

**GOVERNMENT OF INDIA
LAW , JUSTICE AND COMPANY AFFAIRS
LOK SABHA**

UNSTARRED QUESTION NO:1980

ANSWERED ON:29.11.2001

PENDING CASES IN HIGH COURTS

BALARAMA KRISHNA MURTHY KARNAM;BHUPENDRASINH PRABHATSINH SOLANKI;PRAKASH V. PATIL;PUTTASWAMY GOWDA;RUDRAGOUDA PATIL

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

- (a) whether cases before High Courts are piling up very rapidly due to inordinate delay in the appointment of judges in High Courts;
- (b) if so, the details of cases pending before various High Courts in the country for the last three years;
- (c) whether the Government has any plan in this matter for the disposal of the cases; and
- (d) if so, the details thereof stating the target year when the old cases before the courts will be cleared?

Answer

THE MINISTER OF LAW, JUSTICE AND COMPANY AFFAIRS (SHRI ARUN JAITLEY):

(a) The pendency of cases in the High Courts is due to various factors including vacancies of Judges. Other factors, inter-alia, include increased institution of cases on account of increased awareness of rights on the part of the citizens, rise in population, granting of adjournments, industrial development in the country, increased trade and commerce, and socio-economic measures, legislative and administrative aspects touching on the life of the citizens of all levels, tendency of litigants, lawyers' strike, etc.

As on 21st November, 2001 the vacancies in High Courts are 170 including 47 new posts. The procedure for appointment of Judges of High Courts as well as transfer of a Judge, including Chief Justice from one High Court to another, has been laid down in the Supreme Court Judgement of October 6, 1993 read with their Advisory Opinion of October 28, 1998. Government has been addressing letters to the Chief Ministers of the States and the Chief Justices of the High Courts, from time to time, requesting them to make recommendations for appointment of Judges in the High Courts with a view to filling up vacancies expeditiously.

(b) Statement is enclosed.

(c) The Minister of Law, Justice and Company Affairs has been requesting all the Chief Justices of the High Courts from time to time, to initiate proposals for filling up the vacancies of Judges in the High Courts. Various measures have been adopted by the High Courts for expeditious disposal of cases including classification and grouping of cases, computerization of records in High Courts, identification and listing of cases covered by the decisions finally made by the Supreme Court and High Court on the same point.

(d) No time frame can be fixed for disposal of old cases as this relates to substantive function of the judiciary.