

**GOVERNMENT OF INDIA
LAW AND JUSTICE
LOK SABHA**

STARRED QUESTION NO:270
ANSWERED ON:01.08.2002
PENDING CASES IN VARIOUS COURTS
DUKHA BHAGAT

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

- (a) whether the number of pending cases are increasing in various courts and some cases out of them are even pending for more than fifteen years, as the State Governments have not provided adequate funds;
- (b) if so, the reaction of the Government thereto;
- (c) the average number of cases pending before each Judge of a High Court, at present; and
- (d) whether the Government have made any efforts to appoint more Judges in the High Courts in order to clear the backlog?

Answer

The MINISTER OF LAW AND JUSTICE(SHRI K. JANA KRISHNAMURTHI)

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

STATEMENT IN REPLY TO PARTS (a) TO (d) OF LOK SABHA STARRED QUESTION NO.270 DUE FOR ANSWER ON 1.8.2002

(a) The pendency of cases in the Supreme Court has come down from 1,04,936 as on 31.12.1991 to 23,012 as on 1.5.2002. However, in the High courts, the number of pending cases which was 26.51 lakh on 31.12.93 has increased to 36.20 lakh as on 15.7.2002. The pendency of cases in the District and Subordinate Courts, which was to the tune of 2.18 crore as on 31.12.95, has now stabilized around 2 crore cases. There are indeed some cases pending for more than 15 years at various levels of the Judiciary.

Pendency of cases in the courts is due to a multiplicity of factors, like increase in litigation & increase in the number of laws, inadequate provision for infrastructural facilities for the Judiciary, inadequate strength of Judges and supporting staff, etc.

The Hon'ble Chief Justice of India in his Law Day Address on 26th November, 2001 stated 'the reason why we do not have more judges across the board is because the States are simply not willing to provide the finances that are required.....Each and every State in the country has stated in reply that it has no more money for the judiciary'.

(b) Both Government and Judiciary are concerned about the huge pendency of cases in courts. A series of steps have been taken by the Government for the speedy disposal of cases. These include simplification of procedures; increase in the number of posts of Judges/Judicial officers; establishment of Special Courts/tribunals; adoption of alternative modes of dispute resolution, such as, arbitration; and conciliation and establishment of increasing number of Lok Adalats State Governments have also been requested to accord more financial autonomy to the Judiciary.

Central Govt. have sanctioned a grant of Rs.502.90 crores, based on the recommendations of the eleventh Finance Commission, for the creation of 1734 additional Courts, known as the Fast Track Courts in the country. An amount of about Rs.197.00 crore has been released to the States for setting up these courts. Till date, 1123 courts have been set up/notified till date by the State Governments.

(c) The average number of cases pending before each judge of a High Court comes to around 5,600 cases.

(d) The review of judge strength of High Courts is undertaken every three years with reference to the felt need for disposal of cases, taking into account the backlog and expected future filing. This triennial review of judge strength is being undertaken in the current year, 2002. The filling up of vacancies in the High Courts is a consultative process among the Constitutional authorities. Every effort is made to fill up the existing vacancies expeditiously.

The Minister of Law, Justice and Company Affairs has been periodically requesting the Chief Justices of High Courts, Chief Ministers and Governors of States to make recommendations for filling up the existing as well as anticipated vacancies of Judges in the High Courts expeditiously. The last such request was made vide letter dated March 15, 2002.