

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

**LOK SABHA**

**UNSTARRED QUESTION NO. 2098  
TO BE ANSWERED ON FRIDAY, THE 10<sup>th</sup> DECEMBER, 2021**

**VACANT POSITION OF JUDGES IN WEST BENGAL**

**2098. DR. SUKANTA MAJUMDAR:  
SHRI SAUMITRA KHAN:**

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

- (a) the number of posts of judges lying vacant in District courts and High courts of West Bengal at present and time since when they are lying vacant, district-wise;**
- (b) the steps taken for filling up these vacant positions in such courts during the last three years;**
- (c) the number of cases pending in the above district courts during the last five years and the reasons for such backlog, year-wise and district-wise;**
- (d) whether the Government is persuading State Governments to fill the vacancies, if so, the details thereof along with the time by which these vacancies are likely to be filled; and**
- (e) remedial steps taken or proposed to be taken to ensure easy and accessible judicial system to the public?**

**ANSWER**

**MINISTER OF LAW AND JUSTICE**

**(SHRI KIREN RIJJU)**

(a): As per the information received from Calcutta High Court, the number of posts of Judges vacant in the Calcutta High Court as on 06.12.2021 is 33 (thirty three). The number of posts lying vacant in District Courts of West Bengal as on 01.12.2021 are as follows:-

Sl. No.	Cadre	Working Strength	Vacancies
1	District Judges (Entry Level)	255	16
2	Additional District Judge (Fast Track Court)	81	07

3	Civil Judge (Senior Division)/Chief Judicial Magistrate/Additional Chief Judicial Magistrate	213+1(Suspended)	04
4	Civil Judge (Junior Division)	374	32
5	Total	923+1(Suspended)	59

(b): 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 Centre level. While every effort is made to fill up the existing vacancies expeditiously, vacancies of Judges in High Courts do keep on arising on account of retirement, resignation or elevation of Judges and also due to increase in the strength of Judges.

Twenty Six Judges have been appointed in the Calcutta High Court during 01.01.2018 to 07.12.2021. Year-wise breakup is given as under:-

S. No.	Period	Number of Judges appointed
1	01.01.2018 to 31.12.2018	11
2	01.01.2019 to 31.12.2019	06
3	01.01.2020 to 31.12.2020	01
4	01.01.2021 to 07.12.2021	08

As per the information received from Calcutta High Court, vacancies of Judicial Officers in different rank are filled up adhering to the time schedule prescribed by the Hon'ble Apex court in Malik Mazhar Sultan's case.

(c): The number of cases pending in the district courts of West Bengal during the last five years is at ***Annexure***.

(d): The Union Government does not have a role under the Constitution in the selection and appointment of judicial officers in District/ subordinate judiciary. The Supreme Court, in its orders of 04<sup>th</sup> January, 2007 in Malik Mazhar case, has devised a

process and time frame to be followed for the filling up of vacancies in subordinate judiciary which stipulates that the process for recruitment of judges in the subordinate courts would commence on 31st March of a calendar year and end by 31st October of the same year. The Supreme Court has permitted State Governments / High Courts for variations in the time schedule in case of any difficulty based on the peculiar geographical and climatic conditions in the State or other relevant conditions. As informed by Calcutta High Court, the time schedule for selection process and appointment of Judges of the Subordinate Judiciary, as prescribed by the Hon'ble Apex Court in Malik Mazhar Sultan's case, is strictly adhered to in the State of West Bengal, barring a very few occasions when such timeframe was deviated under compelling circumstances.

Further, in compliance of the above directions of the Supreme Court, Department of Justice forwarded a copy of the Malik Mazhar judgment to Registrars General of all High Courts for necessary action. Department of Justice is writing from time to time to Registrars General of all High Courts to expedite the filling up of vacancies in subordinate judiciary mandated by Malik Mazhar case.

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. The sanctioned strength of judges in District and Subordinate Courts increased from 19,518 in the year 2014 to 24,485 as on 30.11.2021.

