

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

UNSTARRED QUESTION NO:4788
ANSWERED ON:19.12.2002
INCREASE IN JUDICIAL WORK
GADDE RAMAMOCHAN;M.V.V.S MURTHI

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

- (a) whether judicial work had increased manifold due to docket explosion;
- (b) if so, whether there is no corresponding growth in the number of judicial officers and staff as per statement made by the Chief Justice of India in a Law Day Celebration;
- (c) if so, the reaction of the Government thereto; and
- (d) if so, the outcome thereof and the corrective steps taken by Government?

Answer

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

(a) Yes, Sir. The judicial work has increased manifold in the High Courts as well as Subordinate Courts. As far as the Supreme Court of India is concerned, pendency of cases which was 1,04,936 as on 31.12.1991, has come down to 23,012 as on 31.05.2002 due to various measures taken by the Supreme Court for expediting the disposal of cases.

(b) Hon`ble the Chief Justice of India in an inaugural address on Law Day on 26th November, 2002 said that there is no corresponding growth in the number of Judicial officers. The relevant part of the inaugural address by Hon`ble the Chief Justice of India is quoted below:-

`.....Although the judicial work has increased manifold for the reasons as stated earlier, there has been no corresponding growth in the number of judicial officers and their staff. This problem of under-staffing of the judiciary was indicated way back in 1987 in the 120th report of the Law Commission. Even the recent Parliamentary Committee Report of Mr. Pranab Mukherjee reiterated the same. The Law Commission in its 120th report way back in 1987 recommended for 50 judges per million...`

The Supreme Court vide its Judgment dated 21st March, 2002 in Writ Petition No.1022/89 - All India Judges Association & Ors. Vs. Union of India & Ors., inter-alia, directed as under

`....We, therefore, first direct that the existing vacancies in the Subordinate Courts at all levels should be filled, if possible latest by 31st March, 2003, in all the States. The increase in the Judge strength to 50 judges per 10 lakh people should be effected and implemented with the filling up of the posts in a phased manner to be determined and directed by the Union Ministry of Law, but this process should be completed and the increased vacancies and posts filled within a period of five years from today. Perhaps increasing the judge strength by 10 per 10 lakh people every year could be one of the methods which may be adopted thereby completing the first stage within five years before embarking on further increase if necessary.....`

(c) & (d) Judge strength of High Courts is reviewed and revised every three years based on the pendency of cases, fresh institutions and average disposal per judge.

It is the primary responsibility of the State Governments in consultation with the respective High Courts to take necessary action to fill up the vacancies in the subordinate judiciary and to increase its sanctioned strength in pursuance of the Supreme Court's order in the All India Judges Association Case.