

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

LOK SABHA

**UNSTARRED QUESTION NO. 3348
TO BE ANSWERED ON FRIDAY, THE 17TH DECEMBER, 2021**

PENDING CASES IN HIGH COURTS AND SUBORDINATE COURTS

3348. SHRI K. MURALEEDHARAN:

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

- (a) the number of cases pending in various High Court and subordinate courts across the country, State/UT-wise;**
- (b) whether the Government has taken note of the fact that the High Courts are functioning at half of sanctioned strength, if so, the details thereof; and**
- (c) the manner in which the Government proposes to ensure that recruitment for vacant posts of judges of High Court as well as in all subordinate courts of Kerala is completed as per the requirement?**

ANSWER

MINISTER OF LAW AND JUSTICE

(SHRI KIREN RIJJU)

(a): The number of cases pending in various High Court and subordinate courts across the country, State/UT-wise is at *Annexure –I* and *Annexure – II* respectively.

(b): Against the sanctioned strength of 1098 Judges in High Courts, 694 Judges are working leaving 404 vacancies. The sanctioned strength, working strength and vacancy position in respect of High Courts is at *Annexure-III*.

(c): As per procedure prescribed in the Memorandum of Procedure (MoP), for appointment of Judges in the Higher Judiciary, prepared in pursuant to the Supreme Court Judgement of October 6, 1993 (Second Judges Case) read with their Advisory Opinion of October 28, 1998(Third Judges Case), the initiation of appointments of Judges of the High Court vests with the Chief Justice of the High Court. The

Government considers only those names which are recommended by the High Court Collegium and the Supreme Court Collegium.

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 state and central 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.

From 01.05.2014 to 14.12.2021, 44 Judges were appointed in Supreme Court. 690 new Judges were appointed and 583 Additional Judges were made permanent in the High Courts. 120 Judges have been appointed in High Courts during the period 01.01.2021 till date. 167 proposals are pending/under process with the Supreme Court Collegium and Government. There are 237 vacancies for which recommendations have not been received from High Courts.

During the period 01.01.2021 till date, 12 Judges have been appointed in the Kerala High Court and 03 proposals are at different stages of consideration.

Under Article 235 of the Constitution of India, the administrative control over the members of district and subordinate judiciary in the States vest with the concerned High Court. Further, in exercise of powers conferred under proviso to Article 309 read with Articles 233 and 234 of the Constitution, the respective State Governments, in consultation with the High Court, frames the Rules and Regulations regarding the issue of appointment, promotion, reservations and retirement of Judicial Officers in the State Judicial Service. Hence, in so far as recruitment of judicial officers in the States is concerned, respective High Courts do it in certain States, whereas the High Courts do it in consultation with the State Public Service Commissions in other States.

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 04th 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.

Further, in compliance of the above directions of the Supreme Court, Department of Justice forwarded a copy of the Malik Mazhar judgement 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. 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.

Annexure - I**STATEMENT REFERRED TO IN REPLY TO PART (A) OF LOK SABHA UNSTARRED QUESTION NO. 3348 FOR ANSWER ON 17.12.2021 REGARDING PENDING CASES IN HIGH COURTS AND SUBORDINATE COURTS.**

Sl. No	Name of High Courts	Pending Cases (Civil)	Pending Cases (Criminal)	Number of Cases pending in High Courts as on 13.12.2021
1.	Allahabad High Court	417768	383245	801013
2.	Calcutta High Court	190162	35447	225609
3.	Gauhati High Court	44445	10761	55206
4.	High Court for the State of Telangana	218659	35464	254123
5.	High Court of Andhra Pradesh	188963	32825	221788
6.	High Court of Bombay	470084	93726	563810
7.	High Court of Chhattisgarh	51000	29474	80474
8.	High Court of Delhi	74213	26880	101093
9.	High Court of Gujarat	101465	50665	152130
10.	High Court of Himachal Pradesh	71342	9992	81334
11.	High Court of Jammu & Kashmir	41457	6670	48127
12.	High Court of Jharkhand	41942	45198	87140
13.	High Court of Karnataka	232110	40858	272968
14.	High Court of Kerala	170016	43160	213176
15.	High Court of Madhya Pradesh	256719	156748	413467
16.	High Court of Manipur	4303	474	4777
17.	High Court of Meghalaya	1408	204	1612
18.	High Court of Punjab & Haryana	283253	164658	447911
19.	High Court of Rajasthan	422805	151647	574452
20.	High Court of Sikkim	155	33	188
21.	High Court of Tripura	1517	204	1721
22.	High Court of Uttarakhand	24185	17406	41591
23.	Madras High Court	520418	58153	578571
24.	Orissa High Court	139829	51752	191581
25.	Patna High Court	112806	113973	226779
Total		4081024	1559617	5640641

Source:- National Judicial Data Grid (NJDG).

