

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

**LOK SABHA**

**UNSTARRED QUESTION NO. 3815**

**TO BE ANSWERED ON WEDNESDAY, 11<sup>th</sup> DECEMBER, 2019.**

**Recommendations of Law Commission**

**3815. SHRI SUSHIL KUMAR SINGH:**

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

- (a) the details of the recommendations made by the Law Commission pertaining to dealing with the pending cases in the lower courts, high courts and the Supreme Court;**
- (b) the steps taken by the Government on the basis of these recommendations;**
- (c) The details of sanctioned strength and the actual number of judges in lower courts and each high court separately;**
- (d) the reasons for the gap in the sanctioned strength and the actual strength of judges in the lower judiciary as well as the high courts; and**
- (e) the details of the steps taken by the Government to reduce this gap?**

**ANSWER**

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

**(SHRI RAVI SHANKAR PRASAD)**

(a) : The Supreme Court, in the case of *Imtiyaz Ahmed versus State of Uttar Pradesh & Others*, *inter-alia*, asked the Law Commission of India to evolve a method for scientific assessment of the number of additional courts to clear the backlog of cases. In 245th report in the year 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 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 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.

(b): In May, 2014, the Supreme Court asked the State Governments and the High Courts to file their response to the recommendations made by the Law Commission. In August 2014, the Supreme Court asked the National Court Management System Committee (NCMS) to examine the recommendations made by the Law Commission and to furnish their recommendations in this regard. NCMS submitted its report to the Supreme Court in March, 2016. It has, *inter-alia*, observed 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 – 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 State Governments and High Courts to enable them to take follow up action to determine the required Judges Strength of district judiciary based on the NCMS report.

(c): The sanctioned strength, working strength and vacancies in District & Subordinate Courts as on 05.12.2019 is given in **Annexure-I** and in High Courts as on 01.12.2019 is given in **Annexure-II**.

(d) and (e): Filling up of vacancies 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 the State and Central level. 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. Sanctioned strength of Judges of High Courts has been increased from 906 in May, 2014 to 1079 currently. Due to combined efforts of Government and Judiciary, 126 Judges in 2016, 115 Judges in 2017, 108 Judges in 2018 and 72 Judges in 2019 (as on 05.12.2019) have been appointed in High Courts.

As per the Constitutional framework, the selection and appointment of judges in subordinate courts is the responsibility of the High Courts and State Governments concerned. However, the Union Government, on its part, has been taking up the matter of filling up of vacant positions in District & Subordinate Courts with the States and High Courts. In August, 2018, Union Minister of Law & Justice has written to all Chief Justices of High Courts to monitor status of vacancies regularly and to ensure proper

coordination with State Public Service Commission to fill up vacant posts stipulated by Supreme Court in Malik Mazhar Sultan case. In addition, series of meetings were held with Registrars General of all High Courts and Law Secretaries of all State Governments / UTs through Video Conferencing in January, 2018, July, 2018, November, 2018 and September, 2019 to follow up on filling up posts of Judicial Officers in District and Subordinate Courts. Department of Justice has hosted a MIS 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. Sanctioned and working strength of Judicial Officers in District and Subordinate Courts has been increased as follows:

As on	Sanctioned Strength	Working Strength
31.12.2013	19,518	15,115
05.12.2019	23,597	18,144

**Sanctioned Strength / Working Strength and vacancies in District & Subordinate  
Courts as on 05.12.2019**

Sr. No.	Name of State / UT	Total Sanctioned Strength	Total Working Strength	Total Vacancy
1	Andaman and Nicobar	0	13	-13
2	Andhra Pradesh	597	529	68
3	Arunachal Pradesh	41	27	14
4	Assam	441	412	29
5	Bihar	1847	1152	695
6	Chandigarh	30	29	1
7	Chhattisgarh	468	394	74
8	D & N Haveli	3	3	0
9	Daman & Diu	4	3	1
10	Delhi	799	680	119
11	Goa	50	43	7
12	Gujarat	1506	1185	321
13	Haryana	772	475	297
14	Himachal Pradesh	175	152	23
15	Jammu and Kashmir	290	232	58
16	Jharkhand	677	462	215
17	Karnataka	1345	1106	239
18	Kerala	536	461	75
19	Lakshadweep	3	3	0
20	Madhya Pradesh	2021	1504	517
21	Maharashtra	2189	1942	247
22	Manipur	55	39	16
23	Meghalaya	97	49	48
24	Mizoram	64	46	18
25	Nagaland	33	25	8
26	Odisha	919	771	148
27	Puducherry	26	11	15
28	Punjab	675	579	96
29	Rajasthan	1428	1121	307
30	Sikkim	25	19	6
31	Tamil Nadu	1224	1087	137
32	Telangana	413	334	79
33	Tripura	120	96	24
34	Uttar Pradesh	3416	2012	1404
35	Uttarakhand	294	228	66
36	West Bengal	1014	920	94
	<b>TOTAL</b>	<b>23597</b>	<b>18144</b>	<b>5453</b>

**Statement showing Sanctioned strength, Working Strength and Vacancies of Judges in High Courts (As on 01.12.2019)**

Sl. No.	Name of the High Court	Sanctioned Strength			Working Strength			Vacancies		
		Pmt.	Addl	Total	Pmt.	Addl	Total	Pmt.	Addl	Total
1.	Allahabad	76	84	160	69	31	100	07	53	60
2.	Andhra Pradesh	28	09	37	15	0	15	13	09	22
3.	Bombay	71	23	94	56	09	65	15	14	29
4.	Calcutta	54	18	72	22	18	40	32	0	32
5.	Chhattisgarh	17	05	22	11	04	15	06	01	07
6.	Delhi	45	15	60	37	0	37	08	15	23
7.	Gauhati	18	06	24	15	06	21	03	0	03
8.	Gujarat	39	13	52	28	0	28	11	13	24
9.	Himachal Pradesh	10	03	13	09	01	10	01	02	03
10.	Jammu & Kashmir	13	04	17	08	0	08	05	04	09
11.	Jharkhand	19	06	25	14	05	19	05	01	06
12.	Karnataka	47	15	62	19	21	40	28	-06	22
13.	Kerala	35	12	47	27	05	32	08	07	15
14.	Madhya Pradesh	40	13	53	31	0	31	09	13	22
15.	Madras	56	19	75	45	09	54	11	10	21
16.	Manipur	04	01	05	04	0	04	0	01	01
17.	Meghalaya	03	01	04	03	0	03	0	01	01
18.	Orissa	20	07	27	14	0	14	06	07	13
19.	Patna	40	13	53	27	0	27	13	13	26
20.	Punjab & Haryana	64	21	85	39	17	56	25	04	29
21.	Rajasthan	38	12	50	21	0	21	17	12	29
22.	Sikkim	03	0	03	03	0	03	0	0	0
23.	Telangana	18	06	24	12	01	13	06	05	11
24.	Tripura	04	0	04	03	0	03	01	0	01
25.	Uttarakhand	09	02	11	09	01	10	0	01	01
<b>Total</b>		<b>771</b>	<b>308</b>	<b>1079</b>	<b>541</b>	<b>128</b>	<b>669</b>	<b>230</b>	<b>180</b>	<b>410</b>

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