(e): National Mission for Justice Delivery and Legal Reforms was set up in August, 2011 with the twin objectives of increasing access by reducing delays and arrears in the system and enhancing accountability through structural changes and by setting performance standards and capacities. The Mission has been pursuing a co-ordinated approach for phased liquidation of arrears and pendency in judicial administration,

which, *inter-alia*, involves better infrastructure for courts including computerization, increase in strength of subordinate judiciary, policy and legislative measures in the areas prone to excessive litigation, re-engineering of court procedure for quick disposal of cases and emphasis on human resource development.

The major steps taken during the last six years under various initiatives are as follows:

**(i) Improving infrastructure for Judicial Officers of District and Subordinate Courts:** As on date, Rs. 8,709.77 crores have been released since the inception of the Centrally Sponsored Scheme (CSS) for Development of Infrastructure Facilities for Judiciary in 1993-94. The number of court halls has increased from 15,818 as on 30.06.2014 to 20,565 as on 31.10.2021 and number of residential units has increased from 10,211 as on 30.06.2014 to 18,142 as on 31.10.2021 under this scheme. In addition, 2,841 court halls and 1,807 residential units are under construction. The Centrally Sponsored Scheme for the Development of Infrastructure Facilities for Judiciary has been extended till 2025-26 at a total cost of Rs. 9000 crores, out of which Central share will be Rs. 5307 crores. Besides, construction of Court Halls and Residential Units, it would also cover construction of Lawyer's Halls, Toilet Complexes and Digital Computer Rooms.

**(ii) Leveraging Information and Communication Technology (ICT) for improved justice delivery:** Government has been implementing the e-Courts Mission Mode Project throughout the country for Information and Communication Technology enablement of district and subordinate courts. Number of computerized District & Subordinate courts has increased to 18,735 as on 01.07.2021. WAN connectivity has been provided to 98.7% of court complexes. New and user-friendly version of Case Information Software has been developed and deployed at all the computerized District and Subordinate Courts. All stakeholders including Judicial Officers can access information relating to judicial proceedings/decisions of computerized District &

Subordinate Courts and High Courts on the National Judicial Data Grid (NJDG). As on 01.11.2021, litigants can access case status of over 19.56 crore cases and 15.72 crore order/judgments pertaining to these courts. eCourts services such as details of case registration, cause list, case status, daily orders & final judgments are available to litigants and advocates through eCourts web portal, Judicial Service Centres (JSC) in all computerized courts, eCourts Mobile App, email service, SMS push & pull services. Video Conferencing facility has been enabled between 3240 court complexes and 1272 corresponding jails. With a view to handle the COVID- 19 challenges better and to make the transition to virtual hearings smoother, funds have been provided for setting up 235 e-Sewa Kendras at court complexes to facilitate lawyers and litigants needing assistance ranging from case status, getting judgments/orders, court/case related information and e-filing facilities. Rs. 5.01 crores has been allocated for providing equipment in Video Conferencing cabins in various court complexes to facilitate virtual hearings. Rs. 12.12 crores has been allocated for 1732 Help desk counters for e-filing in various court complexes.

Fifteen Virtual Courts have been set up in 11 States/UTs viz. Delhi (2), Haryana, Tamil Nadu, Karnataka, Kerala (2), Maharashtra (2), Assam, Chhattisgarh, Jammu & Kashmir (2), Uttar Pradesh and Odisha to try traffic offences. As on 01.11.2021, these courts have handled more than 99 lakh cases and realized more than Rs.193.15 crore in fines.

Video conferencing emerged as the mainstay of the Courts during the Covid lockdown period as physical hearings and normal court proceedings in the congregational mode were not possible. Since Covid lockdown started, the District courts heard 1,01,77,289 cases while the High Court heard 55,24,021 cases (totalling to 1.57 crore) till 31.10.2021 using video conferencing only. The Supreme Court had 1,50,692 hearings since the lockdown period upto 29.10.2021.

