

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

UNSTARRED QUESTION NO:620

ANSWERED ON:11.11.2010

STRENGTH OF JUDGES

Bajwa Shri Partap Singh;Balram Shri P.;Mishra Shri Mahabal ;Ponnam Shri Prabhakar;Rao Shri Sambasiva Rayapati;Reddy Shri Komatireddy Raj Gopal;Shetkar Shri Suresh Kumar;Siricilla Shri Rajaiah;Tomar Shri Narendra Singh

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

(a) whether there is a shortage of courts in the country;

(b) if so,the details thereof;

(c) whether the actual number of strength of Judges in each court is less than the sanctioned strength;

(d) if so, the details regarding the sanctioned and actual number of judges in the Supreme Court, High Courts and Subordinate Courts, court-wise during the last three years and current year; and

(e) the steps taken by the Government to clear/minimise the number of pending cases in the courts, to increase the number of judges and set up more courts in the country?

**Answer**

MINISTER OF LAW & JUSTICE (DR. M. VEERAPPA MOILY)

(a) to (d): Pursuant to the Supreme Court Judgment of October 6, 1993 in the Supreme Court Advocates-on-Record & Anr. Vs Union of India, read with their Advisory Opinion of October 28, 1998, the entire process of initiation of proposal for appointment of a Judge of the Supreme Court lies with the Chief Justice of India and for the appointment of a Judge of a High Court lies with the Chief Justice of the concerned High Court. The Government is periodically reminding the Chief Justices of the High Courts to initiate proposals in time for filling up the existing vacancies anticipated in next six months in the High Courts. In the district and subordinate courts, the responsibility for appointment of judges lies with the State Governments/High Courts.

A statement indicating sanctioned strength of Judges and the number of Judges in position in the Hon`ble Supreme Court of India and High Courts during the last three years and current year is annexed as Annexe-I.

As regards the judge strength in the District and subordinate courts, the primary responsibility for taking necessary action for increasing the judge strength vests with the respective State Governments and the High Courts. No data in this regard is maintained. However, a statement indicating the sanctioned strength and working strength of judicial posts in District and subordinate courts accessed from the website of the Supreme Court of India, as on 31st March, 2010 is annexed as Annexe-II.

(e): The Government has accepted the recommendations of the 13 Finance Commission for the provision of Rs.5000 crore for the improvement of delivery of Justice in the country. The recommendations include setting up of morning/evening/shift/special magistrates` courts and strengthening of alternate dispute resolution mechanisms such as mediation, conciliation and Lok Adalats. A grant of Rs.500 crore has already been released to the States.

The Gram Nyayalayas Act, 2008 has been enacted to enable the State Governments to establish one or more Gram Nyayalayas for every Panchayat at intermediate level to cater to specified civil and criminal cases in rural areas. So far, the States of Madhya Pradesh, Rajasthan, Orissa and Maharashtra, taken together, have notified 144 Gram Nyayalayas out of which 47 have been made operational till date . So far, an amount of Rs.2092.4 lakhs has been released for the setting up of Gram Nyayalayas.

Morning Courts/Evening Courts have been put into operation in some High Courts/States to deal with Petty Criminal cases punishable with imprisonment upto 3 years and speedy disposal of such cases. It is expected that Evening/Morning courts after being set up in all the States will facilitate the disposal of the bulk of pending as well as freshly filed petty cases assigned for disposal by the High Court to these courts.

The term of 1562 Fast Track Courts which were functional in the States has been extended upto 31.3.2011.

The judge strength of the High Courts is reviewed every three years. For review of judge strength, the average institution and the pendency of main cases during the last five years is considered by taking into account the national average or the average rate of disposal of main cases per judge per year in that High Court whichever is higher. If the disposal per judge in the concerned High Court is below even the national average then instead of increase the strength, the concerned High Court is required to take steps for improvement in the rate of disposal of cases. If the average disposal of concerned High Court is above the national average then

increase in Judge strength is accordingly considered. The strength of Additional Judges is reviewed only if there is an increase in the arrears of the pending cases . during the last 5 years and the disposal per judge is above the national average.