Subordinate Courts of India: A Report on Access to Justice 2016

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FOREWORD

Making access to justice a reality is one of the most laudable objectives that our Constitution has engrafted in the Directive Principles of State Policy. To that end the judiciary constantly attempts to address challenges implicit in a fast developing country like India, where increased prosperity literacy and awareness leads to an increased inflow of litigation in the courts. To that end, the Joint Conference of the Chief Justices of the High Courts and the Chief Ministers of the States held in April, 2016 resolved to review the current situation to find solutions to the problems of delay and arrears and to take definitive action to make access to speedy and affordable justice, a reality.

Supreme Court Centre for Research and Planning has worked hard to compile research and other material concerning the manpower requirement of the Indian Judiciary at the District Level. The analysis of the material so assembled demonstrates that irrespective of the method employed for determining our requirement, existing strength of Judges in the lower judiciary is wholly inadequate for the kind of workload that is constantly flowing in for disposal by the Courts. The report employs different methods like HDI Method, Literacy Method, Normal Growth/Forecast Method, Judge-Population Ratio Method to conclude that the existing strength of Judges calls for an immediate upward revision lest 'Access to Justice' remains illusory given the increased inflow of cases and resultant backlog. The data contained in the report is an eye opener for all those who are skeptical about the need for a review of the Judge strength in the Courts.

This report, I hope, will benefit all stakeholders in understanding the ground reality and evolving long and short term solutions. A timely and objective assessment of the needs of the judiciary will needless to say help in promoting Rule of Law and fulfilling the aspirations of the people of this Country.

[T.S. Thakur]

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I. Introduction

Justice-social, economic and political is a preambular precept of the Constitution of India. The guarantee of equality of law and equal protection of law lies at the heart of the judicial set up. The right to life encapsulates the essence of all rights and liberties. It has been universally recognized and iterated repeatedly by the Supreme Court[1], that timely justice and speedy trial is a facet of the right to life under our Constitution. Ensuring equal access to justice, a constitutional mandate not just in terms of a fundamental right under Part III but also a good governance directive under Part IV of the Constitution, is fraught with multiple constraints - financial, spatial, qualitative and time[2]. This study places the citizen and her needs at the core of these concerns in ensuring access to justice.

The judiciary is a co-equal branch of governance within the Constitutional framework. The courts are created not only to adjudicate disputes between disputant parties, but often indicate normative principles which institutions are bound by. These principles are not merely formulated, but frequently redefined and adapted to suit changing times, even while ensuring that the core Constitutional values are affirmed. The guarantee of equal justice is poignant because it subsumes not merely disputes between state institutions and citizens but disparate bodies of citizens, with vast income and resource disparities often pitted against each other as well as demands for decisions based on economic or commercial considerations, stretching court capacity beyond their limits. The challenge is more acute, in criminal cases, where the institution of proceedings is undoubtedly the beginning of the citizen's travails, but the court's control is limited, given that prosecution of the case is in the hands of the police and the state.

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1. Article 39-A directs the State to ensure that the operation of the legal system promotes justice on a basis of equal opportunity and shall, in particular, provide free legal aid by suitable legislation or schemes or in any other way, to ensure that opportunities for securing justice are not denied to any citizen by reason of economic or other disabilities. Right to free legal aid or free legal service is an essential fundamental right guaranteed by the Constitution. It forms the basis of reasonable, fair and just liberty under Article 21 of the Constitution of India, which says, "No person shall be deprived of his life or personal liberty except according to procedure established by law". See Hussainara Khatoon and Others Vs. Home Secretary, State of Bihar, (1980) 1 SCC 81 at 89.

2. A Constitution Bench of the Supreme Court in Transfer Petition (C) No. 1343 of 2008 entitled as Anita Kushwaha V. Pushap Sudan in its judgement dated 19.07.2016 identified four aspects that constitute the essence of access to justice. The four aspects are: (i) the State must provide an effective adjudicatory mechanism; (ii) the mechanism so provided must be reasonably accessible in terms of distance; (iii) the process of adjudication must be speedy; and (iv) the litigant's access to the process must be affordable.

The importance of the judicial branch cannot be undermined - just as the executive's role cannot be or legislative enactments, cannot be overlooked. The third branch-the Judiciary ought not to be made ineffective in the constitutional scheme by depriving it of resources both financial and human. The judiciary has been constantly concerned with the workload of the subordinate judiciary, judge strength and resources[3]. It has attempted to institutionally address these concerns by constituting the National Court Management System (NCMS) in the year 2012[4]. Eversince, the NCMS has pursued research and study on judicial arrears, infrastructure and planning[5]. Therefore, this report would argue that as a partner in governance, the judicial system's efficacy cannot be undermined by indifference on the part of other organs to cater to its manpower and infrastructural needs.

The report stresses that mere case pendency is not to be seen as a bane; it is the inevitable concomitant of growth: economic, educational and social, an *indicia* of prosperity and awareness. However, while mere filing is not a cause for alarm, the existence of a large number of cases, beyond the suggested time lines, is because it hampers the ability of judges to deal with fresh cases.

The study and the report have two essential objectives- one to understand the complexity of the challenges toward ensuring timely justice-judicial manpower requirements, administrative capacities and infrastructural gaps and two, quantifying the number of judicial officers required to tackle existing backlogs, even while coping with time lines to handle and dispose of freshly filed cases within absolutely defined targets. The objective is studied by employing two approaches. First, by estimating the number of judges needed to address both immediate short term and long term disposal goals. Second, determining judge strength on the basis of different indicies of growth i.e., demographic, Human Development Index, literacy, etc.

The report examines various methods envisaged to fix judge strength, in the past-through successive Law Commission reports, Parliamentary standing committee

3. See *All India Judges' Association v. Union of India & Ors., (1992) 1 SCC 119 ; All India Judges' Association v. Union of India & Ors.(1993) 4 SCC 288; All India Judges' Association v. Union of India & Ors. (2002) 4 SCC 247; Brij Mohan Lal v. Union of India (2002) 5 SCC 1* and *Brij Mohan Lal v. Union of India (2012) 6 SCC 502.*
4. Office order for the establishment of NCMS. See **Appendix BB**.
5. NCMS Policy and Action Plan (Index, objectives, Background and Rationale etc.). See **Appendix CC.** NCMS Committee: Baseline Reports on National Framework for of Court Excellence and Human Resource Development. See **Appendices DD and EE**.

deliberations and judgments rendered. The methodology suggested by the National Court Management Systems Committee; that favoured by the Government of India as well, have been examined. The highlight of this report however, is the other new methodologies proposed: i.e the Human Development Index method, which charts - based on past tendencies, the number of cases in clusters of states with similar HDI ratings and forecasts the number of cases likely to be filed in future. Based on this assessment and other methods of assessments (literacy level, unit based method, case increase level, on averaging methodology) etc., the report suggests an increase in judge strength over the next three years, as short term target, as well as the judge strength for the next 25 years to achieve the goal of disposal of cases in 1-1½ years. The report makes a comparative analysis of access to other public services, such as policing, revenue administration, etc. in juxtaposition to the availability of judicial services at the first instance court level. Ensuring meaningful access to justice means achieving complete docket inclusion. This redefines justice as an essential social service, similar to medical and policing services, to be made available to citizens at all times regardless of considerations of financial or administrative convenience.

The study startlingly reveals that on a geographical average, one judge is available in a distance of 157 sq. kilometres[6]- policing on the other hand, is better placed with one police officer[7] every 61 kilometres. Similarly, the existing court room infrastructure can accommodate 15,540 judicial officers at the magisterial/ civil judge/ district judge level, whereas the All India sanctioned strength of that cadre is 20,558.

An endeavor has been made to ensure that the methodologies adopted are based on known statistical models and the language is lucid and simple.

6. Data as on 01.01.2015, as per data provided by various High Courts.
7. Police personnel of the rank Inspector and above have been categorised as officers for the purpose of comparison. For data, see Bureau of Police Research and Developments, "Data on Police Organisations, As on January, 2015" (Ministry of Home Affairs, Government of India) *Available at* : http://bprd.nic.in/WriteReadData/userfiles/file/20160712123517412530 3FinalDATABOOKSMALL2015.pdf

II. INDIAN JUDICIAL SYSTEM-CURRENT INADEQUACIES IN MANPOWER, COMPARISON WITH OTHER BRANCHES OF GOVERNANCE AND BARRIERS TO ACCESS TO JUSTICE

Article 50 of the Constitution of India obliges the State to take steps to separate the Judiciary from the Executive in the public services of the State. While ensuring independence, it is equally important that this wing of governance-which remains the institution of last resort, when all others are unable to redress the citizen's grievance, is vibrant and effective.

Concerns regarding judicial backlog and infrastructure have been the subject of debate and discussions in different fora including parliamentary standing committees and Law Commission of India reports[8]. Of late, concerns about the courts' abilities at handling backlog of cases have been voiced with increasing frequency. One issue which has not been settled so far is what constitutes "arrears" in the context of pending cases. A "one size fit all" policy would be ill suited to define this issue. Pendency - specially of fresh cases, is not a negative phenomena. As levels of prosperity, economic progress, literacy, and awareness increase, filings go up. Every case requires a defined and "acceptable" case life so that justice is not hurried and buried.[9] It is only when this defined time line is exceeded that a "pending" case becomes part of "arrears". [10] That said, it is a fact that the existing judicial workforce

8. The findings and recommendations of some of these commissions/committees have been specifically referred to in this study. There are many more such reports, relevant parts of which have been reproduced as Appendices to this study. See Chief Justice of Calcutta High Court's Report (1949); Judicial Reforms Committee, Uttar Pradesh (1952); 14th Report of the Law Commission of India (Setalvad Report) (1958); Report of the High Court Arrears Committees (1972); Satish Chandra Committee Report (1986); 121st Report of the Law Commission of India (1987); First National Judicial Pay Commission Report (November, 1999); Report of the National Commission to Review the Working of the Constitution (March 31, 2002); 189th Report of the Law Commission of India (February, 2004); Report of the Working group for the 12th Five Year Plan (2012-2017) Department of Justice, Ministry of Law & Justice, Government of India; Department Related Parliamentary Standing Committee on Personnel, Public Grievances, Law and Justice: 67th Report on Infrastructure Development and Strengthening of Subordinate Courts, February 2014; Department Related Parliamentary Standing Committee on Personnel, Public Grievances, Law and Justice: 27th Report on the Action Taken Replies on Law's Delays: Arrears in Courts, 2008 **(Appendices B to E, I, K, N, O, Q, S to U this study)**

9. The 77th Report of the Law Commission of India on "Delay and arrears in trial courts", November, 1978 (Ministry of Law and Justice, Government of India) also supports the same and states that *"Any stress on speedy disposal of cases at the cost of substantial justice would impair the faith and confidence of the people in the judicial system – perhaps in a much greater degree than would be the case if there is delay in the disposal of cases."* See **Appendix F**

10. Report of the 14th Law Commission of India on " *Reform of Judicial Administration"* Vol. I, 1958, after actual experience of the functioning of the courts, proposed guidelines to ascertain when a case would cross the contours of its normal case life and become an 'arrear' See **Appendix D**. In furtherance of the directions of the Supreme Court, the 245th Law Commission of India, 2014 also attempted at

has been unable to meet the demands of justice which is reflected in the high number of cases lying pending before the courts.

State of Infrastructure

The subordinate judiciary works under severe deficiency of 5,018 court rooms. The existing 15,540 Court Halls are insufficient to cater to the sanctioned strength of 20,558 Judicial Officers as on 31.12.2015, resulting in the judicial officers having to work under undesirable conditions. A similar picture emerges in terms of the residential accommodation for the subordinate judiciary - here the shortage is of 8,538 quarters, or above 40% of sanctioned strength of judicial officers. The staff position for Subordinate Courts is also not encouraging, 41,775 such positions are lying vacant, thus further hindering in the functioning of the courts. These indicators have adverse consequences on the effectiveness of courts. A judge trying cases for days without end, in makeshift rooms cannot be expected to turnout optimal result; equally, shortage of secretarial and support staff tells on the availability of court services, so vital to ensure timeliness.

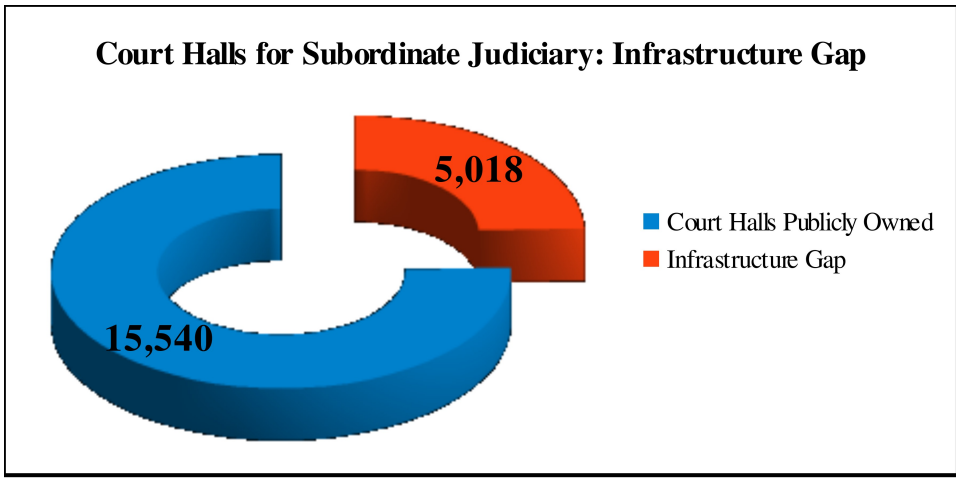

Chart 1: As against the total sanctioned strength of 20,558 judicial officers, 15,540 court rooms are available i.e. publicly owned as on 31.12.2015. The shortfall in infrastructure is 5,018 or 24.41%.

defining the terms but stated- in its report- that it is not possible to devise any perfectly scientific and uniform definition of these concepts **Appendix R**.

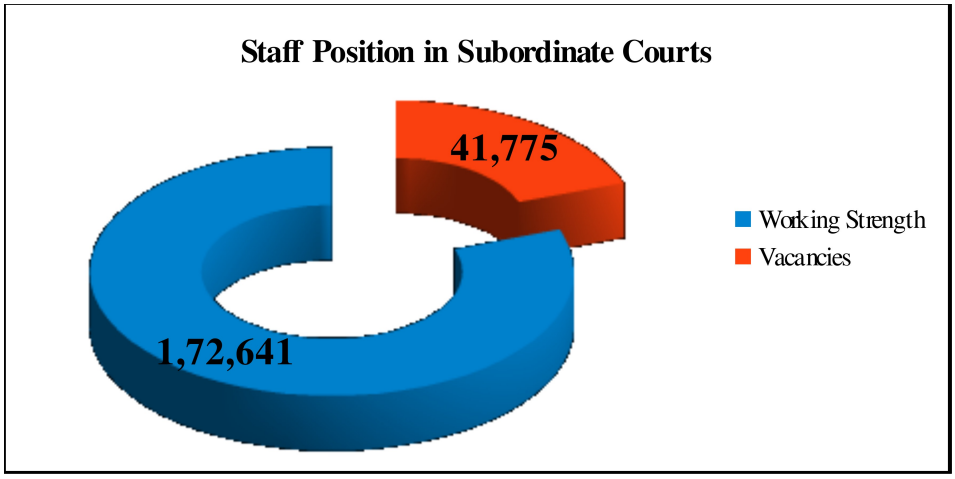

Chart 2: As against the total sanctioned strength of staff employees and officials (not judges) in courts, 1,72,641 staff members were available as on 31.12.2015. The shortfall in manpower is 41,775 or 19.48%.

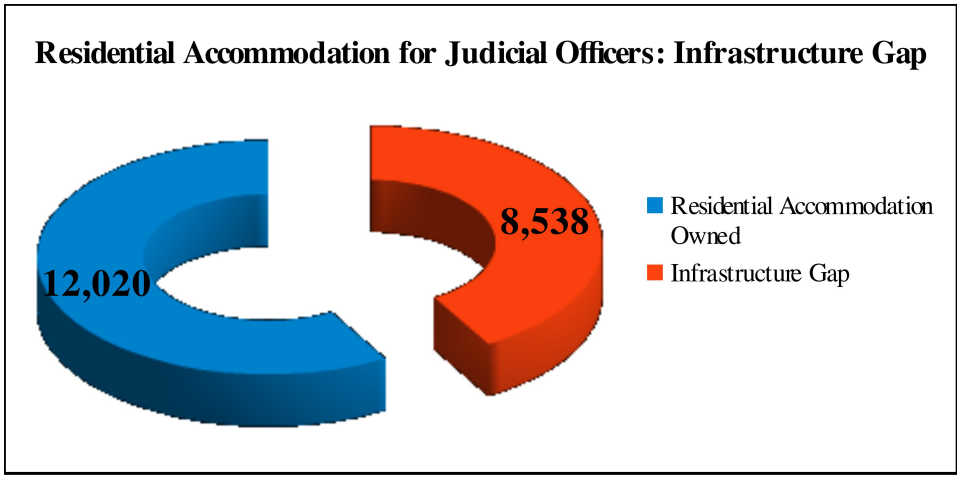

Chart 3: As against the total sanctioned strength of 20,558 judicial officers residence for 12,020 were available (publicly owned) as on 31.12.2015. The shortfall in residential accommodation is 8,538 or 41.53%.

Problem of Delay and Arrears

As early as 1958, the 14th Report of the Law Commission of India on *"Reform of Judicial Administration"*, dealt with the issue of delay and arrears at length and identified the "root cause" of the problem as inadequate judge strength.[11] The

11. See the 14th Report of the Law Commission of India on *"Reform of Judicial Administration"*, Vol. I, 1958 (Ministry of Law , Government of India), The report found that, though the then present strength of judicial officers might have been adequate to deal with the then current file, *"intensive*

following sections briefly discusses the various approaches suggested by Law Commissions and other expert bodies.

A. The Demographic Approach

The earliest attempt at addressing the issue of delay and pendency was in the Rankin Committee Report, 1924-25[12]. The report pithily identifies the multiple effects of judicial backlogs on the quality of judicial administration, concluding that the improvement of methods can be beneficial only when the problem of arrears is tackled. The *120th Law Commission of India Report on Manpower Planning in Judiciary*, 1987 contains significant suggestions for reducing pendency and, for the first time suggested a judge strength fixation formula. The report suggested that since the *demographic factor* is the predominant consideration while delimiting legislative boundaries, demographics should be the basis while fixing judge strength.[13]

The Commission took into account the information provided by Prof. Marc Gallanter in his affidavit before the United States District Court in 1985[14]. The study showed that the U.S. in 1981 (which then had one-third population of India) had a Judge-Population Ratio of 107 Judges per million, while in India it was only 10 Judges per million with a population of 683.3 million as per 1981 Census. The Commission analyzed the situation in many other jurisdictions: Australia had a Judge

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efforts are necessary to rid the files of the incubus of these old suits, which has assumed alarming proportions in several States" See **Appendix D**. *This sentiment has been reiterated multiple times by the Law Commission* of India in the following reports: 77th Report of the Law Commission of India on "Delay and arrears in trial courts", November, 1978 (Ministry of Law and Justice, Government of India); 78th Report of the Law Commission of India on *"Congestion of under trial prisoners in jails"*, February, 1979 (Ministry of Law and Justice, Government of India); 79th Report of the Law Commission of India on *"Delay and Arrears in High Courts and other Appellate Courts"*, May, 1979 (Ministry of Law and Justice, Government of India); 121st Report of the Law Commission of India (method of review of judge strength at regular intervals), 1987; 124th Report of the Law Commission of India – The High Court Arrears – A Fresh look, 1988; Report of The Arrears Committee (Three Chief Justices Committee : Kerala, Calcutta & Madras), 1989-90. See **Appendices F to H and K to M**

12. See **Appendix A**

13. The Commission reasoned that *"As to the possible accusation that the working out of the ratio of Judges strength per million of Indian population is a gross measure, the Commission wishes to say that this is one clear criterion of manpower planning. If legislative representation can be worked out, as pointed out earlier, on the basis of population and if other services of the State—bureaucracy, police etc. – can also be similarly planned, there is no reason at all for the non-extension of this principle to the judicial services. It must also be frankly stated that while population may be a demographic unit, it is also a democratic unit. In other words, we are talking of citizens with democratic rights including right to access to justice which it is the duty of the State to provide."* 120th Law Commission of India Report on *"Manpower Planning in Judiciary"*, See **Appendix J**

14. Affidavit dated 05.12.1985 filed before the United States District Court, Southern District of New York in In Re: Union Carbide Corporation Gas Leak Disaster at Bhopal, India in December, 1984, MDL Docket No. 626, Misc. No. 21-38 (JFK), 85 Civ. 2696 (JFK) reproduced in Upendra Baxi and Thomas Paul , *"Mass Disaster and Multinational Liability : The Bhopal Case, 1961"* (N.M.Tripathi Pvt.Ltd., Mumbai, 1986), at page 161.