**(iii) Filling up of vacant positions in Supreme Court, High Courts and District and Subordinate Courts:** From 01.05.2014 to 29.11.2021, 44 Judges were appointed in Supreme Court. 688 new Judges were appointed and 583 Additional Judges were made permanent in the High Courts. Sanctioned strength of Judges of High Courts has been increased from 906 in May, 2014 to 1098 currently. Sanctioned and working strength of Judicial Officers in District and Subordinate Courts has increased as follows:

As on	Sanctioned Strength	Working Strength
31.12.2013	19,518	15,115
06.12.2021	24,489	19,292

However, filling up of vacancies in Subordinate judiciary falls within the domain of the State Governments and High Courts concerned.

**(iv) Reduction in Pendency through / follow up by Arrears Committees:** In pursuance of Resolution passed in Chief Justices' Conference held in April, 2015, Arrears Committees have been set up in High Courts to clear cases pending for more than five years. Arrears Committees have been set up under District Judges too. Arrears Committee has been constituted in the Supreme Court to formulate steps to reduce pendency of cases in High Courts and District Courts. In the past, Minister of Law & Justice has taken up the matter with Chief Justices of High Courts and Chief Ministers in the past drawing their attention to cases pending for more than five years and to take up pendency reduction campaign. The Department has developed an online portal for reporting by all High Courts on the compliance of Arrears Eradication Scheme guidelines of the Malimath Committee Report.

**(v) Emphasis on Alternate Dispute Resolution (ADR):** Commercial Courts Act, 2015 (as amended on 20<sup>th</sup> August, 2018) stipulates mandatory pre-institution mediation and settlement of commercial disputes. Amendment to the Arbitration and Conciliation Act, 1996 has been made by the Arbitration and Conciliation (Amendment) Act 2015 for expediting the speedy resolution of disputes by prescribing timelines.

(vi) **Initiatives to Fast Track Special Type of Cases:** The Fourteenth Finance Commission endorsed the proposal of the Government to strengthen the judicial system in States which included, inter-alia, establishing Fast Track Courts for cases of heinous crimes; cases involving senior citizens, women, children etc., and urged the State Governments to use the additional fiscal space provided in the form of enhanced tax devolution from 32% to 42% to meet such requirements. As on 31.10.2021, 914 Fast Track Courts are functional for heinous crimes, crimes against women and children etc. To fast track criminal cases involving elected MPs / MLAs, ten (10) Special Courts are functional in nine (9) States/UTs (1 each in Madhya Pradesh, Maharashtra, Tamil Nadu, Karnataka, Andhra Pradesh, Telangana, Uttar Pradesh, West Bengal and 2 in NCT of Delhi). Further, Government has approved a scheme for setting up 1023 Fast Track Special Courts (FTSCs) across the country for expeditious disposal of pending cases of Rape under IPC and crimes under POCSO Act. As on date, 28 States/UTs have joined the scheme for setting up of 842 FTSCs including 363 'exclusive POCSO Courts'. Rs.140 crore was released in the financial year 2019-20 and Rs. 160.00 crore has been released during the financial year 2020-21 for the scheme. 681 FTSCs are presently functional including 381 exclusive POCSO Courts, which disposed 64217 cases as on 31.10.2021. The continuation of the Scheme of FTSC has been approved for another two years (2021-23) at a total outlay of Rs. 1572.86 crore, including Rs. 971.70 crore as Central share.

(vii) In addition, to reduce pendency and unclogging of the courts, the Government has recently amended various laws like the Negotiable Instruments (Amendment) Act, 2018, the Commercial Courts (Amendment) Act, 2018, the Specific Relief (Amendment) Act, 2018, the Arbitration and Conciliation (Amendment) Act, 2019 and the Criminal Laws (Amendment) Act, 2018.

