

**GOVERNMENT OF INDIA
MINISTRY OF LAW & JUSTICE
DEPARTMENT OF JUSTICE**

LOK SABHA

**UNSTARRED QUESTION NO. †5009
TO BE ANSWERED ON FRIDAY, THE 31ST MARCH, 2023**

SHORTAGE OF JUDGES IN BIHAR

†5009. SHRI VIJAY KUMAR:

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

- (a) whether the number of Judges in Bihar is very low, if so, the details thereof and the reasons therefor;**
- (b) the corrective measures being taken by the Government in this regard;**
- (c) whether the pending cases in courts in Bihar have been on rise due to shortage of Judges;**
- (d) if so, the details thereof and the measures being taken to address the said issue; and**
- (e) the plan of the Government for opening Law Colleges for women in Bihar, particularly in Gaya?**

ANSWER

MINISTER OF LAW AND JUSTICE

(SHRI KIREN RIJJU)

(a): As per the information provided by the Patna High Court, the sanctioned, working strength and vacancy position of judges/judicial officers in Bihar, as on 01.03.2023, is as follows:

Name of Court	Sanctioned Strength	Working Strength	Vacancy
Patna High Court	53	31	22
District & Subordinate Courts	2016	1350	668

Source: Patna High Court

(b): In so far as the corrective measures for increasing the strength of the judiciary in the District and Subordinate Courts is concerned, the Union Government does not have any direct role in the selection, appointment and/or increase in strength of state judicial officers as the same falls within the domain of the High Courts and State Governments concerned. In case of higher judiciary, the appointment of judges in the High Courts 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. While every effort is made to fill up the existing vacancies expeditiously, vacancies of Judges in High Courts keep on arising on account of retirement, resignation or elevation of Judges and also due to increase in the strength of Judges.

(c) & (d): The Patna High Court, has not conducted any such study which could show that pending cases in courts of Bihar has been on rise due to shortage of Judges. However, the increase/decrease in pendency of cases during the past 3 years in courts of Bihar is as follows:

S.no.	Name of Court	Pendency of Cases (as on 31st December)		
		2020	2021	2022
1.	Patna High Court	179462	226071	212173
2.	District & Subordinate Courts	3016743	3276696	3464725

Source: Patna High Court

The details of steps/plan/measures taken by Patna High Court to reduce/minimize the pendency of cases are as under:-

- i.** Bihar (Cases Flow Management in High Court) Rules, 2008 has been framed by Patna High Court and notified by the State Government. This has ensured streamlining of disposal of Writ Petitions, Letters, Patent Appeal and other Civil and Criminal matters pending before the High court.

- ii.** Some of the Commercial and Environmental matters have been subjected to Division Bench adjudication which has proved very effective in settlement and expeditious finality of commercial and environmental disputes so that infrastructural and developmental works do not suffer due to the process of Intra-Court Appeal. This is in tune with the suggestion of the Supreme Court to avoid multiple layers of adjudication which in the end causes delay in finally settling the issues.
- iii.** Identification and consequent segregation of matters under various heads especially involving issues which have earlier been decided by the Court which would result in disposal of such cases in lesser time. This includes identification and listing of Analogous Cases and similar nature of cases.
- iv.** Holding of Special Courts by some of the Benches on Saturdays, particularly for pending bail matters. Constitution of large number of Vacation Benches during vacations and holidays for disposal of important matters including bail applications, section 389 (1) Cr.P.C. applications and matters which require passing of interlocutory orders.
- v.** Special drive for tracking cases which have not been listed and heard even once for some reason or the other and preparation of consolidated list for all Benches with particular emphasis on 40, 30, 20 and 10 years old cases. These steps have led to disposal of 1,02,635 Criminal matters and 29,030 Civil matters till 31.01.2023, since 03rd January, 2022, which has positively contributed towards improvement of Case Clearance Ratio (CCR) of Patna High Court to 110.83 % for the said period.
- vi.** In case of the District and Subordinate Courts, steps have been taken by Hon'ble Arrears Committee of Patna High Court to reduce the pendency wherein each Court at District level has been given target to dispose of 15 oldest cases pending as shown on National Judicial Data Grid (NJDG) in every quarter. Further, all the District & Sessions Judges have been directed

to monitor the disposal of old cases of every Court under their respective jurisdiction on the clearance day of every month through District Arrear Committee. All the District & Sessions Judges have also been directed to ensure that every Court must prepare quarterly plan for disposal of old cases of their respective courts.

(e): Opening of law colleges in any State lies within the purview of the respective State Governments. The Central Government have no plans currently to open law colleges for women in Bihar particularly in Gaya.
