and below District / Subordinate (Tehsil / Taluka) level are established by the respective State Governments in consultation with the concerned High Courts.

In the case of *Imtiyaz Ahmed versus State of Uttar Pradesh and others*, the Supreme Court had asked the Law Commission of India to evolve a method for scientific assessment of the number of additional courts required to clear the backlog of cases. In 245th report (2014), the Law Commission has observed that filing of cases per capita varies substantially across geographic units as filings are associated with economic and social conditions of the population. As such the Law Commission did not consider the judge population ratio to be a scientific criterion for determining the adequacy of the judge strength in the country. The Law Commission found that in the absence of complete and scientific approach to data collection across various High Courts in the country, the “Rate

of Disposal” method, to calculate the number of additional judges required to clear the backlog of cases as well as to ensure that new backlog is not created, is more pragmatic and useful. In May, 2014, the Supreme Court asked the State Governments and the High Courts to file their response to the recommendations made by the Law Commission. In August 2014, the Supreme Court asked the National Court Management System Committee (NCMS Committee) to examine the recommendations made by the Law Commission and to furnish its recommendations in this regard. NCMS Committee submitted its report to the Supreme Court in March, 2016. The report, inter-alia, observes that in the long term, the judge strength of the subordinate courts will have to be assessed by a scientific method to determine the total number of “Judicial Hours” required for disposing of the case load of each court. In the interim, the Committee has proposed a “weighted” disposal approach i.e. disposal weighted by the nature and complexity of cases in local conditions. As per the direction of the Hon’ble Supreme Court in its Order dated 02.01.2017, the Department of Justice has forwarded a copy of interim report of the NCMS Committee to all the State Governments and High Courts to enable them to take follow up action to determine the required Strength of district and subordinate judiciary.

Annexure

STATEMENT REFERRED TO IN REPLY TO PART (D) OF LOK SABHA UNSTARRED QUESTION NO. 3249 FOR ANSWER ON 05.08.2022 REGARDING 'PENDENCY OF LEGAL CASES IN COURTS'.

The Sanctioned Strength and the Working strength of Judges in the Bombay and Karnataka High Courts during the last three years, is given as below:

(As on 29.07.2022)

Year (As on)	High Courts	Sanctioned Strength	Working Strength	Vacancies
01.01.2019	Bombay	94	71	23
	Karnataka	62	33	29
01.01.2020	Bombay	94	70	24
	Karnataka	62	40	22
01.01.2021	Bombay	94	64	30
	Karnataka	62	46	16
29.07.2022	Bombay	94	62	32
	Karnataka	62	44	18