Population Ratio of 41.6 per million (10 million population in 1975), Canada at 75.2 per million (25 million population in 1973), England 50.9 per million (50 million population in 1973). After a thorough analysis, it suggested that the Judge-Population Ratio in India be immediately increased from the then *ratio* of 10 Judges to 50 Judges per million.

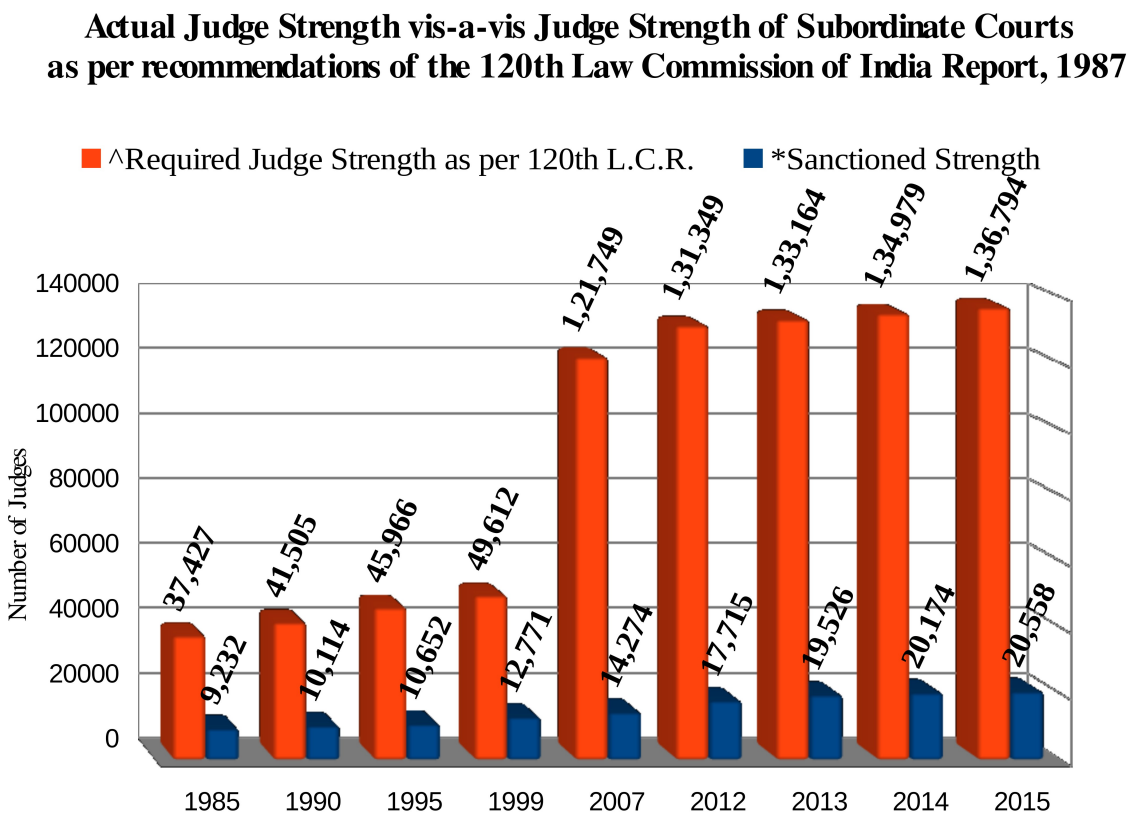
The same report recommended a *five-fold increase* in judge strength in the country immediately and further recommended that *India should achieve a Judge-Population Ratio which the U.S. Commanded in 1981 i.e., 107 Judges per million by the year 2000*. If these recommendations had been acted upon, India would have had a Judge Strength of 1,10,071 in the year 2000 with a population of 1,028.7 million[15] and 1,36,794 as on 31.12.2015. The Sanctioned strength of the Judiciary (at all levels) as on 31.12.2015 however, was only 21,607.

Endorsement of the 120th Law Commission Report by the Courts and the Executive.

Having a healthy Judge-Population ratio is a necessary manifestation of the right to Access to justice and speedy justice. The Supreme Court by its judgment dated 21.03.2002, while endorsing the views of the 120th Law Commission of India Report, 1987, directed that the Judge-Population Ratio in India must be 50 Judges per million of population and that the norm be achieved within a period of five years from the date of order and not later than 10 years in any case[16]. This demographic approach to ascertain the judge strength takes into account the citizen centric approach and does not focus entirely on judicial workload.

15. Census Report, 2001.

16. *All India Judges Association & Others.* Vs. *Union of India & Others*, (2002) 4 SCC 247: *"The increase in the Judge strength to 50 Judges per 10 lakh people should be effected and implemented with the filling up of the posts in phased manner to be determined and directed by the Union Ministry of Law, but this process should be completed and the increased vacancies and posts filled within a period of five years from today. Perhaps increasing the Judge strength by 10 per 10 lakh people every year could be one of the methods which may be adopted thereby completing the first stage within five years before embarking on further increase if necessary."* See **Appendix W.** See also *P. Ramachandra Rao v. State of Karnataka [JT 2002 (4) SC 92]* at **Appendix X**



* Sanctioned Strength for the years 1985 till 1999 taken from First National Judicial Pay Commission, 1999 while from 2007 till 2015 as per inputs provided by High Courts

^ Census Population figures 1981, 1991, 2001, 2011 equally divided in a decade; 2021 figures taken from Population Reference Bureau

Chart 4: Actual Judge Strength vis-a-vis Judge Strength of Subordinate Courts as per recommendations of the 120th Law Commission of India Report, 1987

The demographic standard stands endorsed as the 'starting point' for judge strength determination by the concerned Parliamentary Standing Committee report.[17] The Committee on Reforms of Criminal Justice System[18] was of the opinion that the system could be made better if the directions of the Supreme Court in the *All India Judges* Case[19] were followed.

In 2013, the then Prime Minister of India too accepted the recommendations of the then Chief Justice of India to 'double the existing number of courts'[20]. This issue was taken up at the Joint Conference of the Chief Ministers of the States and Chief Justices of the High Courts, 2013 and it was discussed that *"[N]umber of Judicial Officers in the States be doubled and Judge-population ratio of 50 per Million needs to be achieved[21]."* It was resolved that to narrow down the Judge-population Ratio, requisite steps will be taken for creation of new posts of Judicial Officers with requisite staff and infrastructure within 6 months in light of the decisions in *All India Judges*[22] and *Brij Mohan Lal*[23].

To address the issue of pendency, a policy decision was taken by the State to constitute Fast Track Courts and funds for a period of five years (2000-05) were allocated under the Eleventh Finance Commission. The Supreme Court while dealing with the policy decisions to continue or stop the functioning of Fast Track Courts constituted to deal with mounting figure of pendency, in *Brij Mohan Lal v. Union of India & Ors., 2012*[24] held that, State policies should not *"derogate"* from undermining judicial independence and that if policies are counter productive and increase case load, the Courts can intervene judicially.[25] The court desisted from intervening with

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17. Department Related Parliamentary Standing Committee on Home Affairs , 85th Report on Law's Delays: Arrears in Courts (2002). See **Appendix V**.

18. The Mallimath Committee Report on Reforms in Criminal Justice System also commented upon the **"***Gross Inadequacy of the Judge strength at all levels."* The Committee on Reforms of Criminal Justice System, 2003 (Ministry of home Affairs, Government of India, para 1.32, pg. 18-19). See **Appendix P.**

19. *All India Judges' Association v. Union of India & Ors. (2002) 4 SCC 247.* See **Appendix W**

20. Vide letter dated 02.04.2013

21. Resolutions adopted at the Chief Justices' Conference: 2016, 2015, 2013 and 2009. See **Appendix FF, GG, HH and II.**

22. *All India Judges' Association v. Union of India & Ors. (2002) 4 SCC 247.* See **Appendix W**

23. *Brij Mohan Lal v Union of India & Others.*(2012) 6 SCC 502. See **Appendix Y**

24*Ibid.*

25. *".....the Government should not frame any policies or do any acts which shall derogate from the very ethos of the stated basic principle of judicial independence. <u>If the policy decision of the State is likely to prove counter-productive and increase the pendency of cases, thereby limiting the right to fair and expeditious trial to the litigants in this country, it will be tantamount to infringement of their basic rights and constitutional protections</u>. Thus, we have no hesitation in holding that in these cases, the Court could issue a mandamus." Ibid* para 111. See **Appendix Y**

the policy decision of continuing or discontinuing the Fast Track Courts but keeping in mind the huge number of pending cases, ordered for the creation of additional posts in the Subordinate Judiciary amounting to 10% of the total regular cadre within a period of 3 months from the date of the order.

Comparison with other jurisdictions

If the demographic standard of 50 judges per million of population is applied, with a population of 1,210.6 Million (as per Census, 2011) India requires a total of 60,530 Judges to reach a Judge Population Ratio of 50 per million**.** With the Judge - Population Ratio of 18 Judges per million as on 31.12.2015, the Indian judiciary is under-staffed in comparison with other countries. The U.S. Judiciary -at the state trial courts level alone, in 2011, had a Judge - Population Ratio of approximately 102 per million[26] (2011 population 311.7 Million). Australia with the population of 22.68 Million in 2012 commanded a Judge - Population Ratio of approximately 48 judges per million[27]. England and Wales, with 3,238 Judges[28] in their courts as at 01-04-2015 and a population of 57.4 Million[29] in 2014 had a, Judge - Population Ratio of 56 Judges per million. (This excludes 19,634 "Serving Magistrates"[30] as at 01-04-2015[31], which takes the Judge - Population Ratio to 342 Judges per million only at the Magisterial level in 2014). China, which compares best to India in terms of population with 1,360 Million population in 2013, had nearly 2,00,000 Judges in 2011[32]commanding a Judge - Population Ratio of 147 Judges per million.

26. Ron Malega, "State Court Organization, 2011", *BJS* (U.S. Department of Justice, November, 2013)
27. Brian Opeskin, "The State of the Judicature: A Statistical Profile of Australian Courts and Judges, pg. 494 (35:489 *Sydney Law Review* , 2013)
28. Judicial Diversity Statistics, 2015, Judicial Office Statistics Bulletin, United Kingdom.
29. Annual Mid-year Population Estimates: 2014, Office for National Statistics, United Kingdom.
30. Magistrates (also known as justices of the peace) are volunteer judicial office holders who serve in magistrates' courts throughout England and Wales. *Available at*: https://www.judiciary.gov.uk/about-the-judiciary/who-are-the-judiciary/judicial-roles/magistrates/
31. Available at: https://www.judiciary.gov.uk/publications/judicial-statistics-2015/
32. Stanley Lubman, "China's Exodus of Judges" *Available at:* http://blogs.wsj.com/chinarealtime/2015/05/04/what-a-stubborn-exodus-of-judges-means-for-legal-reform-in-china/

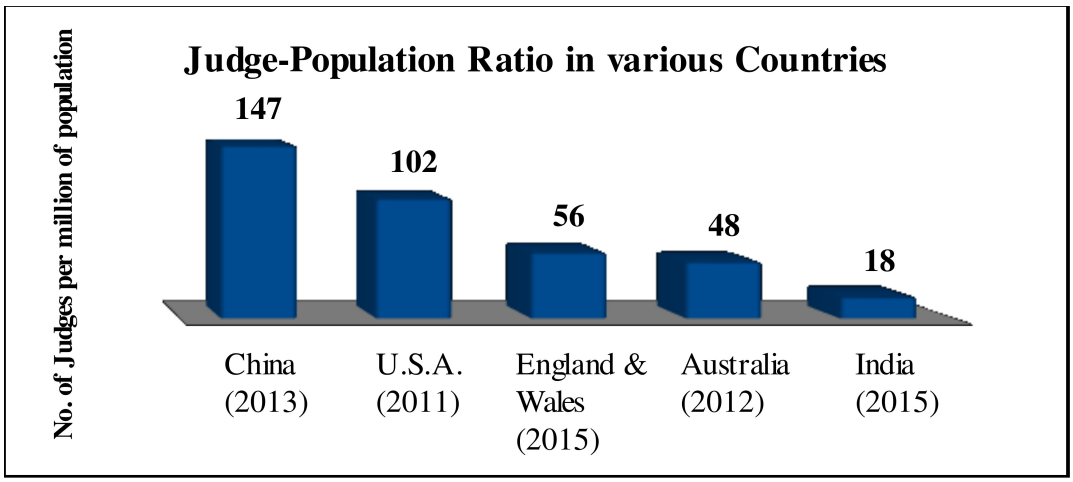

Chart 5: Judge-Population Ratio in various Countries

B. The Rate of Disposal Method: 245th Law Commission of India Report (July, 2014)

A second approach to assess Judge strength was devised by the 245th Law Commission of India Report. The report recommended that the *rate of Disposal Method and formula* be followed for calculating adequate Judge strength for subordinate Courts, instead of Judge-Population or Judge-Institution Ratio or other methods. By this method, the rate of disposal for a Judicial Officer is calculated. The average institution of cases over the past three years is then determined; this figure is divided by the rate of disposal for a Judicial Officer to arrive at a break-even number; to assess whether the existing working strength is sufficient to cater to the institution of cases in the next year. Likewise, the existing pendency is divided by the rate of disposal to arrive at the number of Judges required to clear the pendency in one year and similarly for clearing it in two or three years. By this method, the Law Commission suggested that an additional number of 348 and 11,834 judges were required**,** in the fourteen states/UTs that were analyzed by it, at the Subordinate court level to handle institution and clear backlog in one year, respectively.[33]

33. The Report made the calculations based on the following formula:

$ARD = [(D_{year\ A}/ J_{year\ A}) + (D_{year\ B} / J_{year\ B}) + (D_{year\ C}/ J_{year\ C})] / 3$

$BEJ = (AI/ARD) - J_{current\ year}$

Where, BEJ = Additional No. of Judges required to Break Even,

AI= Average Institution,

ARD= Average Rate of Disposal,

D=Annual Disposal for that year ,

J=Annual Working Strength of Judges

States analysed by the commission report:

Andhra Pradesh, Bihar, Delhi, Gujarat, Himachal Pradesh, Jammu & Kashmir, Jharkhand, Karnataka, Kerala, Punjab, Haryana, Chandigarh, Sikkim, Uttarakhand: 245th Report of the Law

C. *The National Court Management Systems (NCMS) based unit system method (2016)*

A third method for assessing judge strength was devised by the Supreme Court's NCMS (National Court Management Systems) Committee while analyzing the approach of the 245th Law Commission of India Report further to the judgment of the Supreme Court in the *Imtiyaz Ahmad* Case[34]. The Committee suggested that calculation of additional Judge strength should be based on "*Unit System"*. It proposes that, whenever the total "units"[35] required to be disposed of annually by a Court is greater than 150% of the disposal norm for a "Very Good Performance" by that Court, a new Court should be created. The report analyzed four courts each in Bihar and Maharashtra. It suggested 13 additional courts as against the four courts analyzed in Bihar. Similarly, it recommended 7 additional courts as against the four courts analyzed in Maharashtra.[36]

Demography: Comparison with other services of the State

As on 01.01.2015, the states[37] employed the services of 51,523 officers of the rank of Inspector and above. In contrast, the sanctioned strength of judicial officers across the country was 20,174. The projected population of India as on 01.01.2015 was around 1,238.88 Million[38], which shows that for every million of the population there were close to 41.58 police officers of Inspector and above rank while the judicial officers for the same population stood at 16 judicial officers. This comparison is only by way of analogy, to stress the under-staffing of judicial officers and the stress of pendency

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Commission of India on " Arrears and Backlog: Creating Additional Judicial (wo)manpower" (July, 2014) (Ministry of Law and Justice, Government of India). See **Appendix R**.

34. *Imtiyaz Ahmad Vs. State of U.P. & Ors. Crl. Appeal Nos. 254-262 of 2012. Order Dt. 01.02.2012. (2012) 2 SCC 688.* See **Appendix AA.**

35. High Courts have established and are implementing disposal 'norms' for subordinate court judges. These norms are based on 'units' allocated for disposal of various types of cases. The units vary depending on the nature and complexity of types of cases. Units vary from State to State for similar cases, reflecting local conditions that affect the time taken for disposal of cases. (Page 7 of the NCMS Committee Report submitted to the Supreme Court of India in Imtiyaz Ahmed vs. State of U.P. and Ors., Crl Appeal Nos. 254-262 of 2012). Four courts each of Bihar and Maharashtra were compared on the said methodology. (Pages 9 and 10 of the report)

36. NCMS Report filed in *Imtiyaz Ahmad Vs. State of U.P. & Ors. Crl. Appeal Nos. 254-262 of 2012* , pg. 11- 12

37. Civil and Armed Police Data for All States and UTs. Bureau of Police Research and Developments, "Data on Police Organisations, As on January, 2015" (Ministry of Home Affairs, Government of India) *Available at* : http://bprd.nic.in/WriteReadData/userfiles/file/201607121235174125303FinalDATABOOKSMALL2015.pdf

38. *Ibid*

that they are working under.

In terms of the Civil Servants in the Group 'A' services alone there were 91,501 such officers as on 01.01.2014[39] as against a sanctioned strength of 19,526 judicial officers. Though no comparison can be drawn directly between the two figures however it is an illustration of the human resource available to the two wings of the State for carrying out the constitutional mandate.

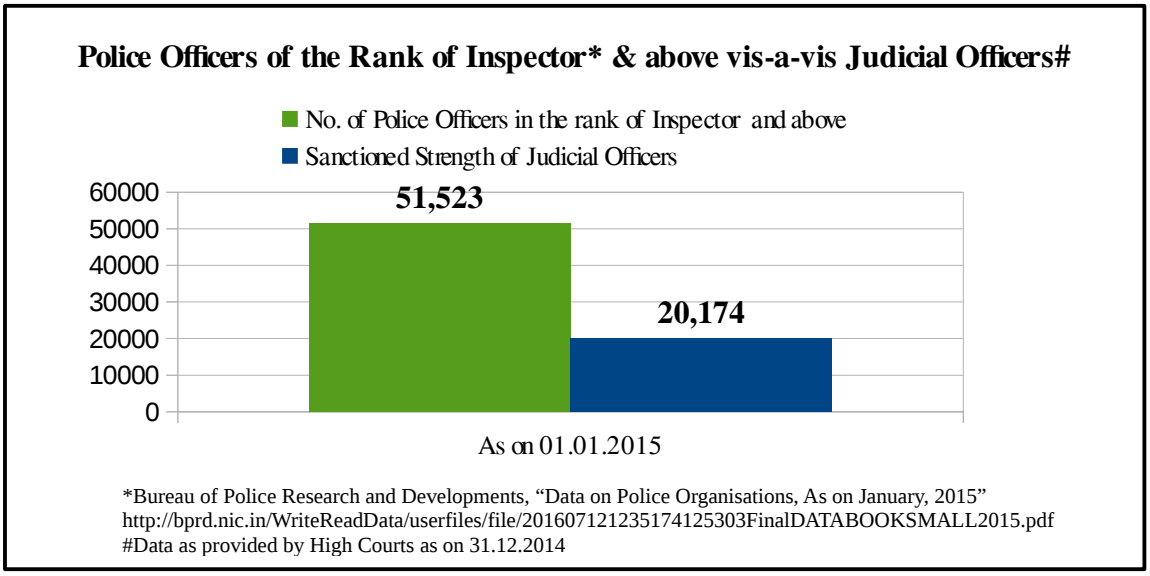

Chart 6: Police Officers of the Rank of Inspector & above vis-a-vis Judicial Officers

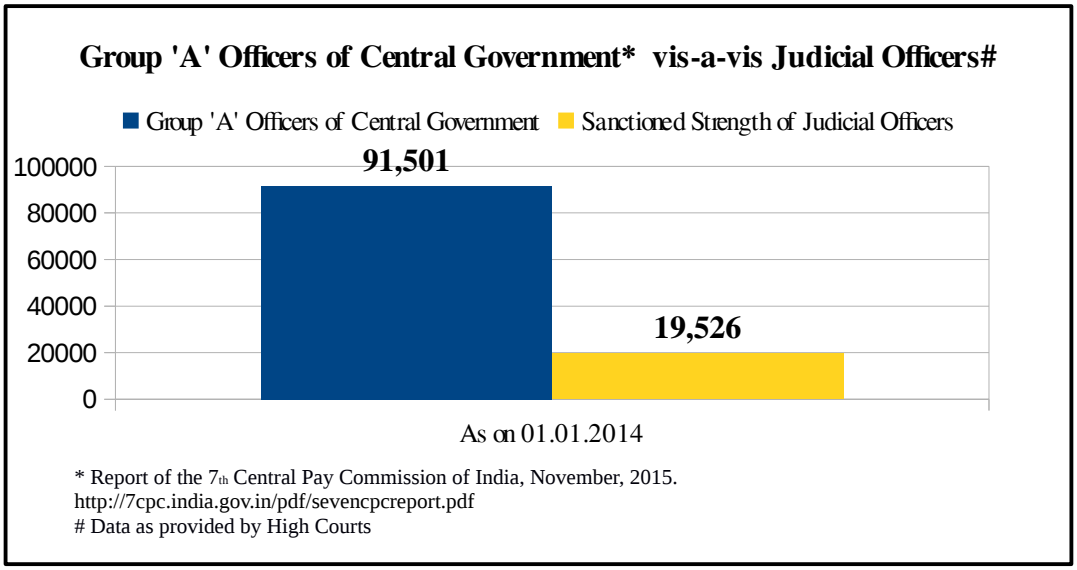

Chart 7: Group 'A' Officers of Central Government vis-a-vis Judicial Officers

39. "Report of the Seventh Central Pay Commission" (Ministry of Finance, Government of India, November, 2015). *Available at*: http://7cpc.india.gov.in/pdf/sevencpcreport.pdf. This figure of civil servants does not include the state civil service officers.

