

GOVERNMENT OF INDIA
MINISTRY OF LAW AND JUSTICE
DEPARTMENT OF JUSTICE
LOK SABHA
UNSTARRED QUESTION NO. 5205

TO BE ANSWERED ON WEDNESDAY, THE 24.07.2019
Strength of Judges in High Courts

5205. SHRI BHARTRUHARI MAHTAB:

SHRI RAHUL RAMESH SHEWALE:
SHRIMATI SANGEETA KUMARI SINGH DEO:

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

- (a) whether there is a gap in sanctioned and actual strength of Judges in each High Court of the country and if so, the details thereof;
- (b) whether the Judge-Population ratio has deteriorated in such Courts during each of the last three years and the current year and if so, the details thereof;
- (c) whether the pendency of cases in such courts has been increased due to gap in sanctioned and actual strength of Judges and if so, the details thereof, Court-wise; and
- (d) the corrective steps taken by the Government in this regard?

ANSWER

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

(SHRI RAVI SHANKAR PRASAD)

(a) : A Statement showing the sanctioned strength and working strength of Judges in various High Courts is given at Annexure.

(b) to (d): In 245th Report (2014), the Law Commission observed that filing of cases per capita varies substantially across geographic units as filings are associated with economic and social conditions of the population. As such the

Law Commission did not consider the judge population ratio to be a scientific criterion for determining the adequacy of the judge strength in the country.

The Law Commission found that in the absence of complete and scientific approach to data collection across various High Courts in the country, the “Rate of Disposal” method, to calculate the number of additional judges required to clear the backlog of cases as well as to ensure that new backlog is not created, is more pragmatic and useful. In August 2014, the Supreme Court asked the National Court Management System Committee (NCMS Committee) to examine the recommendations made by the Law Commission and to furnish its recommendations in this regard. NCMS Committee submitted its report to the Supreme Court in March, 2016. The report, *inter-alia*, observes that in the long term, the judge strength of the subordinate courts will have to be assessed by a scientific method to determine the total number of “*Judicial Hours*” required for disposing of the case load of each court. In the interim, the Committee has proposed a “*weighted*” disposal approach *i.e.* disposal weighted by the nature and complexity of cases in local conditions.

As per the direction of the Hon’ble Supreme Court in its Order dated 02.01.2017, the Department of Justice has forwarded a copy of interim report of the NCMS Committee to all the State Governments and High Courts to enable them to take follow up action to determine the required strength of district and subordinate judiciary.

The pendency 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 (viii) lack of adequate arrangements to monitor, track and bunch cases for hearing, (ix) long duration of vacation period of Court, and (x) assigning work of administrative nature to the Judges, etc.

As per the Constitutional framework, the selection and appointment of judges in subordinate courts is the responsibility of High Court and State Government concerned. In September, 2016, Union Minister of Law & Justice wrote to the Chief Ministers of States and the Chief Justices of High Courts to enhance the cadre strength of the District and Subordinate Courts and provide

physical infrastructure to the State judiciary. The same was reiterated in May, 2017. In August, 2018, in the context of increasing pendency of cases, the Union Minister of Law & Justice has written to all Chief Justices of High Courts to monitor the Status of the vacancies regularly and to ensure proper coordination with the state Public Service Commission to fill up vacant posts as per time schedule prescribed by the Hon'ble Supreme Court in the Malik Mazhar Sultan case. The filling up of vacancies is also being monitored by the Supreme Court in a *suo-motu* Writ Petition (Civil) No. 2 of 2018.

A series of meetings were held with Registrars General of all High Courts and Law Secretaries of all State Governments / UTs *through* Video Conferencing in the month of January, 2018, July, 2018 and November, 2018 to follow up on filling up posts of Judicial Officers in District and Subordinate Courts. The Department of Justice has hosted a web-portal on its website for reporting and monitoring of sanctioned and working strength, and vacancies of Judicial Officers of District and Subordinate Courts on monthly basis.

In order to facilitate regular filling up of these vacancies in a smooth and time-bound manner, the Department of Justice *vide* its letter dated 28th April, 2017 suggested creation of a Central Selection Mechanism to the Hon'ble Supreme Court. The Hon'ble Supreme Court *suo motu* converted the Government's suggestions into a Writ Petition on 09th May, 2017 and directed all State Governments (including Union Territories) to file their responses and suggestions by way of affidavits to the Supreme Court Registry.

Annexure

Statement referred to in reply to part(a) of Lok Sabha Unstarred Question No. 5205 for 24.07.2019 regarding 'Strength of Judges in High Courts'.

(As on 01.07.2019)

Sl. No.	Name of the Court	Sanctioned Strength	Working Strength
1	Allahabad	160	105
2	Andhra Pradesh	37	13
3	Bombay	94	66
4	Calcutta	72	42
5	Chhattisgarh	22	15
6	Delhi	60	39
7	Gauhati	24	19
8	Gujarat	52	28
9	Himachal Pradesh	13	10
10	Jammu & Kashmir	17	09
11	Jharkhand	25	19
12	Karnataka	62	32
13	Kerala	47	34
14	Madhya Pradesh	53	33
15	Madras	75	58
16	Manipur	05	04
17	Meghalaya	04	02
18	Orissa	27	14
19	Patna	53	30
20	Punjab & Haryana	85	50
21	Rajasthan	50	24
22	Sikkim	03	03
23	Telangana	24	11
24	Tripura	04	03
25	Uttarakhand	11	10
Total		1079	673