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**Annexure****STATEMENT REFERRED TO IN REPLY TO PART (C) - 'PENDING CASES'  
OF LOK SABHA UNSTARRED QUESTION NO. 2098 FOR ANSWER ON  
10.12.2021 REGARDING VACANT POSITION OF JUDGES IN WEST BENGAL.**

<b>Name of the District</b>	<b>Pending Cases at the end of the 2016</b>		
	<b>CIVIL</b>	<b>CRL.</b>	<b>(CIV.+CRL.)</b>
1. BURDWAN	36845	180396	217241
2. BIRBHUM	13877	35415	49292
3. BANKURA	9178	29916	39094
4. PASCHIM MIDNAPUR	25970	78382	104352
5. PURBA MIDNAPUR	23968	112552	136520
6. HOOGHLY	27335	48685	76020
7. HOWRAH	40214	101526	141740
8. PURULIA	9038	19898	28936
9. SOUTH 24 PARGANAS	141202	695474	836676
10. NORTH 24 PARGANAS	68560	131770	200330
11. NADIA	21806	128175	149981
12. MURSHIDABAD	32484	101715	134199
13. UTTAR DINAJPUR	6059	22271	28330
14. DAKSHIN DINAJPUR	4612	17273	21885
15. MALDA	9656	27692	37348
16. JALPAIGURI	9697	42682	52379
17. DARJEELING	5388	10642	16030
18. COOCH BEHAR	2993	44759	47752
19. CMM COURT	0	334874	334874
20. CITY CIVIL COURT	65982	0	65982
21. CITY SESSIONS COURT	0	1296	1296
22. MNL. MAGIS. COURT	0	2676	2676
23. SMALL CAUSES COURT	5820	0	5820
<b>T O T A L</b>	<b>560684</b>	<b>2168069</b>	<b>2728753</b>
24. A & N ISLANDS	3507	5260	8767
<b>GRAND TOTAL</b>	<b>564191</b>	<b>2173329</b>	<b>2737520</b>



<u>Name of the District</u>	Pending Cases at the end of the 2017		
	CIVIL	CRL.	(CIV.+CRL.)
1. BURDWAN	38689	221530	260219
2. BIRBHUM	13956	35068	49024
3. BANKURA	9181	28722	37903
4. PASCHIM MIDNAPUR	24032	81542	105574
5. PURBA MIDNAPUR	22542	114071	136613
6. HOOGHLY	28810	57676	86486
7. HOWRAH	31832	61004	92836
8. PURULIA	6782	16072	22854
9. SOUTH 24 PARGANAS	111280	209965	321245
10. NORTH 24 PARGANAS	62599	129141	191740
11. NADIA	18210	126637	144847
12. MURSHIDABAD	32356	111916	144272
13. UTTAR DINAJPUR	6171	23572	29743
14. DAKSHIN DINAJPUR	4952	17429	22381
15. MALDA	10321	29061	39382
16. JALPAIGURI	9908	49704	59612
17. DARJEELING	5364	17746	23110
18. COOCH BEHAR	3120	47531	50651
19. CMM COURT	0	276362	276362
20. CITY CIVIL COURT	35979	0	35979
21. CITY SESSIONS COURT	0	1427	1427
22. MNL. MAGIS. COURT	0	2955	2955
23. SMALL CAUSES COURT	6039	0	6039
T O T A L	482123	1659131	2141254
24. A & N ISLANDS	3405	5822	9227
GRAND TOTAL	485528	1664953	2150481

<u>Name of the District</u>	Pending Cases at the end of the 2018		
	CIVIL	CRL.	(CIV.+CRL.)
1.PURBA BURDWAN	20878	35314	56192
2.PASCHIM BURDWAN	15470	48926	64396
3. BIRBHUM	13849	36547	50396
4. BANKURA	8919	20042	28961
5. PASCHIM MIDNAPUR	26854	48192	75046
6. PURBA MIDNAPUR	23803	54787	78590
7. HOOGHLY	29110	61700	90810
8. HOWRAH	31255	66595	97850
9. PURULIA	7233	16794	24027
10. SOUTH 24 PARGANAS	112206	220638	332844
11. NORTH 24 PARGANAS	66497	147652	214149
12. NADIA	19419	78901	98320
13. MURSHIDABAD	33189	120436	153625
14. UTTAR DINAJPUR	5980	23671	29651
15. DAKSHIN DINAJPUR	5348	17739	23087
16. MALDA	9930	36144	46074
17. JALPAIGURI	10497	56040	66537
18. DARJEELING	5990	18124	24114
19. KALIMONG	191	578	769
20. COOCH BEHAR	3388	23551	26939
21. CMM COURT	0	320841	320841
22. CITY CIVIL COURT	37070	0	37070
23. CITY SESSIONS COURT	0	1371	1371
24. MNL. MAGIS. COURT	0	2888	2888
25.SMALL CAUSES COURT	5945	0	5945
T O T A L	493021	1457471	1950492
26. A & N ISLANDS	3769	6460	10229
<b>GRAND TOTAL</b>	<b>496790</b>	<b>1463931</b>	<b>1960721</b>