Proximity to Courts

The above approaches have only been quantitative. What is to be remembered is that access to justice is meaningful when each citizen has literally, "access" to courts. In other words, every citizen is to be afforded reasonably close proximity to courts. The proximity to courts of first instance should be assessed given the geographical dispersion of population in the country, especially in hilly areas and large states where rural and semi rural populations have to undertake day long journeys to reach the nearest courts. In criminal cases, where surety is to be given, applications for bail are to be moved, or even where urgent injunctions sought in civil cases, this becomes a barrier to access to justice. A comparison of number of Police Officers (Inspector and above) vis-a-vis Courts of first instance as on 01.01.2015 is tabulated below[40]:-

Total Area of the Country (in sq. km)	No. of Police Officers of Inspector and above	No. of Judicial Officers	No. of Police Officers per 100 sq. km	No. of Judicial Officers per 100 sq. km
31,66,414	51,523	20,174	1.63	0.64

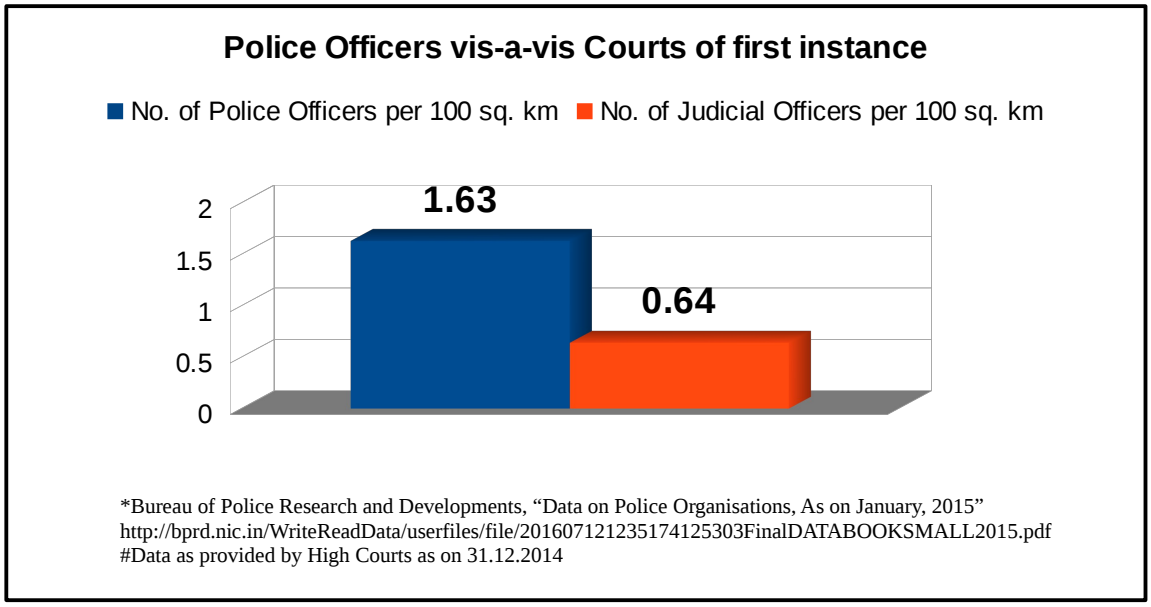

Chart 8: Police Officers vis-a-vis Courts of first instance

40. *Bureau of Police Research and Developments, "Data on Police Organisations, As on January, 2015" (Ministry of Home Affairs, Government of India) Available at : http://bprd.nic.in/WriteReadData/userfiles/file/2016071212351741253 03FinalDATABOOKSMALL2015.pdf*

Thus, as a starting point, it is necessary to provide that, a court of first instance is available to each citizen within a radius 50 k.m. from his residence or within a maximum traveling time of half a day. This recommendation is made in light of the general geographical and socio-economic conditions of the country and is subject to other local conditions. In practical terms, this can be translated into the deployment of a minimum number of Judicial Officers (of different ranks) at every administrative level, along the lines of manpower planning in the civil services. The basic administrative unit can be taken to be the *tehsil* to achieve this ideal.

III WAY AHEAD

The backbone of the Indian Judiciary has been under constant strain in terms of the alarming figures of pending cases before them. It is in this light that the present analysis is limited to the subordinate courts level. The approach takes into account the present ability of the Judicial Officers at the subordinate court level and thereby assesses the situation.

The following table shows the figures of Institution, Disposal and Pendency in the subordinate courts for the years 2013 to 2015

Year	Opening Balance	Institution	Disposal	Pendency	Cases more than 5 Yrs Old	Criminal Cases more than 5 Yrs Old	Sanctioned Strength	Working Strength	Vacancy
2015	2,65,09,688	1,90,44,877	1,83,78,256	2,71,76,029	62,01,794	43,19,693	20,558	16,176	4,382
2014	2,68,39,293	1,92,81,971	1,93,28,283	2,64,88,408	64,29,011	44,13,011	20,174	15,585	4,589
2013	2,69,07,252	1,86,70,907	1,87,37,745	2,68,38,861	59,80,700	41,80,216	19,526	15,128	4,398

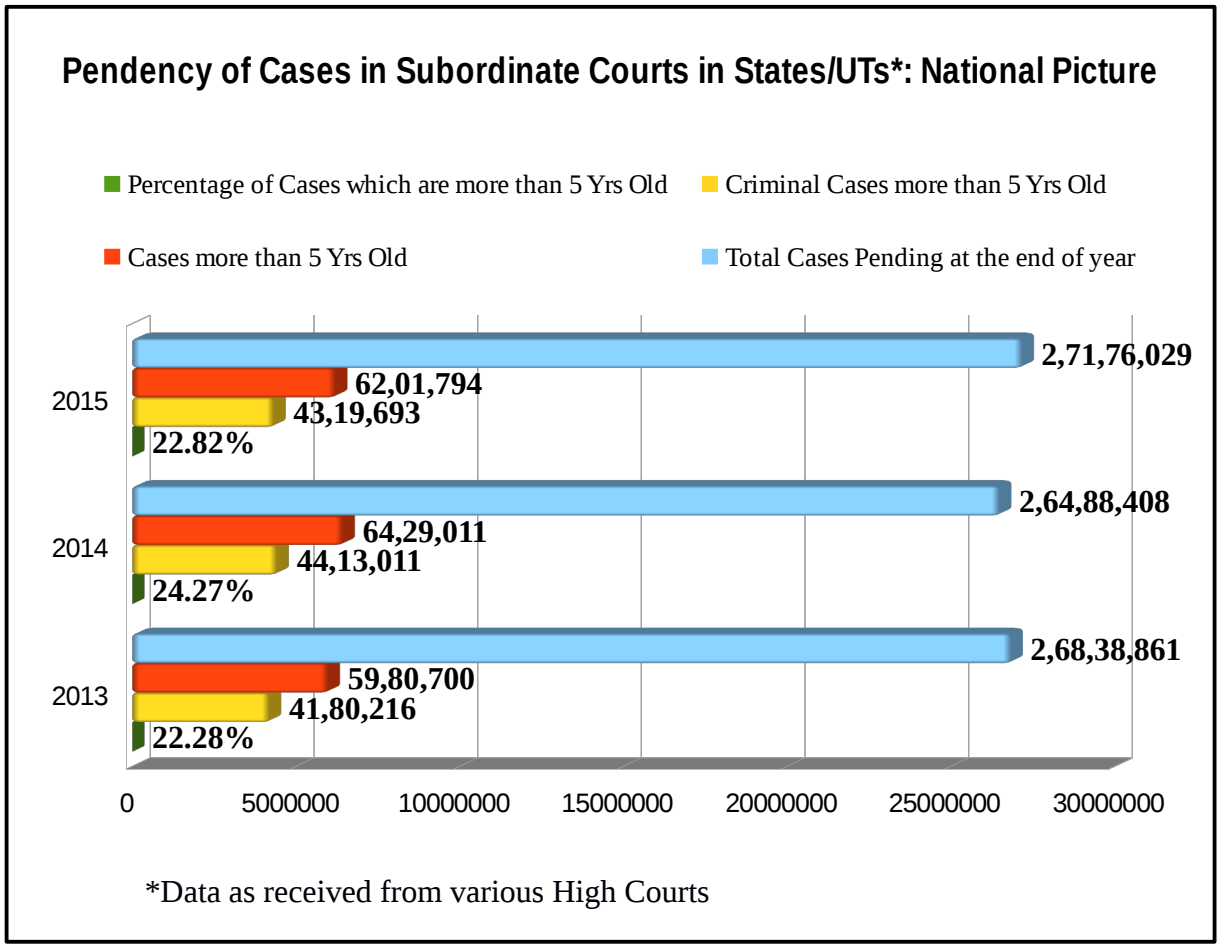

Chart 9: Pendency of cases in subordinate courts: National Picture

The 2013-2015 statistics show that the judicial system is able to tackle the flow of fresh cases. In 2013, the institution was 1.86 crore with the disposal of 1.87 crore cases. In 2014 the institution stood at 1.92 crore and disposal at 1.93 crore cases and in 2015 the figure of institution was 1.90 crore while disposal was 1.83 crore. Over the last 3 years period, the pendency has remained at 2.68 crores, 2.64 crores, and 2.74 crore cases respectively. In contrast to these figures, the Indian subordinate judiciary has a sanctioned judicial workforce of merely 20,558 officers and a working strength of 16,176 officers. Keeping these figures in mind, it is simple arithmetic to conclude that the existing judicial officers are not sufficient to keep pace with the existing situation.

