

GOVERNMENT OF INDIA
MINISTRY OF LAW AND JUSTICE
DEPARTMENT OF JUSTICE

LOK SABHA
STARRED QUESTION NO. 249

TO BE ANSWERED ON WEDNESDAY, THE 10.07.2019

Shortage of Judges

*249. ADV. ADOOR PRAKASH:
SHRI MANICKAM TAGORE B.:

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

- a) whether the Government is aware of that the shortage of judges in various High Courts and the Supreme Court of India is causing delay in the disposal of pending cases and if so, the details thereof;
- b) whether the Supreme Court has attained its full strength of 31 judges after more than a decade and if so, the details thereof;
- c) whether at present 43 lakh cases in High Courts and 59,000 cases in the Supreme Court are pending for disposal and if so, the details thereof;
- d) whether the Government has received any proposal/communication from Chief Justice of India to raise the strength of judges in the Supreme Court and increase the retirement age of High Court judges to clear the backlog; and
- e) if so, the details thereof along with the action taken/being taken by the Government thereon?

ANSWER
MINISTER OF LAW AND JUSTICE, COMMUNICATIONS AND ELECTRONICS &
INFORMATION TECHNOLOGY

(SHRI RAVI SHANKAR PRASAD)

(a) to (e): A statement is laid on the Table of the House.

Statement referred to in reply to Parts (a) to (e) of Lok Sabha Starred Question No. 249 due for answer on 10.07.2019 regarding “Shortage of Judges”

(a) to (e): There is no shortage of Judges in the Supreme Court of India. The Supreme Court has reached its full strength of 31 Judges for the first time since 2009. However, as on 01.07.2019 there are 403 vacancies in the High Courts. Initiation of proposal for appointment of Judges in the High Courts vests with the Chief Justice of the High Court. Appointment of Judges in the High Courts is a continuous collaborative process between the Executive and the Judiciary, as it requires consultation and approval from various Constitutional Authorities. While every effort is made to fill up the existing vacancies expeditiously, vacancies do keep on arising on account of retirement, resignation or elevation of Judges and increase in Judge Strength.

As on 01.07.2019, 59331 cases are pending in the Supreme Court and 43.55 Lakh cases are pending in High Courts.

The delay in disposal of cases in Higher Judiciary is not only due to shortage of Judges, but also due to various factors such as (i) increasing number of state and central legislation, (ii) accumulation of first appeals, (iii) continuation of ordinary civil jurisdiction in some of the High Courts, (iv) Appeals against orders of quasi-judicial forums going to High Courts, (v) number of revision/appeals, (vi) frequent adjournments, (vii) indiscriminate use of writ jurisdiction and (viii) lack of adequate arrangements to monitor, track and bunch cases for hearing, and (ix) long duration of vacation period of Court, (x) assigning work of administrative nature to the Judges, etc.

The Chief Justice of India (CJI) has sent proposals for augmenting the Judge-strength in Supreme Court of India appropriately so that it can function more efficiently & effectively and retain the goal of rendering timely justice to litigant public. The CJI has also proposed to increase the retirement age of High Court Judges for ensuring continued availability of more experienced judges for a longer tenure and for improving the vacancy position and reducing the pendency of cases.df

The matter of augmenting the Judge-strength of the Supreme Court of India and increase in the retirement age of High Court Judges needs to be considered along with other measures to ensure transparency, accountability in the appointment of Judges and Court & Case management for reduction in pendency of cases in the Higher Judiciary.