<u>Name of the District</u>	Pending Cases at the end of the 2019		
	CIVIL	CRL.	(CIV.+CRL.)
1.PURBA BURDWAN	21151	38633	59784
2.PASCHIM BURDWAN	15832	51974	67806
3. BIRBHUM	13987	38581	52568
4. BANKURA	9694	30210	39904
5. PASCHIM MIDNAPUR	26749	55174	81923
6. JHARGRAM	140	111	251
7. PURBA MIDNAPUR	23806	58367	82173
8. HOOGHLY	29491	66840	96331
9. HOWRAH	32280	70465	102745
10. PURULIA	7741	17308	25049
11. SOUTH 24 PARGANAS	115004	227157	342161
12. NORTH 24 PARGANAS	68931	167711	236642
13. NADIA	20939	84329	105268
14. MURSHIDABAD	33746	128659	162405
15. UTTAR DINAJPUR	6383	25791	32174
16. DAKSHIN DINAJPUR	5566	18632	24198
17. MALDA	10220	42443	52663
18. JALPAIGURI	11343	59093	70436
19. DARJEELING	6468	18514	24982
20. KALIMONG	169	662	831
21. COOCH BEHAR	3561	25038	28599
22. CMM COURT	0	314274	314274
23. CITY CIVIL COURT	35846	0	35846
24. CITY SESSIONS COURT	0	1514	1514
25. MNL. MAGIS. COURT	0	2049	2049
26.SMALL CAUSES COURT	6121	0	6121
<b>T O T A L</b>	<b>505168</b>	<b>1543529</b>	<b>2048697</b>
<b>27. A &amp; N ISLANDS</b>	<b>3841</b>	<b>5954</b>	<b>9795</b>
<b>GRAND TOTAL</b>	<b>509009</b>	<b>1549483</b>	<b>2058492</b>

<u>Name of the District</u>	Pending Cases at the end of the 2020		
	CIVIL	CRL.	(CIV.+CRL.)
Bankura	10627	31050	41677
Birbhum	15524	41525	57049
C.M.M.C.	0	325919	325919
City Civil Court	37613	0	37613
City Sessions Court	0	1756	1756
Cooch Behar	4150	26914	31064
Dakshin Dinajpur	6124	19587	25711
Darjeeling	6844	19619	26463
Hooghly	31915	70906	102821
Howrah	34892	73107	107999
Jalpaiguri	12502	62510	75012
Jhargram	2983	9760	12743
Kalimpong	214	810	1024
Malda	11426	45425	56851
Mnl. Magistrate Ct.	0	1864	1864
Murshidabad	36361	136728	173089
Nadia	23824	89738	113562
North 24 Parganas	73710	176669	250379
P. S. C. Court	6228	0	6228
Paschim Burdwan	17866	55414	73280
Paschim Medinipur	26115	50975	77090
Purba Burdwan	23228	41509	64737
Purba Medinipur	26042	63647	89689
Purulia	8588	18844	27432
South 24 Parganas	122777	232355	355132
Uttar Dinajpur	7402	27202	34604
<b>Total</b>	<b>546955</b>	<b>1623833</b>	<b>2170788</b>
A & N ISLANDS	4207	5632	9839
<b>Total (W.B.+ A &amp; N)</b>	<b>551162</b>	<b>1629465</b>	<b>2180627</b>