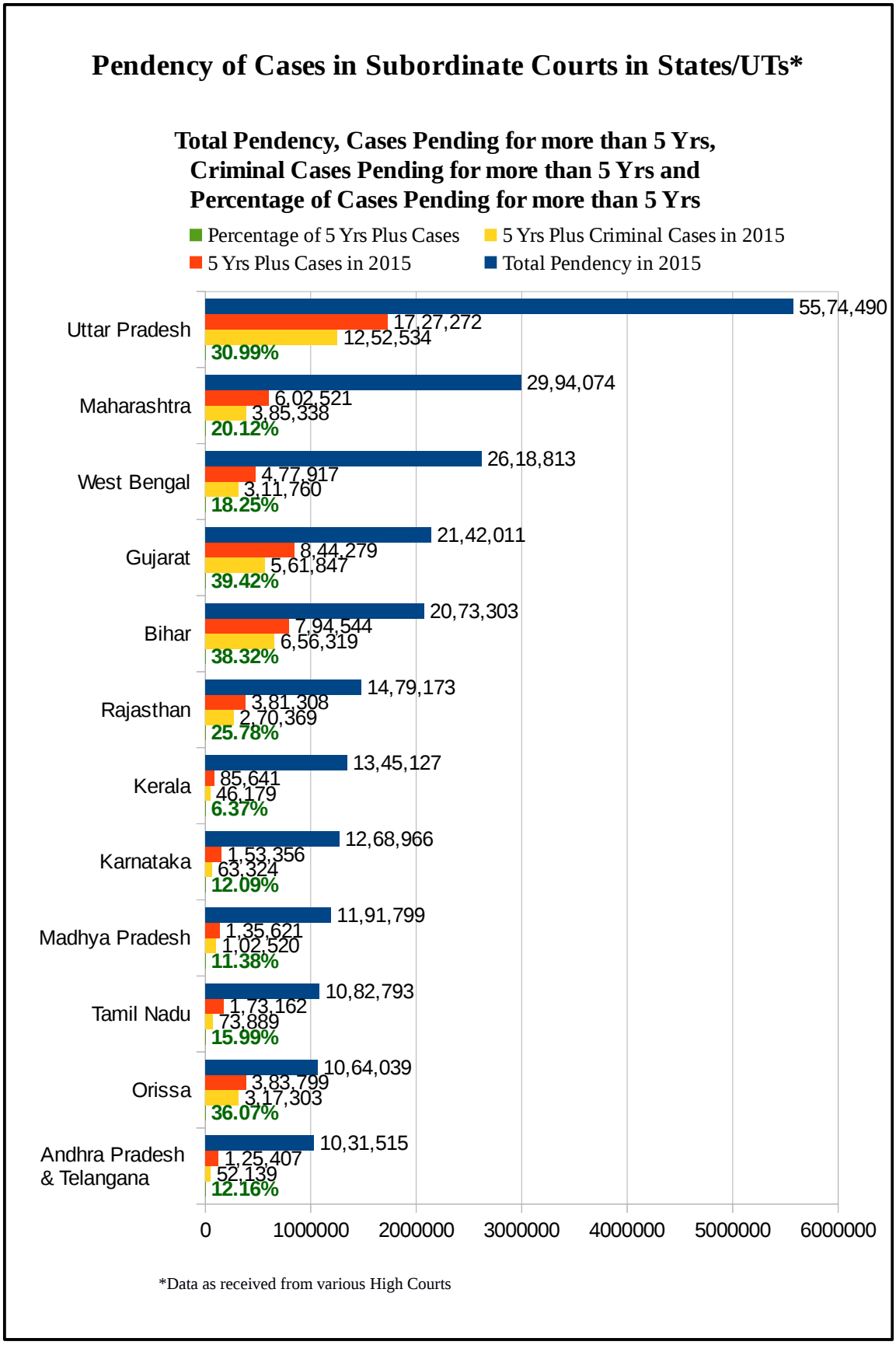

Chart 10-A: Pendency of Cases in subordinate courts in States/UTs

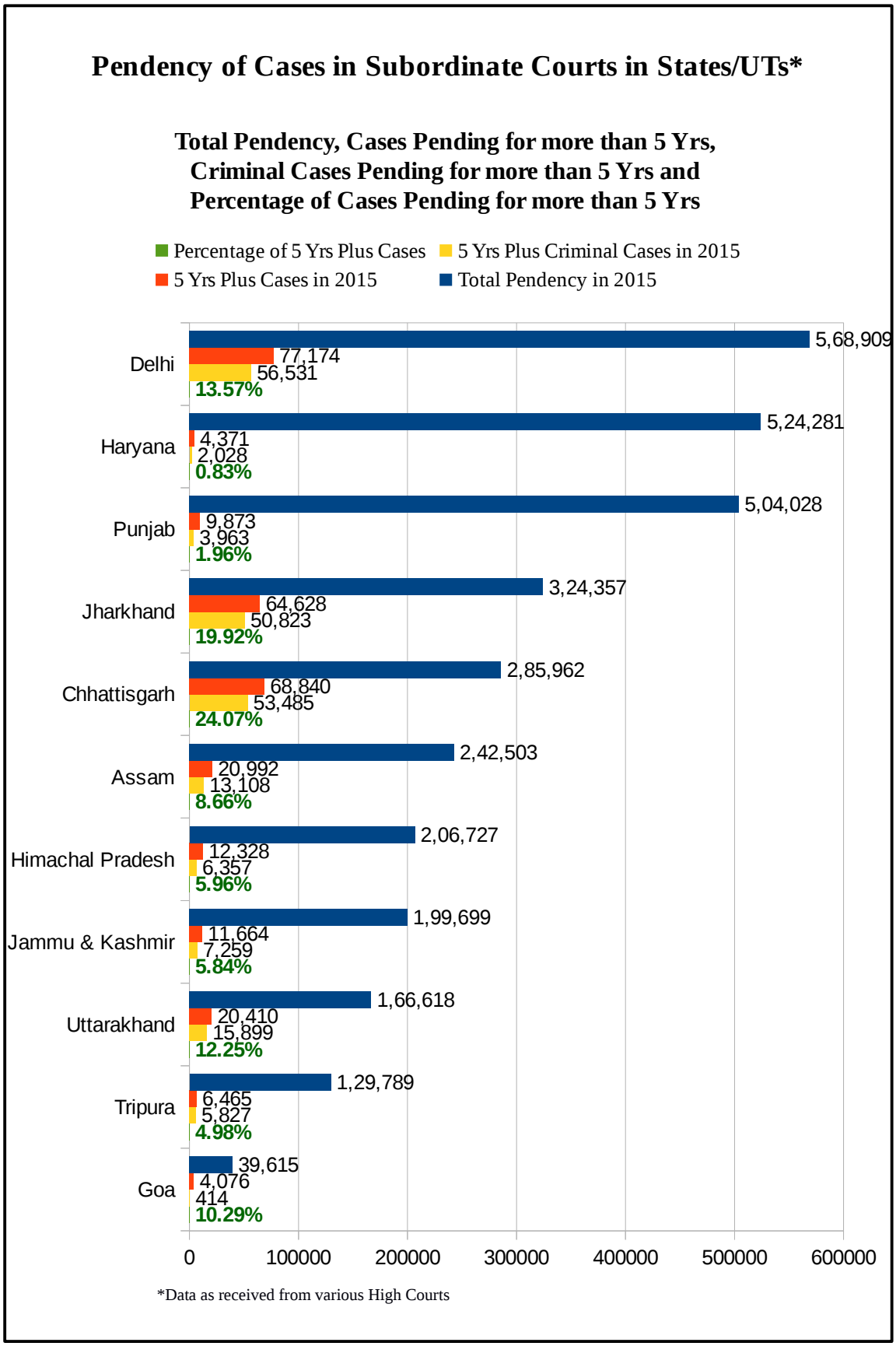

Chart 10-B: Pendency of Cases in subordinate courts in States/UTs

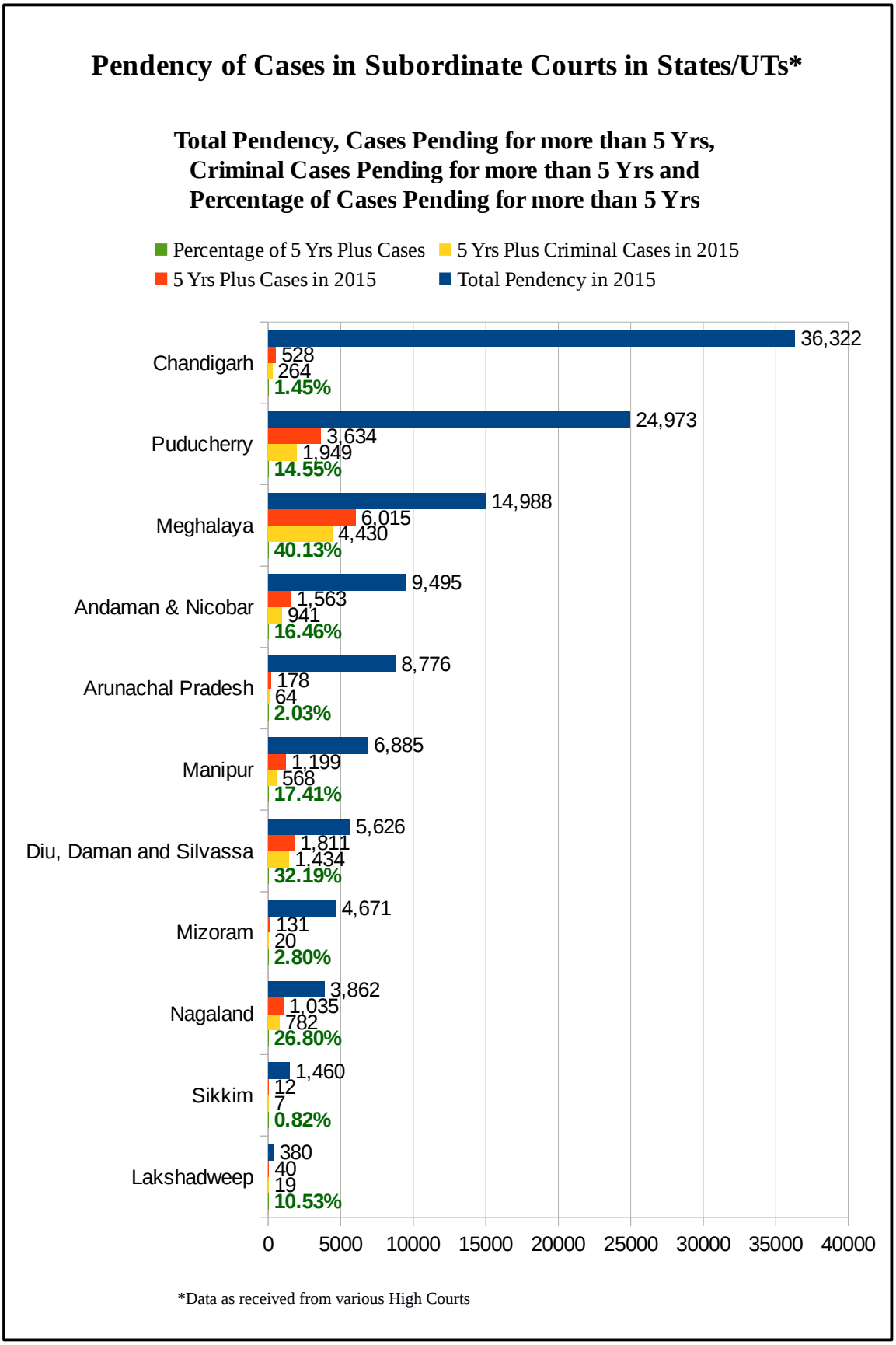

Chart 10-C: Pendency of Cases in subordinate courts in States/UTs

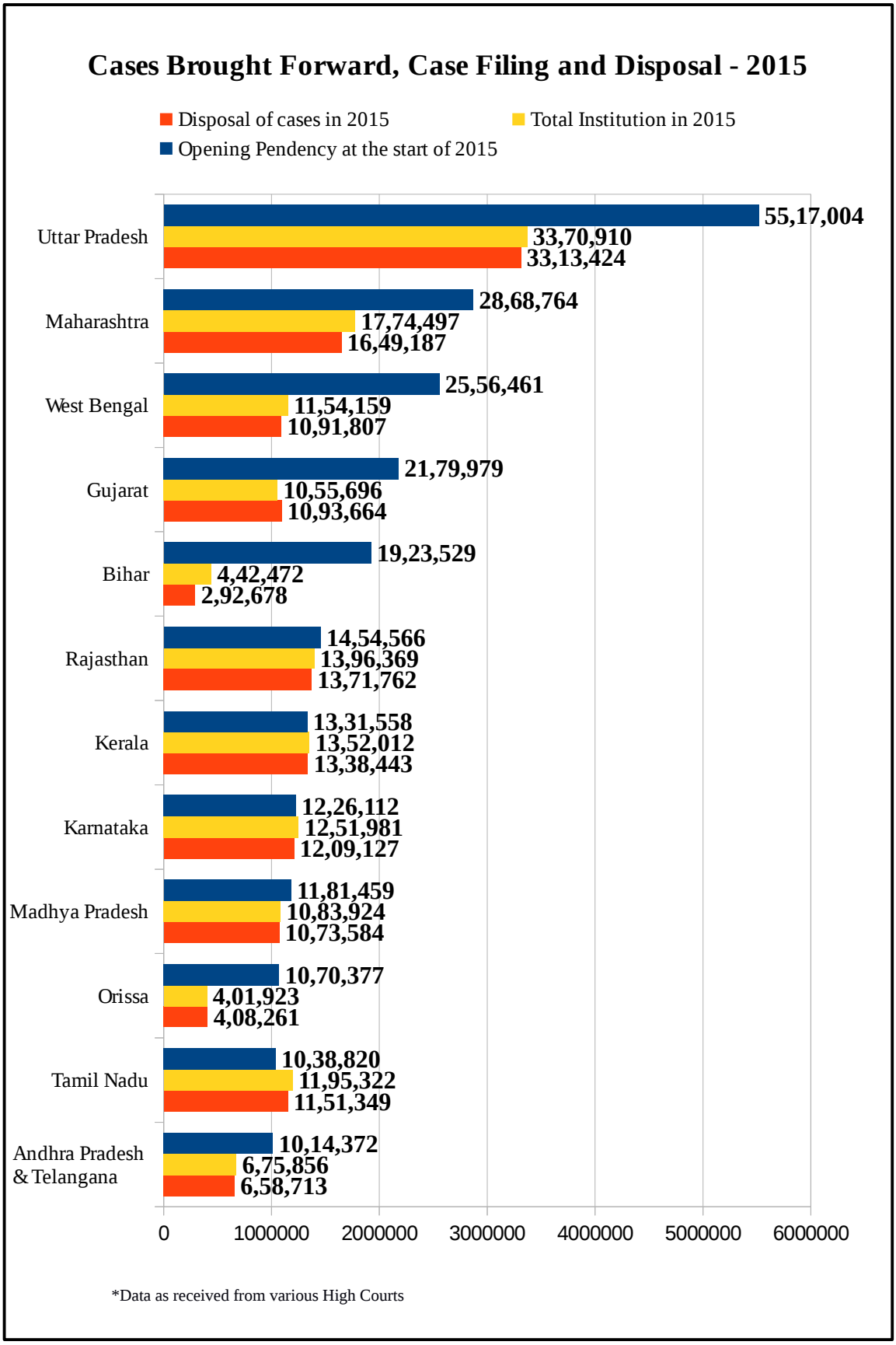

Chart 11-A: Cases brought forward, case filing and disposal - 2015

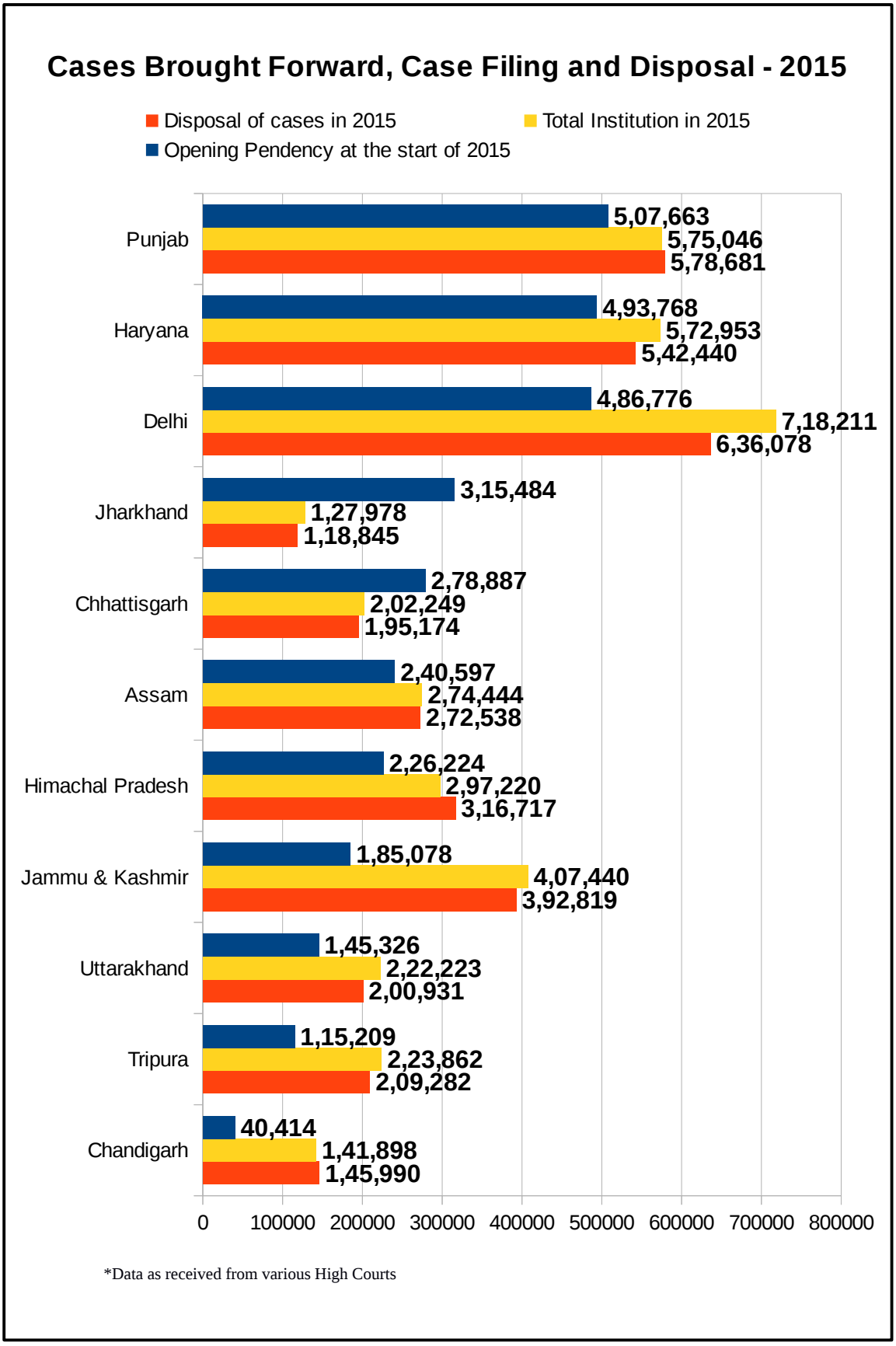

Chart 11-B: Cases brought forward, case filing and disposal - 2015

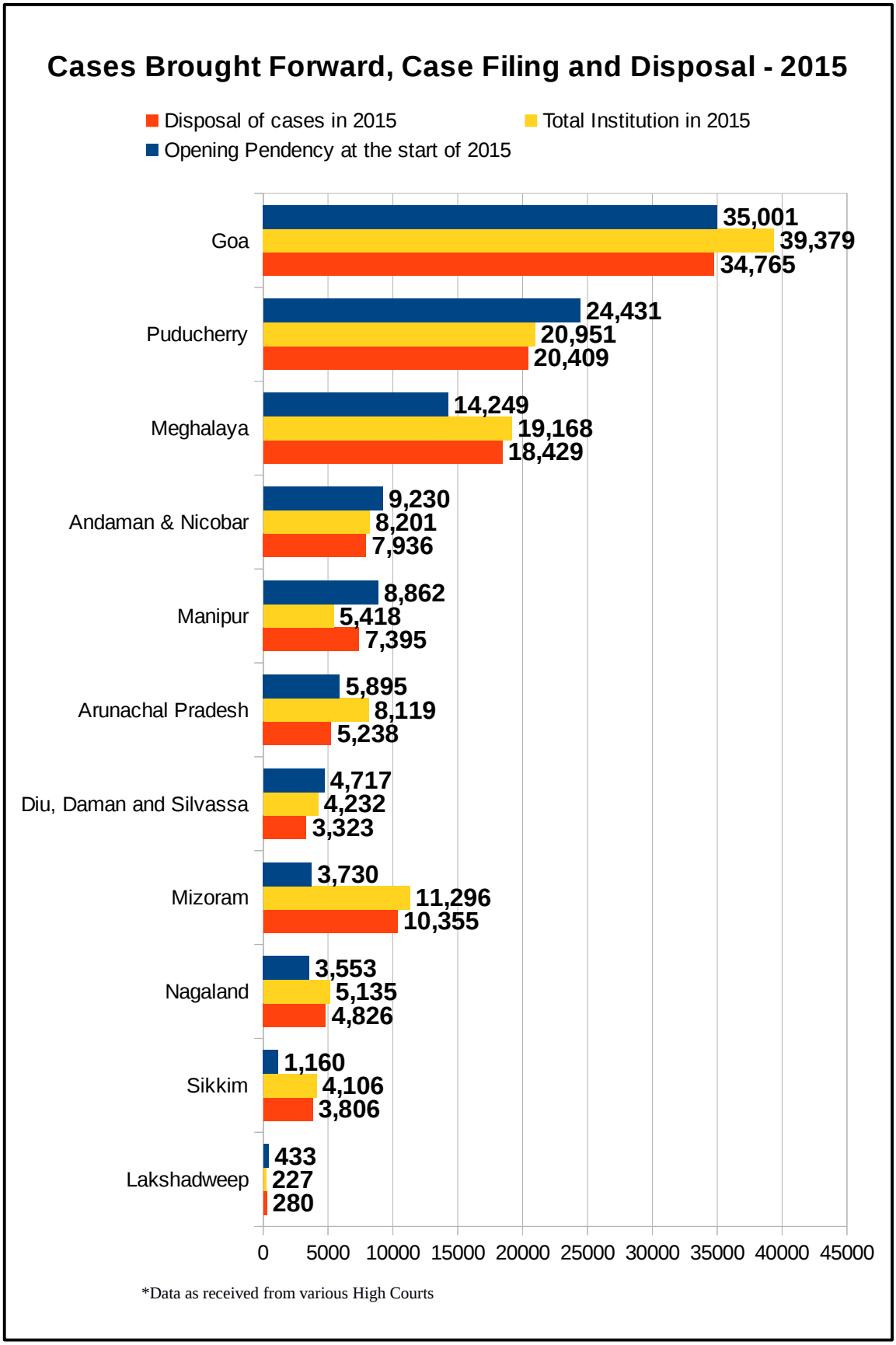

Chart 11-C: Cases brought forward, case filing and disposal - 2015

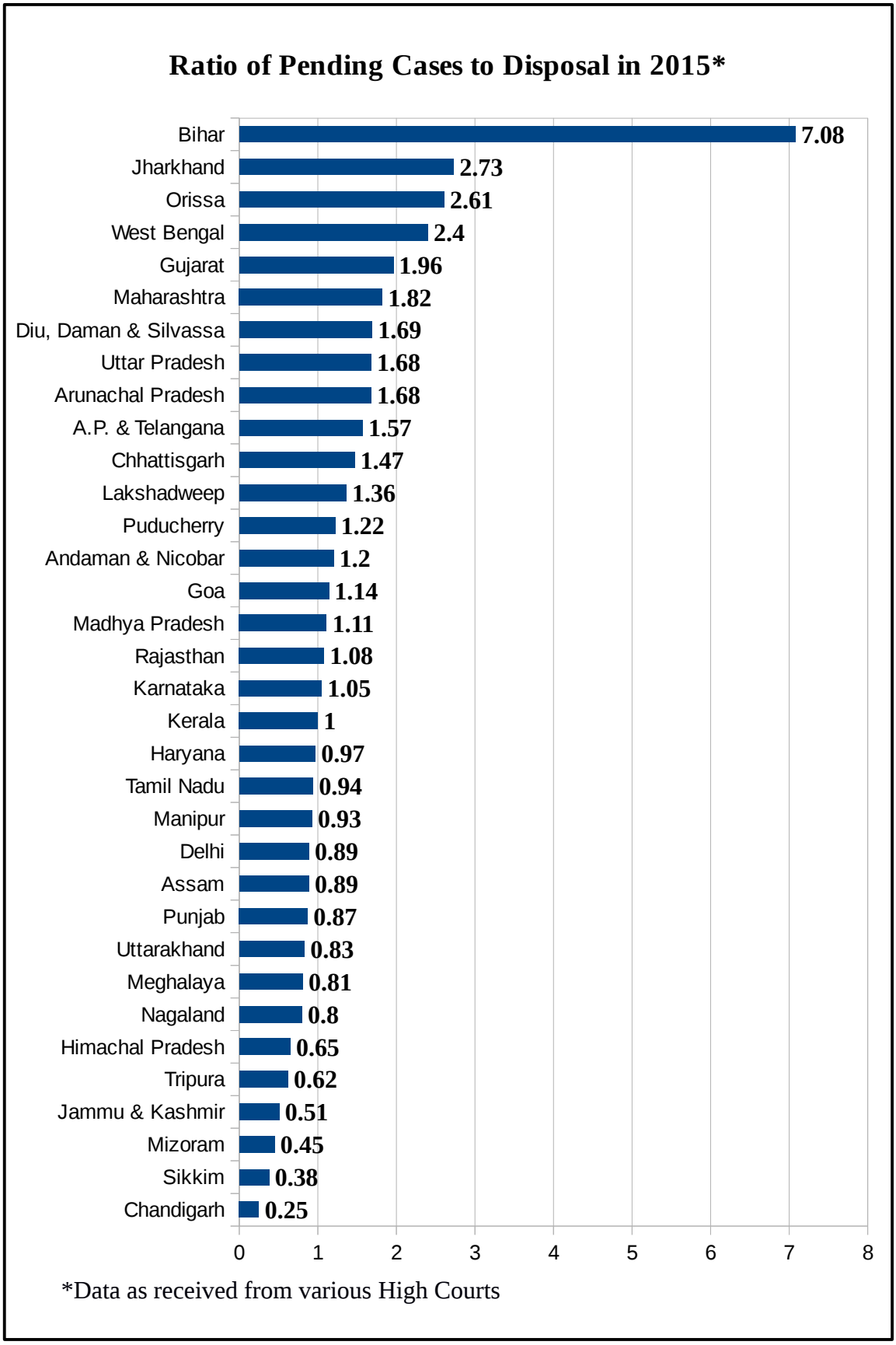

Chart 12: Ratio of pending cases to disposal in 2015

An analysis of data from National Crime Records Bureau shows that the present strength of judicial officers are only able to complete trial in approximately 13% of cases brought for trial under the Indian Penal Code, 1860 (IPC) during a year[41]. The ratio of cases brought for trial to the number of cases in which trial is completed stands close to 7 for the past five years. This clearly shows that the existing strength of judicial officers needs to be enhanced atleast 7 times so that trial is completed within a period of one year.

The crime rate[42] has seen a steady increase in the past few years. The crime rate in the year 2014 was reported at 581.1, showing an increase of 2.1% over the year 2010 and an increase of 7.5% over 2013.[43] This clearly demonstrates that the judicial manpower needs to be augmented manifold to cater to the situation.