Annexure- II**STATEMENT REFERRED TO IN REPLY TO PART (A) OF LOK SABHA UNSTARRED QUESTION NO. 3348 FOR ANSWER ON 17.12.2021 REGARDING PENDING CASES IN HIGH COURTS AND SUBORDINATE COURTS.**

Sl. No	Name of States/UTs	Pending Cases (Civil)	Pending Cases (Criminal)	Total Number of Cases pending in District and Subordinate Courts as on 13.12.2021
1.	Andhra Pradesh	413386	358955	772341
2.	Telangana	328829	475421	804250
3.	Assam	86566	327950	414516
4.	Bihar	473790	2897386	3371176
5.	Chandigarh	22723	45341	68064
6.	Chhattisgarh	68945	301892	370837
7.	D & N Haveli	1740	1920	3660
8.	Daman & Diu	1389	1466	2855
9.	Delhi	241300	850632	1091932
10.	Goa	25750	35535	61285
11.	Gujarat	459288	1499829	1959117
12.	Haryana	429063	839183	1268246
13.	Himachal Pradesh	153640	294670	448310
14.	Jammu & Kashmir	95828	147198	243026
15.	Jharkhand	89167	405426	494593
16.	Karnataka	876561	1119919	1996480
17.	Kerala	517243	1436017	1953260
18.	Ladakh	398	426	824
19.	Madhya Pradesh	377780	1463105	1840885
20.	Maharashtra	1477536	3366054	4843590
21.	Manipur	8430	4430	12860
22.	Meghalaya	4210	9881	14091
23.	Mizoram	2202	3742	5944
24.	Nagaland	489	2109	2598
25.	Odisha	303368	1212366	1515734
26.	Punjab	391687	525185	916872
27.	Rajasthan	515566	1496159	2011725
28.	Sikkim	674	1193	1867
29.	Tamil Nadu	759650	606749	1366399
30.	Puducherry	15381	19720	35101
31.	Tripura	9151	30134	39285
32.	Uttar Pradesh	1908209	7951414	9859623
33.	Uttarakhand	44417	256002	300419
34.	West Bengal	604073	1976528	2580601
Total		10708429	29963937	40672366

*Note: Data on District and Subordinate Courts in the States of **Arunachal Pradesh**, and Union Territories of **Lakshadweep** and **Andaman & Nicobar Islands** are not available on the web-portal of NJDG

Annexure- III**STATEMENT REFERRED TO IN REPLY TO PART (B) OF LOK SABHA UNSTARRED QUESTION NO. 3348 FOR ANSWER ON 17.12.2021 REGARDING PENDING CASES IN HIGH COURTS AND SUBORDINATE COURTS.**

S. No.	Name of High Court	Total Sanctioned Strength	Total Working Strength	Total Vacancy
A.	Supreme Court of India	34	33	01
B.	High Court			
1.	Allahabad	160	94	66
2.	Andhra Pradesh	37	20	17
3.	Bombay	94	60	34
4.	Calcutta	72	39	33
5.	Chhattisgarh	22	13	9
6.	Delhi	60	30	30
7.	Gauhati	24	24	0
8.	Gujarat	52	32	20
9.	Himachal Pradesh	13	9	4
10.	J & K and Ladakh	17	13	4
11.	Jharkhand	25	20	5
12.	Karnataka	62	45	17
13.	Kerala	47	40	7
14.	Madhya Pradesh	53	30	23
15.	Madras	75	60	15
16.	Manipur	05	5	0
17.	Meghalaya	04	3	1
18.	Orissa	27	18	9
19.	Patna	53	26	27
20.	Punjab& Haryana	85	50	35
21.	Rajasthan	50	28	22
22.	Sikkim	03	3	0
23.	Telangana	42	19	23
24.	Tripura	05	5	0
25.	Uttarakhand	11	8	3
Total		1098	694	404