

“DESIGNING INNOVATIVE SOLUTIONS FOR HOLISTIC ACCESS TO JUSTICE” (DISHA) SCHEME LAUNCHED FOR A PERIOD OF FIVE YEARS 2021-2026 TO ADVANCE THE CAUSE OF ACCESS TO JUSTICE

Relevant for: Indian Polity | Topic: Judiciary in India: its Structure, Organization & Functioning, Judges of SC & High Courts, Judgments and related Issues

The Minister of Law and Justice, Shri Kiren Rijiju in a written reply to a question in the Lok Sabha today informed that “Designing Innovative Solutions for Holistic Access to Justice” (DISHA), is the Government of India Scheme launched for a period of five years 2021-2026 to advance the cause of access to justice. It aims to design and consolidate various initiatives to provide citizen- centric delivery of legal services. Under DISHA at present Tele-Law: Reaching the Unreached, Nyaya Bandhu (Pro Bono Legal Services) and Legal Literacy and Legal Awareness programmes are being implemented at a pan India level. Moreover, in order to ensure its widened reach, dedicated Information Education and Communication (IEC) including (Technology) component has been embedded in DISHA. To strengthen pre litigation legal advice and consultation, the Tele-Law Service connects the citizen with the Panel lawyers through the use of video /Tele conferencing facilities available at the Common Service Centres (CSCs) and via Tele-Law Mobile App. This service is free of cost and is currently operational in 1,000,00 Gram Panchayats across 755 Districts (including 112 Aspirational districts) in 36 States /UTs. As on 30th November, 2022 advice has been enabled to 28 lakh beneficiaries. The Nyaya Bandhu (Pro Bono Legal Services) programme aims to provide free legal assistance and counsel to the marginalized sections. Nyaya Bandhu Mobile Application, for android and iOS phones, has been developed to connect the registered Pro Bono Advocates with the registered applicants. As on 30th November, 2022, 5202 Advocates have registered under the programme. As on 30th November, 2022, 69 Law schools across the country have constituted “Pro Bono Clubs” under Nyaya Bandhu (Pro Bono) programme to instil a culture towards pro bono lawyering among the law students. To provide for a more robust framework, Legal Service Institutions network at the National, State and District and Taluk level, constituted under the Legal Services Authorities, Act, 1987 have been integrated under the DISHA scheme to expand the outreach of Tele-Law and Nyaya Bandhu (Pro bono) and embed a dedicated Legal Literacy programme across 112 Aspirational districts.

So far as legal reforms is concerned, Government has set up the National Mission for Justice Delivery and Legal Reforms 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 coordinated approach for phased liquidation of arrears and pendency in judicial administration, which, *inter-alia*, involves better infrastructure for courts, including computerization, an 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:

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 began, the district courts heard 1,65,20,791 cases while the high courts heard 75,80,347 cases (totalling 2.41 crore) via video conferencing till 31.10.2022. 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

12.12.2022

25,011

19,192

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 a Resolution passed in Chief Justices' Conference held in April, 2015, Arrears Committees have been set up in all 25 High Courts to clear cases pending for more than five years. Arrears Committees have been set up under District courts as well. 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 the Chief Justices of High Courts and the Chief Ministers of states drawing their attention to the cases pending for more than five years and to take up pendency reduction campaign. The Department of Justice 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 (PIMS) 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, the central government has approved a scheme for setting up 1023 Fast Track Special Courts (FTSCs) across the country for the expeditious disposal of pending cases of Rape under IPC and crimes under POCSO Act. As on date, 28 States/UTs have joined the scheme. 731 FTSC are functional including 412 exclusive POCSO Courts, which disposed more than 1,24,000 cases as on 31.10.2022.

(vii) 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.

(viii) Lok Adalat is an important Alternative Disputes Resolution Mechanism available to common people. It is a forum where the disputes/ cases pending in the court of law or at pre-litigation stage are settled/ compromised amicably. Under the Legal Services Authorities (LSA) Act, 1987, an award made by a Lok Adalat is deemed to be a decree of a civil court and is final and binding on all parties and no appeal lies against thereto before any court. In order to reduce the pendency of cases in courts and also to settle the disputes at pre-litigation stage, Lok Adalats are organized by Legal Services Institutions at such intervals as it deems fit. Lok Adalat is not a permanent establishment. However, as per Section 19 of the LSA Act, 1987, Lok Adalats are organized by Legal Services Institutions as per requirement. National Lok Adalats are organized simultaneously in all Taluks, Districts and High Courts on a pre-fixed date.

The details of the case disposed off in Lok Adalats during the last two years are as under:-

Years

Pre-litigation Cases

Pending Cases

Grand Total

2021

72,06,294

55,81,743

1,27,88,037

2022

3,10,15,215

1,09,10,795

4,19,26,010

Total

3,82,21,509

1,64,92,538

5,47,14,047

SS/RKM

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