Cases for trial under IPC

Year	Total Cases under IPC for trial including pending cases from previous year	Cases in which trial completed[44]	Ratio of cases brought for trial to the number of cases in which trial was completed	Percentage of cases in which trial completed
	(1)	(2)	(3)=(1)/(2)	(4)=(2)/(1) x 100
2010	85,49,655	11,41,031	7.49	13
2011	89,39,161	12,11,225	7.38	14
2012	93,28,085	12,52,138	7.45	13
2013	97,81,426	12,90,148	7.58	13
2014	99,30,625	13,41,386	7.40	14

41. National Crime Records Bureau, "Crime in India 2014 Compendium" (Ministry of Home Affairs, Government of India)
42. Crime Rate is defined as the number of crimes reported per 1,00,000 population. *Ibid*
43. *National Crime Records Bureau, "Crime in India 2014 Compendium" (Ministry of Home Affairs, Government of India)*
44. Excluding cases which have been withdrawn or compounded. Reports on Crime in India by the National Crime Records Bureau from 2010 to 2014, available at http://ncrb.gov.in

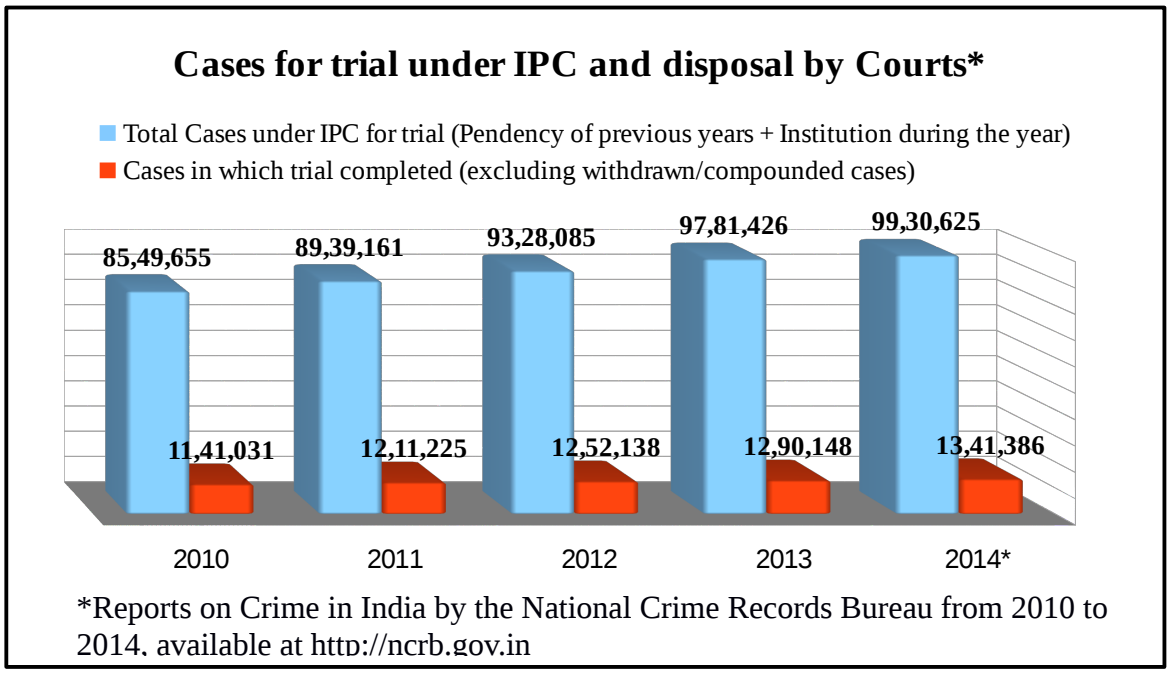

Chart 13: Cases for trial under IPC and disposal by courts

Cases for trial under Special and Local Laws (SLL) by courts across the country[45]				
Year	**Total Cases under SLL for trial (Pendency of previous years + Institution during the year)**	**Cases in which trial completed (excluding withdrawn /compounded cases)**	**Ratio of cases brought for trial to the number of cases in which trial was completed**	**Percentage of cases in which trial completed**
	(1)	**(2)**	**(3)=(1)/(2)**	**(4)=(2)/(1) x 100**
2010	93,14,925	44,47,281	2.09	48
2011	84,72,922	34,97,455	2.42	41
2012	82,51,289	29,21,119	2.82	35
2013	89,76,765	32,73,104	2.74	36
2014	94,96,060	36,49,425	2.6	38

45. Reports on Crime in India by the National Crime Records Bureau from 2010 to 2014, available at http://ncrb.gov.in

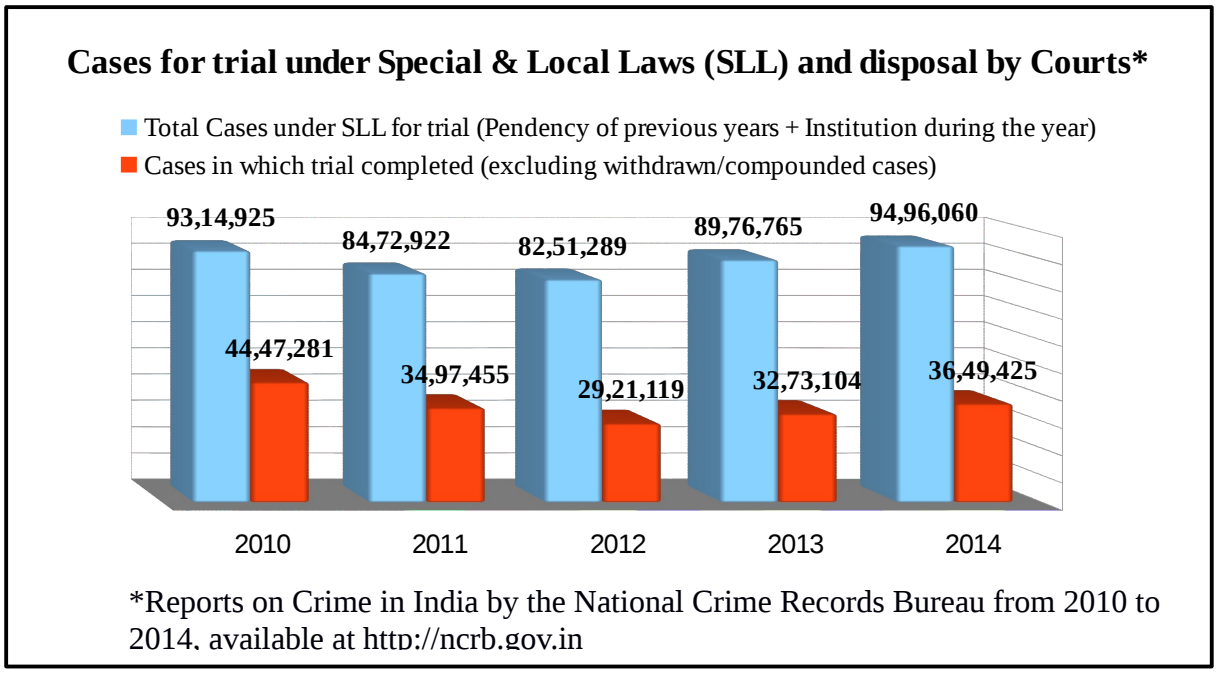

Chart 14: Cases for trial under Special Local Laws (SLL) and disposal by courts

Cases for trial under IPC and Special and Local Laws (SLL) by courts across the country[46]					
Year	**Total Cases for trial (IPC+SLL) (Pendency of previous years + Institution during the year)**	**Cases in which trial completed (excluding withdrawn/compounded cases)**	**Ratio of cases brought for trial to the number of cases in which trial was completed**	**Percentage of cases in which trial completed**	**Percentage increase in Criminal Trial Courts to complete trial in one year**
	(1)	**(2)**	**(3)=(1)/(2)**	**(4)=(2)/(1)*100**	**(5)=((3)-1)*100**
2010	1,78,64,580	55,88,312	3.2	31	220%
2011	1,74,12,083	47,08,680	3.7	27	270%
2012	1,75,79,374	41,73,257	4.21	24	321%
2013	1,87,58,191	45,63,252	4.11	24	311%
2014	1,94,26,685	49,90,811	3.89	26	289%

46. Reports on Crime in India by the National Crime Records Bureau from 2010 to 2014, available at http://ncrb.gov.in

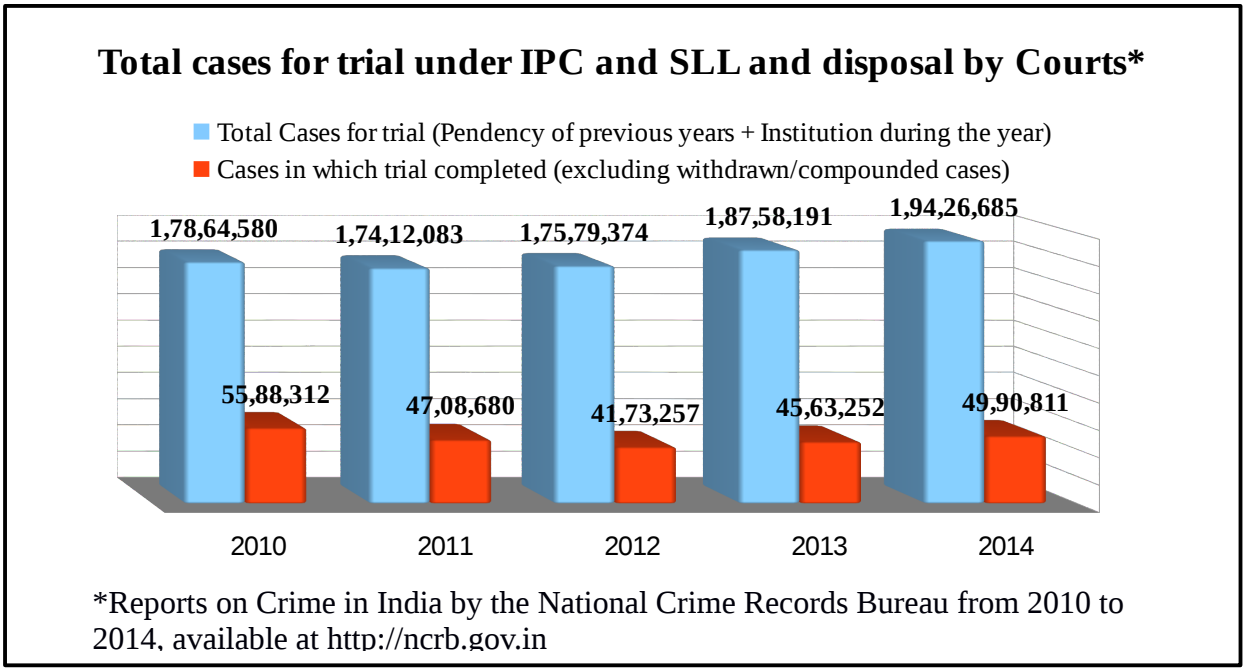

Chart 15: Total cases for trial under IPC and SLL and disposal by courts

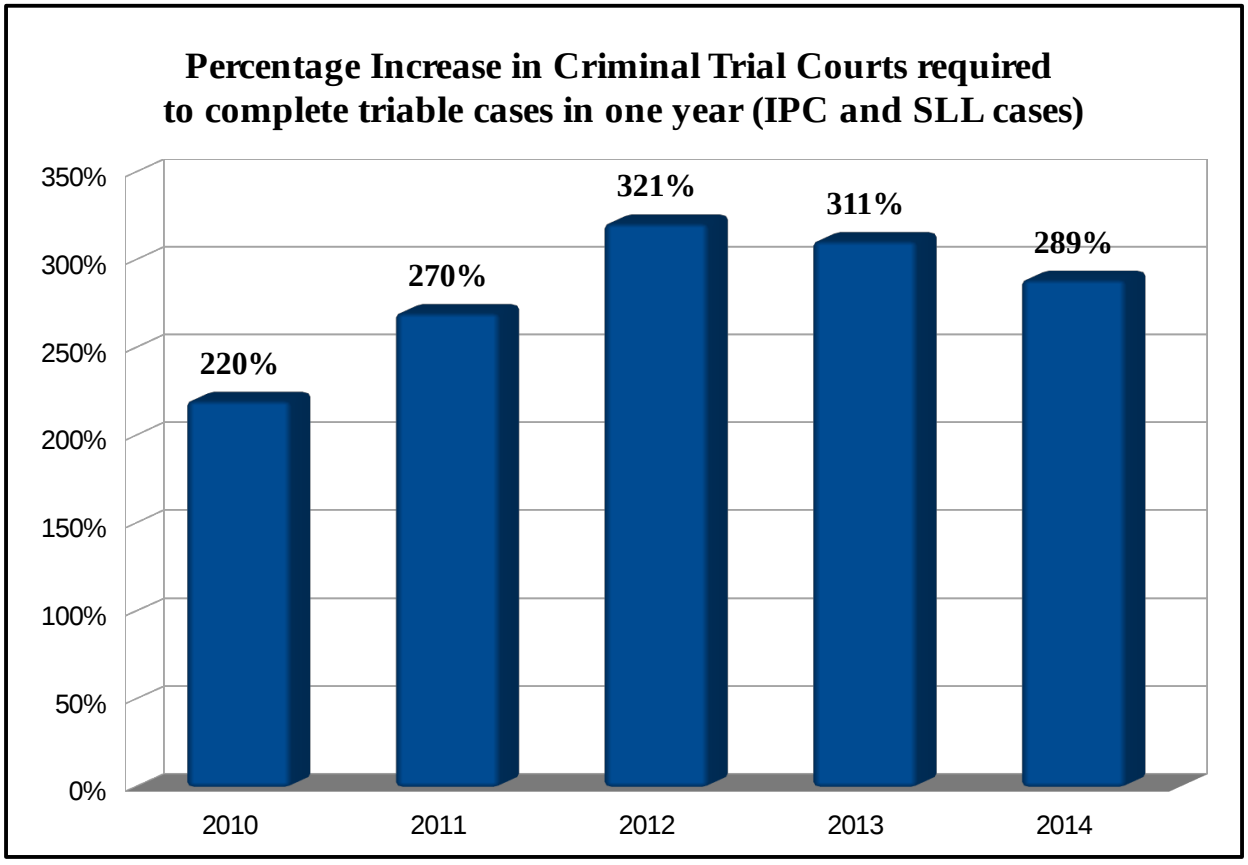

Chart 16: Percentage Increase in Criminal Trial Courts required to complete triable cases in one year (IPC and SLL cases)

A. ARRIVING AT THE SHORT-TERM REQUIREMENT

Keeping in mind a reality that at any given point of time, any cadre would have 10-15% vacancies in sanctioned strength, the sanctioned strength to vacancies ratio should, correspondingly be 85-90% : 15-10%. The following calculation method adopts a two pronged approach vis-à-vis immediate judge-strength needs:

1. Judges required to ***tackle fresh institution of cases*** =

$$\frac{\textit{Total Institution of cases in a state/UT}}{\textit{Avg. Disposal of cases in previous year(s) by a Judicial Officer}}$$

2. Judges required to ***tackle pending cases***:

(a) Cases which are >5 yr age be disposed off in 1 yr =

$$\frac{\textit{Total no. of such cases as on 31.12.15}}{\textit{Avg. Disposal of cases in previous year(s) by a Judicial Officer}}$$

(b) Cases which are 1-5 yr old be disposed off in 3 yrs time-frame =

$$\frac{\textit{Total no. of such cases as on 31.12.15}}{\textit{(3 x Avg. Disposal of cases in previous year(s) by a Judicial Officer)}}$$

Mindful of average disposal rate of various states/UTs separately and the pendency as on 31.12.2015, the following table suggests the judicial strength needed to deal with pendency and institution:

Pendency (2015)	Institution (2015)	Cases pending for more than 5 years	Cases pending between 1-5 years	No. of Judges required to tackle institution	No. of judges reqd. to clear 5 year old cases within one year	No. of judges reqd. to clear other cases within 1-3 years	Total no. of judges required to cope up with institution and pendency	Total Sanctioned Strength of all States and Union Territories
2,71,76,029	1,90,44,877	62,01,794	2,09,74,235	17,131	7,585	7,244	31,960	35,155

[For state-wise break-up, refer to Table - 'A']

Thus, Indian subordinate judiciary, in the next 3 years, **requires an additional 14,597 Judicial Officers (35,155-20,558),** and sanctioned Judge strength of 35,155 to cater to the existing problem with a *caveat that the rate of filing remains constant*. This rider, as is evident from the previous years' figures of institution of cases, is not correct as the rate of filing has been increasing consistently and is likely to rise rapidly in the coming years.

The immediate requirement itself shows that enough has not been done to increase the Judge strength of the Subordinate Judiciary. The State is obliged to carry

out the decisions of the Apex Court and increase the Judge- Population Ratio to 50 per million as held in the *All India Judges Association case*[47.]

The present report attempts to study and forecast, future demands of justice- not as a crystal ball gazing exercise, but by use of statistical models. As demonstrated, the present Judge strength is sufficient just to handle the fresh cases filed each year which ensuring constancy of pendency figures. It is necessary to understand and predict that case filing patterns would change in future and device methods to keep pendency in manageable limits.

B. LONG TERM PROJECTIONS FOR JUDGE STRENGTH

B.1 Understanding the Trend of Case Filing

Litigation behavior analysis and study is essential to study pendency and case filing. Several attempts at mapping this have found that litigation bears a close nexus with development. Empirical studies confirm that litigation can, in fact, be perceived as a measure of well being contrary to conventional wisdom that it hampers development.[48] Efforts have been made across various jurisdictions to identify factors influencing litigation of a particular society[49]. An in-depth analysis of these studies and its application to available data in India, reveals a close nexus between the litigious behavior and development indicators like HDI and literacy rate[50].

Healthy and manageable case pendency numbers reflect an efficient judicial system. Conversely, excessive case pendency renders the judicial system ineffective, resulting in loss of confidence of common people in the courts. Efforts, ranging from fixing time frames for judicial appointments in the *Malik Mazhar Sultan Case*[51] to the targets of Five Plus Zero have not yielded much. This study aims to *project the quantum of cases likely reaching the courts in the coming years* and, based on that assessment, projecting the number of judicial officers required for reducing case

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47. *All India Judges' Association v. Union of India & Ors. (2002) 4 SCC 247.* See **Appendix W**
48. Theodore Eisenberg, Sital Kalantry, and Nick Robinson, Litigation as a Measure of Well-Being , 62(2) DE PAUL LAW REVIEW 247 (2013) (The report on the trend of civil litigation in India showed a close nexus between HDI and institution of cases.). Clemenz and Gugler, *Macroeconomic Development and Civil Litigation* Eur. JL&E (2000) 9:3, 215-230. (also studies the similar scenario in Austria.)
49. *Ibid*
50. See Tables B & D.
51. *Malik Mazhar Sultan & Another Vs. U.P.P.S.C & Others.* Appeal (C) 1867 of 2006. Order dt. 04.01.2007, wherein an elaborate time schedule was prescribed starting from the date of advertising of vacancies to the final date of joining. **(Appendix Z)**

pendency to optimal levels, ultimately aimed at increasing the efficiency of and revitalizing the judicial system. This exercise involves state/UT - wise analysis of litigation levels and the corresponding judge strength to achieve lowest case pendency levels.

B.2 Establishing equilibrium: achieving case life of 1-2 years

The present effort is divided into two parts: firstly, the short term goal of reducing *present case pendency* and secondly the *long term goal of reducing case life cycle to : between one and two years.* This is estimated, based on existing unreasonably manageable case loads and case pendency levels. The present report uses the following three *ratios* for achieving its ends:

(i) Pendency : Institution

(ii) Disposal : Institution

(iii) Pendency : Disposal

The first ratio, **Pendency : Institution**, is the rate at which the case filing will affect the pendency of cases. This ratio shows the number of cases lying pending at the end of a year to the number of cases instituted during the year. Since the quantum of cases filed in a court is not within the control of the judiciary, the ratio can be maintained by controlling the pendency. If the pendency is higher than the institution figure, it will lead to creation of backlog thus in order to achieve an acceptable case life of One to Two years, it is suggested that this ratio must ideally be less than one.

The above ratio depends upon the number of cases disposed of in a year thus the second ratio, i.e., **Disposal : Institution**, speaks about the relationship between case filing and the disposal figures. This ratio must be around 1 (or higher) so that the "average yearly flow of cases"[52] are tackled by the available judge strength in any given year. This will ensure that no part of the "yearly average case load" is carried forward to the next year.

The third ratio, **Pendency : Disposal**, is the relationship between the number of cases lying pending at the end of a year to the number of cases disposed of in that year. To achieve the above goals, the disposal figures should be in close proximity (preferably higher than) with the institution to achieve the short-term goal of reducing pendency. To keep the pendency figures at such a level so as to achieve a case life of

52. Average yearly flow of cases in a given state/UT = Sum of Institution of previous 'n' years / 'n'

1-2 years, in the long-run, this ratio should ideally be less than 1 and in no case greater than 1.5.

To achieve these goals, and keeping in mind the recruitment capability and present infrastructural gap in the system, a time frame is also suggested. To suggest that recruiting over 15,000 Judicial Officers at the lower courts level in a year would eliminate present case pendency, is impractical and incapable of implementation. This study recommends phased manpower induction, with 2040 as the target year. These objectives can be accomplished in the target year; the present report adopts the scheme most objective, suited and especially evolved for the purpose. An underlying premise is that periodic review is necessary to make mid course corrections. This part of the study adopts an extremely conservative approach towards Judge strength calculation. It quantifies almost all factors affecting case filing trends. This part of the study does not take into account demography though it takes into account a healthy case life of one to two years in stabilizing the above *ratios*.

