

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

RAJYA SABHA

**UNSTARRED QUESTION NO. 2181
TO BE ANSWERED ON THURSDAY, THE 04TH AUGUST, 2022**

NUMBER OF VACANCIES IN TRIAL COURTS

2181 SMT. PRIYANKA CHATURVEDI:

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

- (a) whether there has been a surge in trial cases from 2.65 crore to 4.11 crore from the year 2016 to 2022;**
- (b) whether there has been only a marginal increase in trial court judges from 2016 and if so, the reasons therefor;**
- (c) the number of vacancies in trial courts; and**
- (d) the number of cases pending in trial courts?**

ANSWER

MINISTER OF LAW AND JUSTICE

(SHRI KIREN RIJIJU)

(a): The details of number of cases pending in 2016 and in 2022 are given below:

Name of the Court	Cases pending in 2016	Cases pending in 2022
Supreme Court	62,537	72,062 (as on 01.07.2022)
High Courts	40,28,591	59,55,907 (as on 29.07.2022)
District & Subordinate Courts	28,248,600	424,70,800 (as on 29.07.2022)

Disposal of pending cases in courts is within the domain of the judiciary. Though institution and disposal of cases in different courts is a continuous process, no time frame has been prescribed for disposal of various kinds of cases by the respective courts. Government as such has no direct role in the disposal of cases in courts. Timely disposal of cases in courts depends on several factors which, inter-alia, include complexity of facts involved, nature of evidence, co-operation of stake holders viz. bar, investigation agencies, witnesses and litigants and proper application of rules and procedures besides availability of adequate number of judges and judicial officers, supporting court staff and physical infrastructure. There are several factors which may lead to delay in disposal of cases. These, inter-alia, include vacancies of judges, frequent adjournments and lack of adequate arrangement to monitor, track and bunch cases for hearing. The Central Government is fully committed to speedy disposal of cases in accordance with Article 21 of the Constitution and reducing pendency. The Government has taken several initiatives to provide an ecosystem for faster disposal of cases by the judiciary.

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.

(b): The details of sanctioned strength and working strength of judicial officers in District & Subordinate Courts are as follows:-

Judicial officers in District & Subordinate Courts	As on 30.06.2016	As on 29.07.2022
Sanctioned Strength	21,320	24,631
Working Strength	16,383	19,288

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 Government, 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. In compliance of the aforementioned 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.

(c): As on 29.07.2022, the vacancy position of Judicial Officers in District & Subordinate Court is 5,343.

(d): As on 29.07.2022, the pending cases in District & Subordinate Court is 4,24,70,800.
