

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

RAJYA SABHA

**UNSTARRED QUESTION NO. 1389
TO BE ANSWERED ON THURSDAY, THE 28TH JULY, 2022**

INCREASE IN BACKLOG OF CASES

1389. DR. C.M. RAMESH:

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

- (a) whether there is an increase in backlog of cases in different High Courts in the country, the High Court-wise details thereof;**
- (b) the details of policy and efforts of Government in consultation with the judiciary in this regard; and**
- (c) whether the virtual hearing of cases by the High Courts is one of the solutions to expedite the backlog of cases, the details thereof?**

ANSWER

MINISTER OF LAW AND JUSTICE

(SHRI KIREN RIJIJU)

(a): The details of pending cases, as on 22.07.2022, in various High Courts in the country, High Court-wise, is at *Annexure*.

(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. 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, 2,777 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
22.07.2022	24,631	19,288

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

(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. 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, 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 408 exclusive POCSO Courts, which disposed 1,02,344 cases as on 30.6.2022.

(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.

(c): Yes, Sir. The virtual hearing of cases by the High Courts seems to be one of the solutions to expedite the backlog of cases as Video Conferencing provides the following benefits:

- The lawyers and litigants can appear before the court from any location of their choice.
- Production of witnesses becomes easy as they can be at their own safe locations.
- There is considerable saving of time and money.
- The lawyers can attend hearings at multiple locations at short notice.
- Movement of under trial prisoners can be done very economically and conveniently.

Since Covid lockdown started, the District courts heard 1,28,76,549 cases while the High Courts heard 63,76,561 cases (totalling 1.92 crore) till 30.04.2022 using video conferencing. The Supreme Court held 2,61,338 hearings till 13.06.2022 since the beginning of lockdown period. A novel concept of Virtual Courts have been implemented, aimed at eliminating the presence of litigant or lawyer in the court and for adjudication of cases on a virtual platform. At present, 20 Virtual Courts have been set up in 16 States/UTs to try traffic challan cases which have heard more than 1.69 crore cases and online fine of Rs. 271.48 crore has been realised till 04.07.2022. In Delhi District Courts 34 Digital NI Court have disposed 14,248 out of 1,02,386 cases till 31.03.2022.

Annexure

**STATEMENT REFERRED TO IN REPLY TO PART (A) OF RAJYA SABHA
UNSTARRED QUESTION NO. 1389 FOR ANSWER ON 28.07.2022 REGARDING
'INCREASE IN BACKLOG OF CASES'**

Sl.No.	Name of High Court	Backlog of cases as on 22.07.2022
1.	Allahabad	1026417
2.	Bombay	592583
3.	Calcutta	215859
4.	Gauhati	57213
5.	Telangana	258932
6.	Andhra Pradesh	235482
7.	Chhattisgarh	87333
8.	Delhi	105814
9.	Gujarat	158512
10.	Himachal Pradesh	87798
11.	Jammu & Kashmir and Ladakh	45371
12.	Jharkhand	85879
13.	Karnataka	296965
14.	Kerala	210233
15.	Madhya Pradesh	417003
16.	Manipur	4763
17.	Meghalaya	1252
18.	Punjab and Haryana	450527
19.	Rajasthan	605215
20.	Sikkim	175
21.	Tripura	1497
22.	Uttarakhand	43066
23.	Madras	563595
24.	Orissa	185567
25.	Patna	220403
	Total	5957454

Source: National Judicial Data Grid.