B.3 METHODS EMPLOYED FOR PROJECTIONS TILL 2040

This part of the study attempts at ascertaining the volume of cases likely to be filed, in the subordinate courts level by 2040. Quantitative litigation behavioural patterns are forecast, using certain methods. The study is based on a state /UT -wise analysis of litigation figures and its nexus with the development indicators. The approach gives a different picture of optimal Judge strength for the particular state/UT for achieving the needed goals.

B.3.1 HDI METHOD:

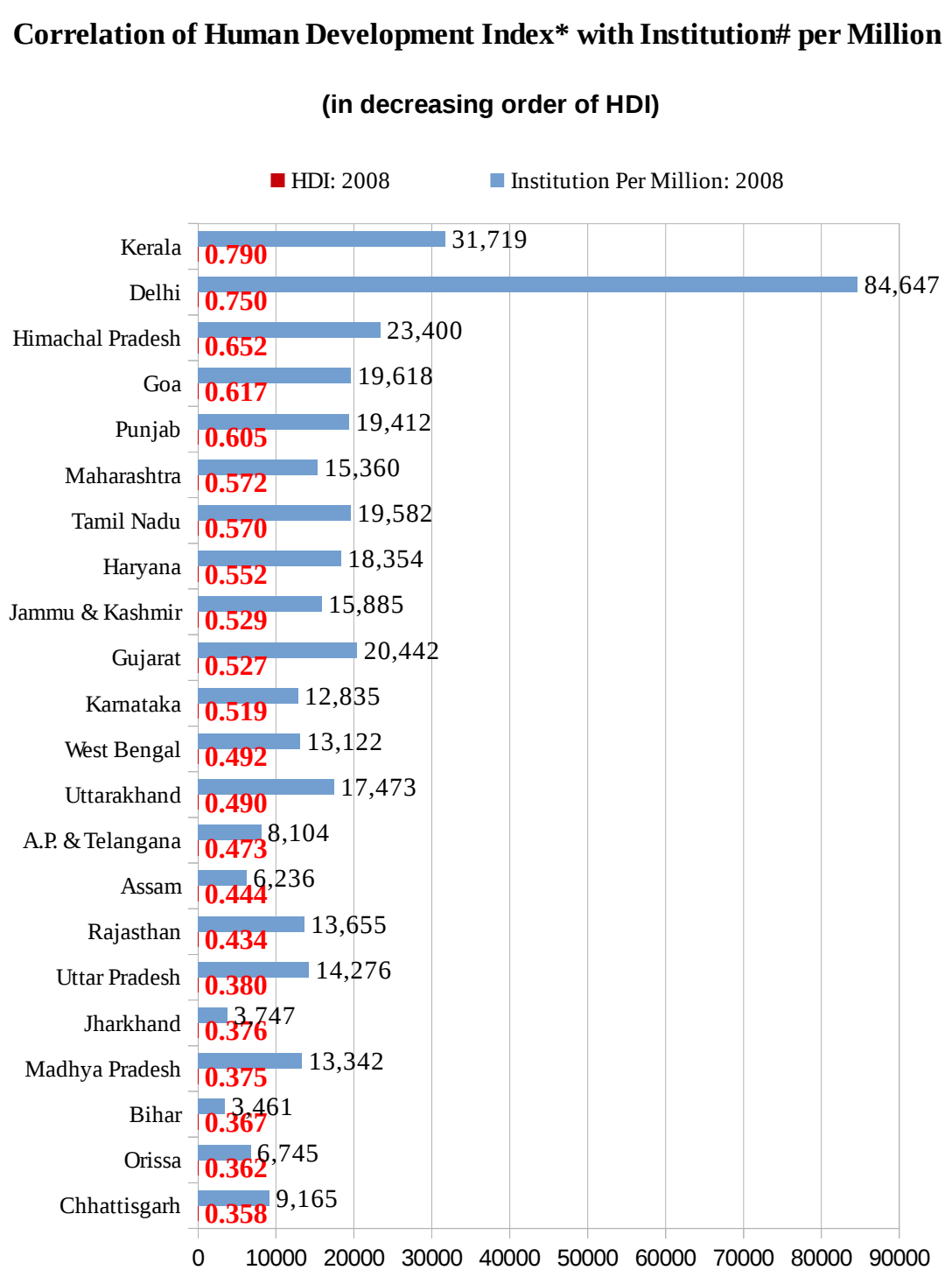
The HDI or Human Development Index, was created to emphasize that people and their capabilities should be the ultimate criteria for assessing the development of a country. The HDI can also be used to question national policy choices, asking how two countries with the same level of GNI (Gross National Income) per capita can end up with different human development outcomes. These contrasts can stimulate debate about government policy priorities.

The HDI is a summary measure of average achievement in key dimensions of human development: a long and healthy life, being knowledgeable and have a decent standard of living. The HDI is the geometric mean of normalized indices for each of

the three dimensions. The composite index results in a figure between 0 and 1, (of which 1 indicates high level of human development and 0 being no level of human development). The health dimension is assessed by life expectancy at birth, the education dimension is measured by mean of years of schooling for adults aged 25 years and more and expected years of schooling for children of school entering age. The standard of living dimension is measured by gross national income per capita. The HDI uses the logarithm of income, to reflect the diminishing importance of income with increasing GNI. The scores for the three HDI dimension indices are then aggregated into a composite index using geometric mean[53].

53. *Available at:* http://hdr.undp.org/en/content/human-development-index-hdi

HDI and Litigation:



* At Page No. 24, India Human Development Report, 2011 Towards Social Inclusion, (Report by Institute of Applied Manpower Research—institute under the aegis of Planning Commission)
#Data as received from various High Courts
$ 2008 population arrived at by equally dividing the population growth from 2001 to 2011. The figures for the years 2001 and 2011 taken from India Census Reports.

Chart 17: Correlation of Human Development Index with Institution per Million

Studies show that a relation exists between HDI and institution of cases[54]. They suggest that "*the fact that higher litigation rates are associated with Indian states with higher HDI indices suggests that people are more likely to use the courts to resolve disputes when they are economically, socially, and physically better off*"[55]. Therefore, the present study employs the HDI method to determine future institution of cases.

The data on HDI figures is available for most of the states and UTs but states/UTs having small population have not been included for the purpose of calculating the average institution per million vis-a-vis HDI Range Bands[56].

To appreciate increased case filing, states/UTs were grouped in certain ranges of HDI and average institution per million of population for the states/UTs in each band was calculated for the year 2015. The growth was clearly evident and the groups are as follows:

Sr. No.	**States**	**HDI Range[57]**	**Average institution per million**
1.	Bihar, Chhatisgarh, Uttar Pradesh, Orissa	0.40 to 0.45 (When => 0.45)	11,080
2.	Madhya Pradesh, Jharkhand, Rajasthan	0.45 to 0.50 (Avg. 0.475)	13,946
3.	Assam, West Bengal, A.P & Telangana, Gujarat, Jammu & Kashmir, Karnataka, Haryana	0.50 to 0.60 (Avg. 0.55)	14,099
4.	Uttarakhand, Maharashtra, Tamil Nadu, Punjab,	0.60 to 0.70 (Avg. 0.65)	16,372
5.	Himachal Pradesh, Delhi, Kerala	0.70 to 0.90 (Avg. 0.8)	39,352

[Details of projected HDI and Institution Per Million for individual states for the year 2015, is at Table-'B']

54. Theodore Eisenberg, Sital Kalantry, and Nick Robinson, Litigation as a Measure of Well-Being, 62(2) DE PAUL LAW REVIEW 247 (2013) (describing the relative civil filing rate for different Indian states and showing that the civil filing rate was higher in states with higher GDP per capita and a higher score on the Human Development Index).
55. *Ibid* at pg.34.
56. HDI figures for Andaman & Nicobar island, Daman & Diu, Chandigarh, Lakshadweep, Puducherry were unavailable in the India Human Development report, 2011.
57. Projected HDI for 2015 based on HDI figures of 2000 and 2008 taken from India Human Development Report, 2011.

To project future case filings, individual states/UTs analysis was carried out. The growth of HDI in the respective states/UTs is "forecasted"[58] based on the figures of previous years. Whenever the HDI of a state reached the average figure for a particular band in the table, the corresponding figure of average institution was used. The intervening figures were proportionately calculated and used[59].

For instance, if a state 'A' has an HDI of 0.580 in 2015 and can be projected to achieve HDI of 0.650 in 2022, the average institution per million in the band of 0.60 to 0.70 is used in the year 2022. The average institution per million from 2016 till 2021 will be calculated by equally dividing the increase and adding it to the previous years' figure of institution per million.

To project future population, base data for the years 2001 and 2011 are taken from the Census Reports and projected figures for the years 2021, 2031 & 2041 have been sourced from PRB (Population Reference Bureau)[60]. The intervening figures are evenly spread. The outcome suggests that the institution of cases in the future can be calculated by multiplying the population of the state/UT in a given year with the average institution per million in that year.

Projected Institution$_{[year\ A]}$ = Projected Population (in millions)$_{[year\ A]}$ x Projected Average Institution per million$_{[year\ A]}$

The disposal in a given year is calculated as follows:

Projected Disposal$_{[year\ A]}$ = Average Disposal Rate of previous years x Working Strength of Judicial Officers previous year

Summary of the analysis with HDI Method is reproduced in the following table.

Year	Projected Institution	Existing Sanctioned Strength	Total number of judges required	Annual increase in number of judges for the next 25 years
2040	4,85,55,322	20,558	75,594	2,075

[State-specific details can be found at Table-'C']

The study shows that 75,594 Judicial Officers will be required in the States/UTs by 2040, under this method so that the above mentioned ratios can be stabilized.

58. Method by which the future growth if predicted based on the past trend of data.
59. For states/UTs which are in the highest bracket of HDI i.e., above 0.800, average institution per million of population cannot be projected as no data is available. Thus, the future average institution per million has been taken to be constant in such states. In such states, the 'forecast' method may be better suited to project future institution of cases.
60. The **Population Reference Bureau** (**PRB**) is a private, nonprofit organization which informs people around the world about population, health and the environment for research or academic purposes. It was founded in 1929. “The Future Population of India: A Long-range Demographic View”, available at http://www.prb.org/pdf07/futurepopulationofindia.pdf

B.3.2 LITERACY METHOD

Under the Census Report 2011, literacy is defined as the ability of a 7 year old and above to read and write with comprehension, in any language. Literacy rate is the ratio of the number of literates per 100 persons in the age group 7 years and above.[61]

Analysis of literacy rate growth data on the one hand and case-filing data on the other, reveals co-relation between the two. States/UTs are grouped into bands according to their literacy rates as per 2011 Census[62] (60-65%, 65-75%, 75-85% and so on) and the average institution per million of the states/UTs falling in such band is calculated. Individual states/UTs analysis has been done with the assumption that the growth in literacy rate of a particular state/UT in the next three decades (2011-21, 2021-31, 2031-41) will be in line with the previous decadal growth in literacy rate of that state/UT. Whenever a state/UT literacy rate is forecasted to reach the literacy rate corresponding with the average figure for a particular literacy band, the respective figure of average institution per million for that band is used to arrive at the institution of cases in a particular year. [63]The literacy bands, according to 2011 Census, along with institution per million of various states/UTs are tabulated as follows:

Sr. No	States	Literacy Band	Average Institution per million
1.	Bihar	60% to 65%	3,978
2.	Odisha, Assam, Chhattisgarh, Madhya Pradesh, Jammu & Kashmir, Uttar Pradesh, Andhra Pradesh & Telangana, Jharkhand, Rajasthan	65% to 75% (Avg. 70%)	13,051
3.	Himachal Pradesh, Maharashtra, Tamil Nadu, Uttarakhand, Gujarat, West Bengal, Punjab, Haryana, Karnataka	75% to 85% (Avg. 80%)	16,674
4.	Kerala, Delhi	85% to 95% (Avg. 90%)	39,046

[Details of Literacy Rate and Institution Per Million for individual states/UTs, is at Table-'D']

61. Census Report, 2011.
62. I*bid*
63. For states/UTs which are already in the highest bracket of literacy rate, future average institution per million cannot be projected as no data is available. Thus, the future average institution is assumed as constant in such states/UTs. In such states/UTs, the 'forecast' method may be better suited to project future institution of cases.

Future population projection has been calculated as explained in the HDI method. Likewise, case-filing projection has been calculated by multiplying the projected population in a year with the relative average institution per million for that year. The disposal figure for a given year is arrived at by multiplying the average disposal rate with the working strength of judicial officers of previous year . A summary of the analysis with Literacy Method is reproduced in the following table.

Year	Projected Institution	Existing Sanctioned Strength	Total number of judges required	Annual increase in number of judges for the next 25 years
2040	5,87,12,042	20,558	85,734	2,440

[State-specific details can be found at Table-'E']

The study shows that 85,734 Judicial Officers will be required in the States/UTs by 2040 under this method so that the above mentioned ratios can be stabilized.

B.3.3 NORMAL GROWTH / FORECAST METHOD:

This model studies the pattern of litigation in the past and uses the linear regression model to predict future case institution growth for any given time-frame.[64] The required judge strength is then calculated in accordance with these institution figures so as to ensure that pendency to institution ratio, disposal to institution ratio and pendency to disposal ratio are reduced to below 1, higher than 1 and less than one respectively by 2040. A summary of the analysis with Normal Growth / Forecast Method is reproduced in the following table.

Year	Projected Institution	Existing Sanctioned Strength	Total number of judges required	Annual increase in number of judges for the next 25 years
2040	3,83,98,101	20,558	42,561	884

[State / UT - specific details can be found at Table-'F']

The study shows that 42,561 Judicial Officers will be required in the States/UTs by 2040 under this method so that the above mentioned ratios can be stabilized.

64. This method solely depends upon the past year's entries of institution of cases and does not take into account any other factors such as future growth in litigation.

B.3.4 JUDGE- STRENGTH BASED ON JUDGE- POPULATION RATIO OF 50 PER MILLION

To reach the Judge - Population ratio of 50 Judges per Million in 2040, states/UTs data analysis was made and projected case filing was worked out by taking the average of the institution figures in a state/UT calculated by the above 3 methods. Multiplication of the projected population of a state/UT in the year 2040 with 50 was the method to arrive at the Judge strength. The working strength of Judges has been proportionately increased from 2016 onwards till 2040 based on the figures on 2015 and 2040. A summary of the analysis with this method is reproduced in the following table.

Year	Projected Institution	Existing Sanctioned Strength	Total number of judges required	Annual increase in number of judges for the next 25 years
2040	4,87,16,264	20,558	84,011	2,377

[State-specific details can be found at Table-'G ']

The analysis shows that in some states, like Bihar, Jharkhand, Goa, Arunachal Pradesh, Manipur, Meghalaya, Mizoram, Nagaland and Sikkim, even this standard is insufficient to stabilize the ratios.

B.3.5 STATUS QUO

It is important to ascertain what would be the position in 2040 in the event of no intervention in Judge strength. This was assessed by analysing case filing institution in states/UTs taking the average filing in a state/UT through the 3 methods. The Judge strength is increased without intervention and the existing vacancies are filled in 1-6 years to reach a working strength of 90% of the sanctioned strength.

Summary of the analysis without any Intervention is reproduced in the following table.

Year	Projected Institution	Pendency to Institution Ratio	Disposal to Institution Ratio	Pendency to Disposal Ratio	Case to Judge Ratio
2040	4,87,16,264	8.55	0.41	20.63	23,476

[State-specific details can be found at Table-'H']

IV. CONCLUSION

The policies of the State have hitherto aimed toward ensuring that all children are provided elementary education; that all citizens achieve a basic nutrition level; that each one is assured minimum means of livelihood and access to public health services. Justice is one critical component of citizenship which cannot be neglected. Overworked judges, overburdened court staff, chronic shortage of court-space and unending wait to justice does not compliment the policies of the State.

'Access to justice' is to be pursued as rigorously as any other social service that the State provides to its people under the Constitution. There is an absolute value and justification in providing minimum access to justice, at reasonable distance, within reasonable time and at affordable cost.

Based on the study and keeping in mind the future growth in institution of cases, it is found that the present Judge strength, is insufficient to deal with a huge figure of pendency of cases, which is a cause of concern. Additional judicial manpower and support staff, as well as infrastructure is required immediately to handle the situation. As evidenced from the foregoing study, a close nexus between development and litigation, between literacy and litigation and between demographics and litigation exists which makes the requirement of additional judicial workforce more imminent. The role of a robust judiciary in a nation's development is pivotal. With development and a corresponding growth in litigation, more judges will certainly be required to handle the same so that justice is done in its truest possible sense.

The analysis undertaken by this report- based on the forecast, HDI, Literacy and 50 Judges per Million Methods, *suggest that the total number of Judges required in 2040 will range between 40,000 – 80,000***.** It is also important to mention here that in all the methods suggested above, the attempt has been to stabilize the *ratios* over a period of time and not to hurriedly reduce the pendency figures in absolute numbers.

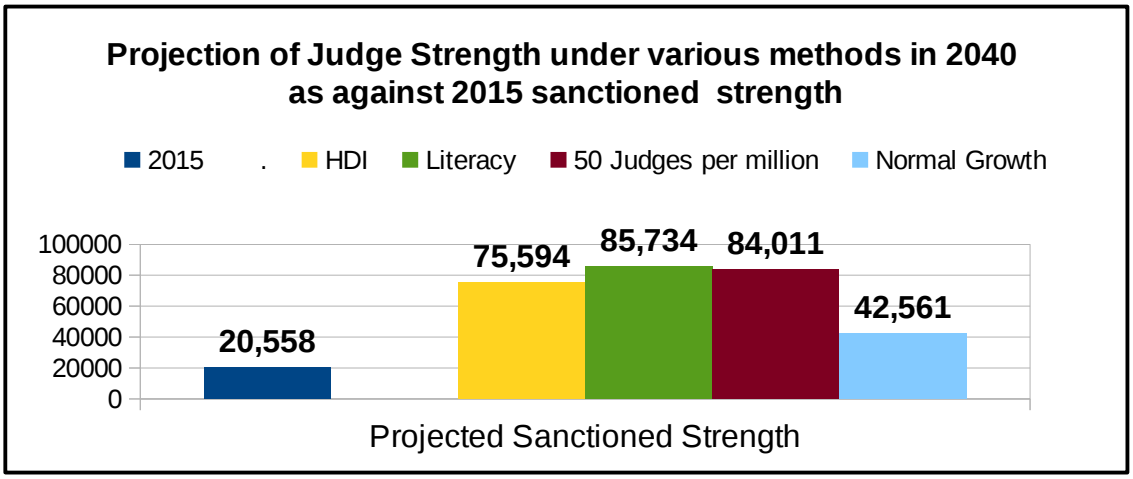


Chart 18: Projection of Judge Strength under various methods in 2040 as against 2015 sanctioned strength

S. No.	State	Current Sanctioned Strength (2015)	Projected Sanctioned Strength of Judges (2040)			
			HDI	Literacy	50 Judges per million	Normal Growth
1	Andaman & Nicobar	9	9	24	26	17
2	Andhra Pradesh & Telangana	972	6,740	3,018	5,251	1,990
3	Arunachal Pradesh	17	294	228	113	107
4	Assam	424	2,466	2,577	2,148	882
5	Bihar	1,727	14,380	14,658	8,292	3,769
6	Chandigarh	30	30	51	87	114
7	Chhattisgarh	394	1,101	968	1,674	740
8	Daman, Diu and Silvassa	7	7	101	51	29
9	Delhi	778	1,017	1,017	1,280	1,211
10	Goa	57	80	137	101	109
11	Gujarat	1,939	3,300	4,217	3,920	3,244
12	Haryana	644	1,304	1,638	1,920	1,249
13	Himachal Pradesh	152	232	232	431	510
14	Jammu & Kashmir	245	522	522	737	828
15	Jharkhand	592	7,962	7,684	2,457	768
16	Karnataka	1,122	2,967	2,994	3,783	2,522
17	Kerala	457	686	686	1,927	1,241
18	Lakshadweep	3	3	3	6	10
19	Madhya Pradesh	1,461	3,433	4,906	5,265	2,739
20	Maharashtra	2,251	7,824	8,380	7,556	4,519
21	Manipur	41	482	427	150	143
22	Meghalaya	39	700	617	215	144
23	Mizoram	63	256	256	72	144
24	Nagaland	27	1,528	1,722	170	94
25	Orissa	716	1,803	4,137	2,530	1,692
26	Puducherry	26	26	58	79	26
27	Punjab	672	1,572	1,628	1,754	1,100
28	Rajasthan	1,191	1,789	3,483	5,515	2,344
29	Sikkim	18	282	377	48	47
30	Tamil Nadu	1,015	3,577	3,049	3,685	2,827
31	Tripura	104	187	198	237	356
32	Uttar Pradesh	2,100	4,530	10,224	16,149	3,974
33	Uttarakhand	280	673	618	690	451
34	West Bengal	985	3,832	4,899	5,692	2,621
Total		**20,558**	**75,594**	**85,734**	**84,011**	**42,561**

[State/UT-wise analysis at Table-'I' and individual details at Table-J-1 to J-34]

The effect of intervention is indicated in the charts below. A perusal of these charts would reveal that effect of intervention is not merely in absolute reductions of arrears, but would contribute towards maintaining an efficient justice delivery system measured using different parameters- institution to disposal ratio, pendency to disposal ratio and caseload per judge. Though a pan-Indian intervention is warranted on this front, as a first step, states which face an acute problem of arrears may be identified and worked on.

