

GOVERNMENT OF INDIA  
MINISTRY OF LAW AND JUSTICE  
DEPARTMENT OF JUSTICE

**RAJYA SABHA**  
**UNSTARRED QUESTION NO. 4443**  
ANSWERED ON - 02/04/2026

**PENDING CASES IN LOWER COURTS IN BIHAR**

4443. # SHRI SANJAY YADAV:

Will the Minister of *Law and Justice* be pleased to state:

- (a) the number of cases pending for more than three years in the lower courts of Bihar, the reasons therefor along with the percentage of pending cases;
- (b) the number of vacant posts of judges in those courts, the extent to which this percentage is less than the national average;
- (c) the number of judges required in lower courts, High Courts and Supreme Court and whether there is any standard for this;
- (d) the percentage of judges available in various courts per million population in the State; and
- (e) the details of steps taken by Government to deal with delays and shortage of judges?

**ANSWER**

MINISTER OF STATE (INDEPENDENT CHARGE) OF THE MINISTRY OF LAW AND JUSTICE; AND MINISTER OF STATE IN THE MINISTRY OF PARLIAMENTARY AFFAIRS

(SHRI ARJUN RAM MEGHWAL)

**(a):** As per information available on the National Judicial Data Grid (NJDG), as on 25.03.2026, the number of cases pending for more than 3 years in the lower courts of Bihar are **24,93,657**, which are approximately **67%** of the total pending cases in Bihar i.e. 37,11,288.

Pendency of cases in courts arise due to several factors besides availability of adequate number of Judges and Judicial officers. These inter alia, include complexity of the facts involved, nature of evidence, co-operation of stakeholders, viz., bar, investigation agencies, witness and litigants, besides the availability of physical infrastructure, supporting court staff, etc.

**(b):** As per the information available on the Nyaya Vikas Portal 2.0, as on 25.03.2026, there are 364 vacant posts of judges in the subordinate courts of Bihar out of the total sanctioned strength of 2025 which is about 17.9% while at the national level 4,887 posts are vacant out of the total sanctioned strength of 25,902 posts which is 18.86%.

**(c) and (d):** In its 120th report (1987), the Law Commission of India recommended that the State should increase the present ratio from 10.5 Judges per million of Indian population to at least 50 Judges per million of Indian population. In the case of *Imtiyaz Ahmed versus State of Uttar Pradesh and others*, the Supreme Court had asked the Law Commission of India to evolve a method for scientific assessment of the number of additional courts required to clear the backlog of cases. In 245<sup>th</sup> Report (2014), the Law Commission observed that filing of cases *per capita* varies substantially across geographical 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 the “*Rate of Disposal*” method i.e. 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 to be 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 judge-to-population ratio in the District and subordinate courts of Bihar is 19.45.

**(e):** Filling up of the vacancy in the higher Judiciary is a continuous, integrated and collaborative process between the executive and the judiciary. It requires consultation and approval from various Constitutional Authorities both at State and Central level which are obtained in accordance with the MoP. The recommendations also have to be considered in the light of such other reports as may be available to the Government in respect of the names under consideration. The recommendations of the High Court Collegium, the State Governments and the Government of India are then forwarded to the Supreme Court Collegium (SCC) for advice. Only those persons whose names have been recommended by the SCC are appointed as Judges of the High Courts.

Further, filling up of vacant positions of the judicial officers in District and Subordinate courts is the responsibility of the High Courts and State Governments concerned. As per the Constitutional framework, in exercise of powers conferred under the proviso to Article 309 read with Articles 233 and 234 of the Constitution, the respective State Government, in consultation with the High Court, frames the rules and regulations regarding the appointment and recruitment

of Judicial Officers. The Hon'ble Supreme Court vide order passed in January 2007 in the Malik Mazhar Sultan case, has inter-alia stipulated certain timelines, which are to be followed by the States and the respective High Courts for recruitment of judges in District and Subordinate Courts.

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