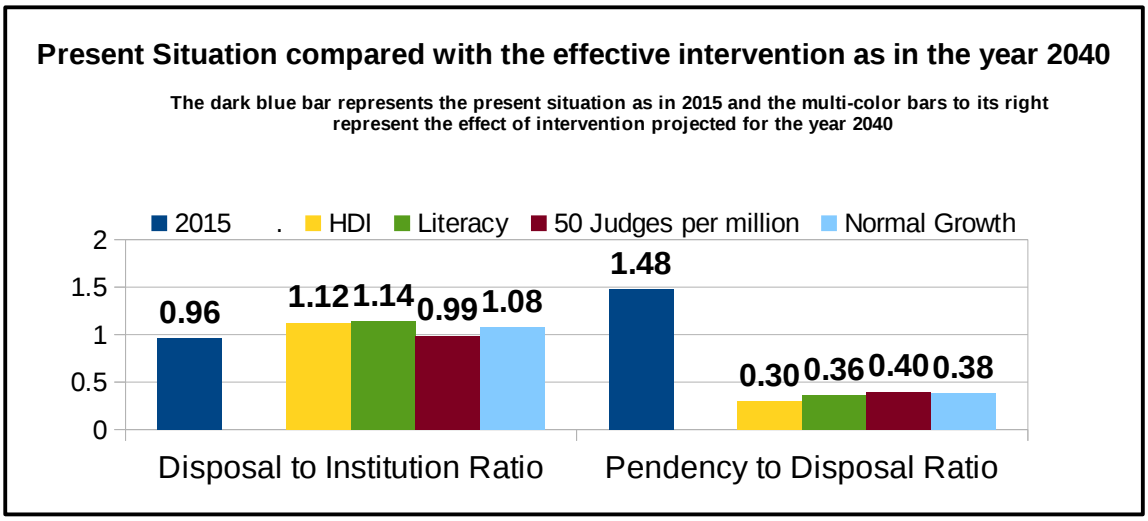


Chart 19: Present Situation compared with the effective intervention as in the year 2040

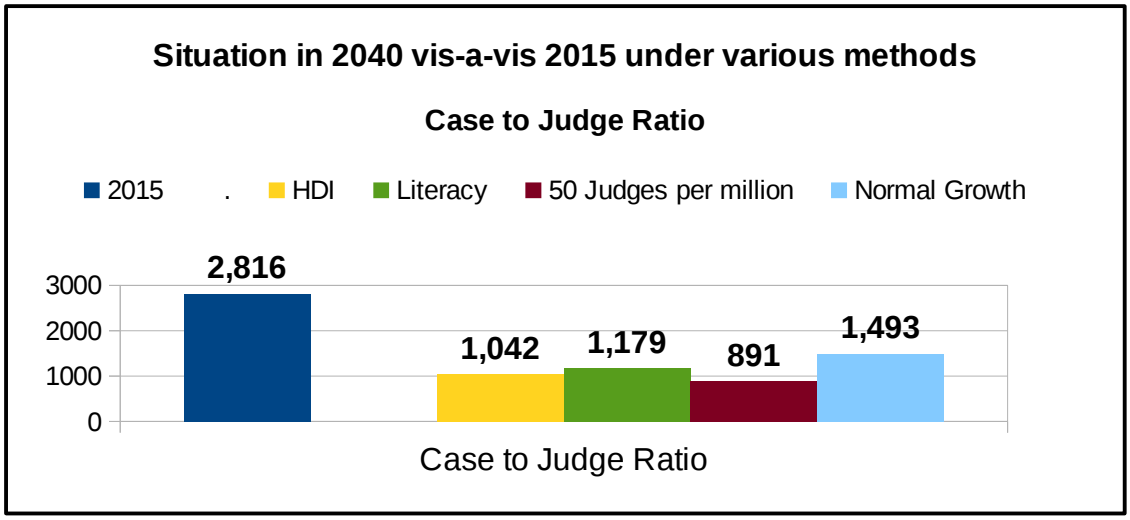


Chart 20: Situation in 2040 vis-a-vis 2015 under various methods

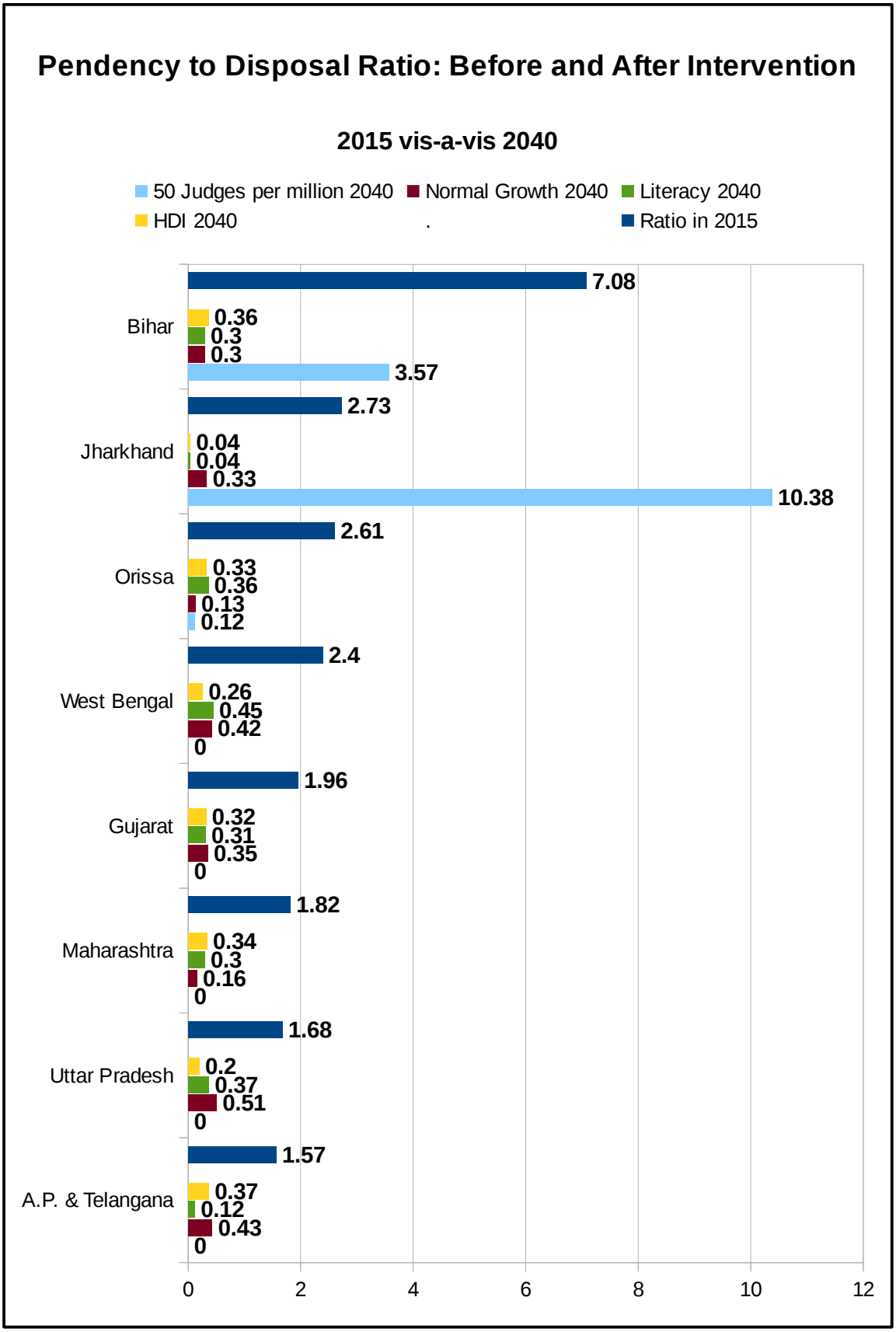


Chart 21: Pendency to Disposal Ratio: Before and After Intervention

The spatial aspect of justice, in terms of immediate access to the court of first instance, is yet another front on which immediate action is warranted. To that end, courts of first instance should not be situated at a distance which is not accessible within a day (round-trip) by means of public transport for a citizen[65].

The true import of the present study does not lie in analysing absolute numbers or merely recommending an abstract increase in the number of judges. It attempts to synthesize various factors that influence litigation, work load and arrears, underscoring the need to adopt a multipronged approach to tackle the present crisis. The study and report is objective and at the same time, is agnostic to all methods. For the first time, no one ideal solution is suggested; instead, different methods to comprehend the real problem are suggested. The report does not also offer any one solution; it points to many ways of looking at it to achieve the desired goal, in a neutral manner, without preference. The report also suggests that periodic review is a critical component in the process, regardless of whatever reform is introduced, because course correction is crucial to reaching the ultimate objective. The conclusion is bound to be that there is a crying need to increase judicial work strength and to overhaul infrastructure if seekers of justice are to get it within optimal time.

It is expected that the Executive will comprehend the crisis, rise to the occasion and fulfill its constitutional obligations, in turn facilitating the Judiciary to achieve its constitutionally ordained goals.

65. Prof. Dr. G. Mohan Gopal, Chairperson NCMS Committee and former Director, National Judicial Academy suggests a "*citizen to court temporal distance*" (CCTD) consistent with the citizen's right of access to justice --which should be *"a day trip (round trip) by the fastest available public transport affordable to the poorest people"*.

TABLE-'A'

STATE/UT-WISE ANALYSIS OF IMMEDIATE/SHORT TERM REQUIREMENT OF JUDICIAL OFFICERS
Judicial Officers required for clearing backlog and putting system in equilibrium in 1-3 years

State	Total Institution in 2015	Avg. Disposal per Judge in previous years	Sanctioned Strength in 2015	Working Strength in 2015	No. of judges required to tackle institution of cases of 2015	Total Pendency in 2015	Backlog which is more than 5 year old	Backlog which is 1-5 years old	No. of Judges required to clear 5 years old cases in 1 year	No. of Judges required to clear 1-5 years old cases in 3 years	Total No. of judges required to clear backlog in the state in 3 years	Total no. of judges required to cope up institution + pendency	Thus required Sanctioned Strength (110% of Working Strength taking care of vacancy, leave etc.)
A	B	C	D	E	F=B/C	G	H	I=G-H	J=H/C	K=I/(C*3)	L=J+K	M=F+L	N=M*110/100
Andaman & Nicobar	8,201	967	9	9	8	9,495	1,563	7,932	2	3	4	13	14
Andhra Pradesh & Telangana	6,75,856	805	972	841	840	10,31,515	1,25,407	9,06,108	156	375	531	1,371	1,508
Arunachal Pradesh	8,119	451	17	15	18	8,776	178	8,598	0	6	7	25	27
Assam	2,74,444	865	424	319	317	2,42,503	20,992	2,21,511	24	85	110	427	470
Bihar	4,42,472	299	1,727	1,067	1,480	20,73,303	7,94,544	12,78,759	2,657	1,426	4,083	5,563	6,119
Chandigarh	1,41,898	4,866	30	30	29	36,322	528	35,794	0	2	3	32	35
Chhattisgarh	2,02,249	704	394	341	287	2,85,962	68,840	2,17,122	98	103	201	488	537
Delhi	7,18,211	1,298	778	490	553	5,68,909	77,174	4,91,735	59	126	186	739	813
Diu, Daman and Silvassa	4,232	524	7	6	8	5,626	1,811	3,815	3	2	6	14	15
Goa	39,379	714	57	48	55	39,615	4,076	35,539	6	17	22	77	85
Gujarat	10,55,696	979	1,939	1,170	1,078	21,42,011	8,44,279	12,97,732	862	442	1,304	2,383	2,621
Haryana	5,72,953	1,207	644	474	475	5,24,281	4,371	5,19,910	4	144	147	622	684
Himachal Pradesh	2,97,220	1,975	152	134	150	2,06,727	12,328	1,94,399	6	33	39	190	208
Jammu & Kashmir	4,07,440	1,414	245	220	288	1,99,699	11,664	1,88,035	8	44	53	341	375
Jharkhand	1,27,978	277	592	466	462	3,24,357	64,628	2,59,729	233	313	546	1,008	1,109
Karnataka	12,51,981	1,345	1,122	820	931	12,68,966	1,53,356	11,15,610	114	276	391	1,321	1,453
Kerala	13,52,012	2,849	457	442	475	13,45,127	85,641	12,59,486	30	147	177	652	717
Lakshadweep	227	91	3	3	2	380	40	340	0	1	2	4	5
Madhya Pradesh	10,83,924	967	1,461	1,215	1,121	11,91,799	1,35,621	10,56,178	140	364	504	1,625	1,788
Maharashtra	17,74,497	961	2,251	1,917	1,847	29,94,074	6,02,521	23,91,553	627	830	1,457	3,303	3,633
Manipur	5,418	396	41	34	14	6,885	1,199	5,686	3	5	8	21	24
Meghalaya	19,168	386	39	30	50	14,988	6,015	8,973	16	8	23	73	80
Mizoram	11,296	337	63	30	33	4,671	131	4,540	0	4	5	38	42
Nagaland	5,135	140	27	25	37	3,862	1,035	2,827	7	7	14	51	56
Orissa	4,01,923	666	716	598	603	10,64,039	3,83,799	6,80,240	576	340	917	1,520	1,672
Puducherry	20,951	1,458	26	14	14	24,973	3,634	21,339	2	5	7	22	24
Punjab	5,75,046	1,134	672	490	507	5,04,028	9,873	4,94,155	9	145	154	661	727
Rajasthan	13,96,369	1,378	1,191	985	1,013	14,79,173	3,81,308	10,97,865	277	266	542	1,556	1,711
Sikkim	4,106	175	18	14	23	1,460	12	1,448	0	3	3	26	29
Tamil Nadu	11,95,322	1,188	1,015	969	1,006	10,82,793	1,73,162	9,09,631	146	255	401	1,407	1,548
Tripura	2,23,862	2,143	104	68	104	1,29,789	6,465	1,23,324	3	19	22	127	139
Uttar Pradesh	33,70,910	1,561	2,100	1,827	2,159	55,74,490	17,27,272	38,47,218	1,107	822	1,928	4,088	4,496
Uttarakhand	2,22,223	1,113	280	206	200	1,66,618	20,410	1,46,208	18	44	62	262	288
West Bengal	11,54,159	1,227	985	859	941	26,18,813	4,77,917	21,40,896	390	582	971	1,912	2,103
Total	**1,90,44,877**	**-**	**20,558**	**16,176**	**17,131**	**2,71,76,029**	**62,01,794**	**2,09,74,235**	**7,585**	**7,244**	**14,829**	**31,960**	**35,155**

All the numbers shown in the cells rounded off to the nearest integer

TABLE-'B'

STATE/UT-WISE INSTITUTION PER MILLION ACCORDING TO HDI
(Calculation of Institution per million by Human Development Index Method)

State	Year	Opening Balance	Freshly instituted Cases	Disposed of cases	Pending cases	Population (in millions) 2011 census	Projected Population of 2015	Institution per million in 2015	$Projected HDI 2015	HDI Bands	Avg. Institution per million for the Band
A	B	C	D	E	F	G	H	I=D/H	J	K	L
Kerala	2015	13,31,558	13,52,012	13,38,443	13,45,127	33.39	34.79	38,862	0.889	0.7 To 0.9 (Avg is 0.8)	**39,352**
Delhi	2015	4,86,776	7,18,211	6,36,078	5,68,909	16.75	18.23	39,397	0.721		
Himachal Pradesh	2015	2,26,224	2,97,220	3,16,717	2,06,727	6.86	7.14	41,627	0.714		
Punjab	2015	5,07,663	5,75,046	5,78,681	5,04,028	27.70	28.94	19,870	0.659	0.6 To 0.7 (Avg is 0.65)	**16,372**
Tamilnadu	2015	10,38,820	11,95,322	11,51,349	10,82,793	72.14	72.30	16,533	0.649		
Maharashtra	2015	28,68,764	17,74,497	16,49,187	29,94,074	112.37	118.21	15,011	0.634		
Uttarakhand	2015	1,45,326	2,22,223	2,00,931	1,66,618	10.12	10.64	20,886	0.622		
Haryana	2015	4,93,768	5,72,953	5,42,440	5,24,281	25.35	27.43	20,888	0.597	0.5 To 0.6 (Avg is 0.55)	**14,099**
Karnataka	2015	12,26,112	12,51,981	12,09,127	12,68,966	61.13	63.25	19,794	0.595		
Jammu & Kashmir	2015	1,85,078	4,07,440	3,92,819	1,99,699	12.55	12.71	32,057	0.585		
Gujarat	2015	21,79,979	10,55,696	10,93,664	21,42,011	60.38	62.94	16,773	0.58		
AP & Telangana	2015	10,14,372	6,75,856	6,58,713	10,31,515	84.67	88.35	7,650	0.565		
West Bengal	2015	25,56,461	11,54,159	10,91,807	26,18,813	91.35	94.87	12,166	0.555		
Assam	2015	2,40,597	2,74,444	2,72,538	2,42,503	31.17	32.93	8,334	0.539		
Rajasthan	2015	14,54,566	13,96,369	13,71,762	14,79,173	68.62	74.54	18,733	0.475	0.45 To 0.5 (Avg is 0.475)	**13,946**
Jharkhand	2015	3,15,484	1,27,978	1,18,845	3,24,357	32.97	35.29	3,626	0.471		
Madhya Pradesh	2015	11,81,459	10,83,924	10,73,584	11,91,799	72.60	77.20	14,040	0.454		
Orissa	2015	10,70,377	4,01,923	4,08,261	10,64,039	41.95	43.23	9,297	0.438	0.4 To 0.45 (When Equal to or Higher than 0.45)	**11,080**
Uttar Pradesh	2015	55,17,004	33,70,910	33,13,424	55,74,490	199.58	217.78	15,479	0.436		
Bihar	2015	19,23,529	4,42,472	2,92,678	20,73,303	103.80	111.24	3,978	0.433		
Chhattisgarh	2015	2,78,887	2,02,249	1,95,174	2,85,962	25.54	26.46	7,644	0.428		
National	**2015**	**2,65,09,688**	**1,90,44,877**	**1,83,78,256**	**2,71,76,029**	**1,210**	**1,278**	**14,902**			

$Based on HDI figures of 2000-01 and 2007-08 of India Human Development Report, 2011

*States having small population viz. Goa, Tripura, Manipur, Meghalaya, Sikkim, Mizoram, Nagaland and Arunachal Pradesh have not been included for calculation of Average Institution per million band figures

#HDI figures for Lakshadeep, Daman & Diu, Puducherry, Chandigarh, Andaman & Nicobar are not available in India Human Development Report 2011

TABLE-'C'

STATE/UT-WISE JUDGE STRENGTH PROJECTION FOR 2040 BASED ON HDI METHOD

State	Projected Opening Balance	Projected Institution	Projected Disposal	Projected Pendency	Projected Sanctioned Strength	Projected Working Strength	Pendency to Institution Ratio	Disposal to Institution Ratio	Pendency to Disposal Ratio	Case to Judge Ratio	Additional Judge Strength	Annual Increase in Working Strength
Andaman & Nicobar*					9	9						
Andhra Pradesh & Telangana	23,32,681	41,32,354	47,16,556	17,48,479	6,740	6,066	0.42	1.14	0.37	1,066	5,768	209
Arunachal Pradesh	68,091	88,542	1,15,016	41,617	294	265	0.47	1.30	0.36	591	277	10
Assam	9,93,866	16,90,562	18,41,968	8,42,460	2,466	2,219	0.50	1.09	0.46	1,210	2,042	76
Bihar	23,69,009	27,14,969	37,25,146	13,58,831	14,380	12,942	0.50	1.37	0.36	393	12,653	475
Chandigarh*					30	30						
Chhattisgarh	2,22,759	5,48,135	6,76,386	94,508	1,101	991	0.17	1.23	0.14	778	707	26
Daman, Diu and Silvassa*					7	6						
Delhi	2,74,010	10,08,568	11,65,710	1,16,868	1,017	915	0.12	1.16	0.10	1,402	239	17
Goa	24,117	50,095	51,382	22,830	80	72	0.46	1.03	0.44	1,031	23	1
Gujarat	9,04,062	28,40,670	28,37,002	9,07,730	3,300	2,970	0.32	1.00	0.32	1,261	1,361	72
Haryana	1,74,836	13,56,019	13,83,269	1,47,586	1,304	1,174	0.11	1.02	0.11	1,304	660	28
Himachal Pradesh	1,49,144	3,58,825	4,06,840	1,01,129	232	209	0.28	1.13	0.25	2,430	80	3
Jammu & Kashmir	4,59,286	5,72,083	6,50,432	3,80,938	522	470	0.67	1.14	0.59	2,194	277	10
Jharkhand	29,990	19,33,364	18,91,698	71,657	7,962	7,166	0.04	0.98	0.04	274	7,370	268
Karnataka	14,78,948	29,77,372	34,90,676	9,65,645	2,967	2,670	0.32	1.17	0.28	1,669	1,845	74
Kerala	10,06,628	15,16,626	17,37,972	7,85,282	686	617	0.52	1.15	0.45	4,090	229	7
Lakshadweep*					3	3						
Madhya Pradesh	3,17,862	30,26,938	28,28,425	5,16,374	3,433	3,090	0.17	0.93	0.18	1,082	1,972	75
Maharashtra	28,59,694	59,46,481	65,69,219	22,36,956	7,824	7,042	0.38	1.10	0.34	1,251	5,573	205
Manipur	80,108	1,18,056	1,65,498	32,666	482	434	0.28	1.40	0.20	457	441	16
Meghalaya	1,05,473	1,68,820	2,33,622	40,671	700	630	0.24	1.38	0.17	435	661	24
Mizoram	33,830	56,273	74,896	15,208	256	230	0.27	1.33	0.20	392	193	8
Nagaland	97,685	1,33,403	1,85,081	46,008	1,528	1,375	0.34	1.39	0.25	168	1,501	54
Orissa	5,75,696	8,28,423	10,52,875	3,51,244	1,803	1,623	0.42	1.27	0.33	865	1,087	41
Puducherry*					26	14						
Punjab	6,98,082	13,80,468	15,62,169	5,16,381	1,572	1,415	0.37	1.13	0.33	1,469	900	37
Rajasthan	10,66,417	20,66,063	21,83,615	9,48,864	1,789	1,610	0.46	1.06	0.43	1,946	598	25
Sikkim	21,761	37,778	44,550	14,989	282	254	0.40	1.18	0.34	234	264	10
Tamil Nadu	20,17,939	29,00,242	37,17,252	12,00,930	3,577	3,219	0.41	1.28	0.32	1,528	2,562	90
Tripura	3,18,405	2,77,051	3,51,523	2,43,933	187	168	0.88	1.27	0.69	3,544	83	4
Uttar Pradesh	21,85,286	52,66,301	62,22,288	12,29,299	4,530	4,077	0.23	1.18	0.20	1,828	2,430	90
Uttarakhand	3,79,230	5,42,664	6,56,474	2,65,420	673	606	0.49	1.21	0.40	1,521	393	16
West Bengal	11,02,799	40,18,177	40,52,621	10,68,355	3,832	3,449	0.27	1.01	0.26	1,485	2,847	104
Total	**2,23,47,695**	**4,85,55,322**	**5,45,90,159**	**1,63,12,858**	**75,594**	**68,030**	**0.34**	**1.12**	**0.30**	**1,042**	**55,038**	**2,075**

*HDI Calculation not possible as HDI figures are not available in India Human Development Report 2011 (current judge strength shown as it is)

All the numbers shown in the cells rounded off to the nearest integer

TABLE-'D'

STATE/UT-WISE INSTITUTION PER MILLION ACCORDING TO LITERACY RATE
(Calculation of Institution per Million by Literacy Rate Method)

State	Institution In 2015	Population (in millions) In 2011	Projected Population (in millions) of 2015	Literacy Rate In 2011	Institution per million in 2015	Literacy Rate Bands (in percentage)	Average Institution per million for the band
Kerala	13,52,012	33.39	34.79	93.91	38,862	**85-95**	**39,046**
Delhi	7,18,211	16.75	18.23	86.34	39,397		
Himachal Pradesh	2,97,220	6.86	7.14	83.78	41,627	**75-85**	**16,674**
Maharashtra	17,74,497	112.37	118.21	82.91	15,011		
Tamilnadu	11,95,322	72.14	72.30	80.33	16,533		
Uttarakhand	2,22,223	10.12	10.64	79.63	20,886		
Gujarat	10,55,696	60.38	62.94	79.31	16,773		
West Bengal	11,54,159	91.35	94.87	77.08	12,166		
Punjab	5,75,046	27.70	28.94	76.68	19,870		
Haryana	5,72,953	25.35	27.43	76.64	20,888		
Karnataka	12,51,981	61.13	63.25	75.6	19,794		
Orissa	4,01,923	41.95	43.23	73.45	9,297	**65-75**	**13,051**
Assam	2,74,444	31.17	32.93	73.18	8,334		
Chhattisgarh	2,02,249	25.54	26.46	71.04	7,644		
Madhya Pradesh	10,83,924	72.60	77.20	70.63	14,040		
Jammu & Kashmir	4,07,440	12.55	12.71	68.74	32,057		
Uttar Pradesh	33,70,910	199.58	217.78	69.72	15,479		
A.P. & Telangana	6,75,856	84.67	88.35	67.66	7,650		
Jharkhand	1,27,978	32.97	35.29	67.63	3,626		
Rajasthan	13,96,369	68.62	74.54	67.06	18,733		
Bihar	4,42,472	103.80	111.24	63.82	3,978	**60-65**	**3,978**
National	**1,90,44,877**	**1,210**	**1,278**	**74**	14,902		

*States/UTs having small population/very divergent Institution per million viz. Goa, Tripura, Manipur, Meghalaya, Sikkim, Mizoram, Nagaland, Arunachal Pradesh,Lakshadeep, Daman & Diu, Puducherry, Chandigarh and Andaman & Nicobar have not been included for calculation of Average Institution per million band figures.

TABLE-'E'

STATE/UT-WISE JUDGE STRENGTH PROJECTION FOR 2040 BASED ON LITERACY METHOD

State	Projected Opening Balance	Projected Institution	Projected Disposal	Projected Pendency	Projected Sanctioned Strength	Projected Working Strength	Pendency to Institution Ratio	Disposal to Institution Ratio	Pendency to Disposal Ratio	Case to Judge Ratio	Additional Judge Strength	Annual Increase in Working Strength
Andaman & Nicobar	11,294	20,148	21,273	10,169	24	22	0.50	1.06	0.48	1,429	15	1
Andhra Pradesh & Telangana	6,58,490	17,31,914	21,26,758	2,63,646	3,018	2,716	0.15	1.23	0.12	880	2,046	75
Arunachal Pradesh	31,294	82,820	86,149	27,964	228	205	0.34	1.04	0.32	557	211	8
Assam	12,18,810	16,77,416	19,37,137	9,59,088	2,577	2,319	0.57	1.15	0.50	1,249	2,153	80
Bihar	21,53,121	27,65,049	37,96,858	11,21,313	14,658	13,192	0.41	1.37	0.30	373	12,931	485
Chandigarh	83,672	2,11,028	2,18,985	75,715	51	46	0.36	1.04	0.35	6,407	21	1
Chhattisgarh	99,014	5,58,246	5,98,964	58,296	968	871	0.10	1.07	0.10	755	574	21
Daman, Diu and Silvassa	39,749	39,476	45,617	33,608	101	91	0.85	1.16	0.74	871	94	3
Delhi	2,74,010	10,08,568	11,65,710	1,16,868	1,017	915	0.12	1.16	0.10	1,402	239	17
Goa	36,148	78,482	87,777	26,853	137	123	0.34	1.12	0.31	932	80	3
Gujarat	16,55,215	30,60,816	36,12,331	11,03,700	4,217	3,795	0.36	1.18	0.31	1,243	2,278	105
Haryana	5,03,389	14,99,366	17,30,897	2,71,858	1,638	1,474	0.18	1.15	0.16	1,359	994	40
Himachal Pradesh	1,49,144	3,58,825	4,06,840	1,01,129	232	209	0.28	1.13	0.25	2,430	80	3
Jammu & Kashmir	4,53,506	5,71,576	6,50,432	3,74,649	522	470	0.66	1.14	0.58	2,181	277	10
Jharkhand	58,582	18,08,416	18,00,244	66,754	7,684	6,916	0.04	1.00	0.04	270	7,092	258
Karnataka	27,85,726	29,54,220	35,22,947	22,17,000	2,994	2,695	0.75	1.19	0.63	2,130	1,872	75
Kerala	7,31,439	15,04,833	17,37,972	4,98,300	686	617	0.33	1.15	0.29	3,624	229	7
Lakshadweep*					3	3						
Madhya Pradesh	23,07,716	39,93,755	40,75,834	22,25,638	4,906	4,415	0.56	1.02	0.55	1,427	3,445	128
Maharashtra	32,25,505	59,00,241	70,30,419	20,95,327	8,380	7,542	0.36	1.19	0.30	1,210	6,129	225
Manipur	70,598	1,17,138	1,46,493	41,242	427	384	0.35	1.25	0.28	489	386	14
Meghalaya	1,15,939	1,67,507	2,05,865	77,582	617	555	0.46	1.23	0.38	511	578	21
Mizoram	61,600	55,836	74,896	42,540	256	230	0.76	1.34	0.57	511	193	8
Nagaland	1,12,573	1,32,366	2,08,619	36,320	1,722	1,550	0.27	1.58	0.17	158	1,695	61
Orissa	12,74,117	19,75,728	23,94,593	8,55,251	4,137	3,723	0.43	1.21	0.36	873	3,421	125
Puducherry	35,316	61,966	72,889	24,393	58	52	0.39	1.18	0.33	1,871	32	2
Punjab	8,46,418	13,69,734	16,16,584	5,99,568	1,628	1,465	0.44	1.18	0.37	1,513	956	39
Rajasthan	8,74,319	42,20,217	42,00,532	8,94,005	3,483	3,135	0.21	1.00	0.21	1,625	2,292	86
Sikkim	31,828	37,484	57,178	12,134	377	339	0.32	1.53	0.21	204	359	13
Tamil Nadu	22,37,422	28,77,690	31,75,524	19,39,588	3,049	2,744	0.67	1.10	0.61	1,864	2,034	71
Tripura	2,41,241	2,77,051	3,70,813	1,47,479	198	178	0.53	1.34	0.40	2,912	94	4
Uttar Pradesh	64,66,728	1,26,10,687	1,39,00,656	51,76,758	10,224	9,202	0.41	1.10	0.37	2,073	8,124	295
Uttarakhand	2,79,627	5,38,444	6,03,066	2,15,005	618	556	0.40	1.12	0.36	1,471	338	14
West Bengal	31,17,906	44,44,997	52,33,818	23,29,084	4,899	4,409	0.52	1.18	0.45	1,715	3,914	142
Total	**3,22,41,457**	**5,87,12,042**	**6,69,14,671**	**2,40,38,824**	**85,734**	**77,158**	**0.41**	**1.14**	**0.36**	**1,179**	**65,175**	**2,440**

*Projection by Literacy Rate not feasible owing to demographical situation (current judge strength shown as it is)

All the numbers shown in the cells rounded off to the nearest integer

TABLE-'F'

STATE/UT-WISE JUDGE STRENGTH PROJECTION FOR 2040 BASED ON NORMAL GROWTH/FORECAST METHOD

State	Projected Opening Balance	Projected Institution	Projected Disposal	Projected Pendency	Projected Sanctioned Strength	Projected Working Strength	Pendency to Institution Ratio	Disposal to Institution Ratio	Pendency to Disposal Ratio	Case to Judge Ratio	Additional Judge Strength	Annual Increase in Working Strength
Andaman & Nicobar	2,204	15,432	14,504	3,131	17	15	0.20	0.94	0.22	1,176	8	
Andhra Pradesh & Telangana	6,70,714	13,54,090	14,11,665	6,13,139	1,990	1,791	0.45	1.04	0.43	1,131	1,018	38
Arunachal Pradesh	31,928	28,464	40,594	19,797	107	96	0.70	1.43	0.49	629	90	3
Assam	3,41,161	6,48,599	6,70,514	3,19,246	882	794	0.49	1.03	0.48	1,247	458	19
Bihar	5,63,396	7,18,432	9,85,743	2,96,085	3,769	3,392	0.41	1.37	0.30	378	2,042	93
Chandigarh	1,43,673	4,18,810	4,76,901	85,583	114	103	0.20	1.14	0.18	5,461	84	3
Chhattisgarh	1,98,646	4,83,691	4,59,604	2,22,733	740	666	0.46	0.95	0.48	1,025	346	13
Daman, Diu and Silvassa	4,751	10,436	13,633	1,554	29	26	0.15	1.31	0.11	584	22	1
Delhi	6,17,714	15,25,213	14,14,949	7,27,978	1,211	1,090	0.48	0.93	0.51	1,966	433	24
Goa	58,831	67,730	68,509	58,052	109	98	0.86	1.01	0.85	1,291	52	2
Gujarat	11,27,119	26,26,842	27,90,012	9,63,949	3,244	2,920	0.37	1.06	0.35	1,286	1,305	70
Haryana	5,05,212	12,73,522	13,25,331	4,53,404	1,249	1,124	0.36	1.04	0.34	1,583	605	26
Himachal Pradesh	4,25,617	8,06,333	8,80,827	3,51,122	510	459	0.44	1.09	0.40	2,684	358	13
Jammu & Kashmir	5,30,726	9,67,829	10,23,724	4,74,831	828	745	0.49	1.06	0.46	2,011	583	21
Jharkhand	82,765	1,67,985	1,89,003	61,747	768	691	0.37	1.13	0.33	363	176	9
Karnataka	14,53,711	27,37,148	29,74,335	12,16,524	2,522	2,270	0.44	1.09	0.41	1,846	1,400	58
Kerala	12,03,764	28,88,912	31,05,557	9,87,120	1,241	1,117	0.34	1.07	0.32	3,664	784	27
Lakshadweep	505	864	819	550	10	9	0.64	0.95	0.67	152	7	0
Madhya Pradesh	13,92,665	22,09,548	23,35,264	12,66,949	2,739	2,465	0.57	1.06	0.54	1,461	1,278	50
Maharashtra	7,51,806	36,81,411	38,25,078	6,08,138	4,519	4,067	0.17	1.04	0.16	1,090	2,268	86
Manipur	13,573	50,922	51,075	13,420	143	129	0.26	1.00	0.26	500	102	4
Meghalaya	41,404	48,656	48,575	41,485	144	130	0.85	1.00	0.85	693	105	4
Mizoram	35,890	40,288	42,508	33,670	144	130	0.84	1.06	0.79	586	81	4
Nagaland	1,082	12,302	11,909	1,474	94	85	0.12	0.97	0.12	157	67	2
Orissa	2,31,561	8,83,749	9,88,984	1,26,326	1,692	1,523	0.14	1.12	0.13	732	976	37
Puducherry*					26	14						
Punjab	4,60,550	10,05,773	10,99,640	3,66,683	1,100	990	0.36	1.09	0.33	1,481	428	20
Rajasthan	11,46,000	27,94,209	28,44,899	10,95,309	2,344	2,110	0.39	1.02	0.39	1,867	1,153	45
Sikkim	1,749	7,276	7,367	1,659	47	42	0.23	1.01	0.23	215	29	1
Tamil Nadu	13,18,912	23,79,737	29,47,428	7,51,220	2,827	2,544	0.32	1.24	0.25	1,454	1,812	63
Tripura	3,17,651	6,70,931	6,85,898	3,02,684	356	320	0.45	1.02	0.44	3,089	252	10
Uttar Pradesh	34,05,182	48,77,145	54,73,179	28,09,148	3,974	3,577	0.58	1.12	0.51	2,315	1,874	70
Uttarakhand	2,38,119	4,45,529	4,42,842	2,40,806	451	406	0.54	0.99	0.54	1,684	171	8
West Bengal	14,48,453	25,50,294	28,19,908	11,78,839	2,621	2,359	0.46	1.11	0.42	1,695	1,636	60
Total	**1,87,67,032**	**3,83,98,101**	**4,14,70,779**	**1,56,94,355**	**42,561**	**38,297**	**0.41**	**1.08**	**0.38**	**1,493**	**22,005**	**884**

*No projections done as the past figures of Institution shows declining trend (current judge strength shown as it is)

All the numbers shown in the cells rounded off to the nearest integer

TABLE-'G'

STATE/UT-WISE JUDGE STRENGTH PROJECTION FOR 2040 BASED ON JUDGE POPULATION RATIO AT 50 JUDGES PER MILLION

State	Projected Opening Balance	Projected Institution	Projected Disposal	Projected Pendency	Projected Sanctioned Strength	Projected Working Strength	Pendency to Institution Ratio	Disposal to Institution Ratio	Pendency to Disposal Ratio	Case to Judge Ratio	Additional Judge Strength	Annual Increase in Working Strength
Andaman & Nicobar	14,267	17,790	21,868	10,189	26	23	0.57	1.23	0.47	1,381	17	1
Andhra Pradesh & Telangana	0	24,06,119	24,06,119	0	5,251	4,725	0.00	1.00	0.00	509	4,279	155
Arunachal Pradesh	3,30,430	66,609	44,118	3,52,921	113	101	5.30	0.66	8.00	3,921	96	3
Assam	0	13,38,859	13,38,859	0	2,148	1,933	0.00	1.00	0.00	693	1,724	65
Bihar	78,03,622	20,66,150	21,59,141	77,10,632	8,292	7,462	3.73	1.05	3.57	1,323	6,565	256
Chandigarh	0	3,14,919	3,14,919	0	87	78	0.00	1.00	0.00	4,022	57	2
Chhattisgarh	0	5,30,024	5,30,024	0	1,674	1,507	0.00	1.00	0.00	352	1,280	47
Daman, Diu and Silvassa	68,070	24,956	23,032	69,993	51	45	2.80	0.92	3.04	2,045	44	2
Delhi	0	11,80,783	11,80,783	0	1,280	1,152	0.00	1.00	0.00	1,025	502	26
Goa	1,93,760	65,436	63,431	1,95,765	101	90	2.99	0.97	3.09	2,866	44	2
Gujarat	0	28,42,776	28,42,776	0	3,920	3,528	0.00	1.00	0.00	806	1,981	94
Haryana	0	13,76,303	13,76,303	0	1,920	1,728	0.00	1.00	0.00	796	1,276	50
Himachal Pradesh	0	5,07,994	5,07,994	0	431	388	0.00	1.00	0.00	1,310	279	10
Jammu & Kashmir	0	7,03,830	7,03,830	0	737	663	0.00	1.00	0.00	1,061	492	18
Jharkhand	54,57,271	13,03,255	5,94,094	61,66,432	2,457	2,211	4.73	0.46	10.38	3,058	1,865	70
Karnataka	0	28,89,580	28,89,580	0	3,783	3,405	0.00	1.00	0.00	849	2,661	103
Kerala	0	19,70,124	19,70,124	0	1,927	1,734	0.00	1.00	0.00	1,136	1,470	52
Lakshadweep	5,055	864	455	5,464	6	5	6.33	0.53	12.01	1,184	3	0
Madhya Pradesh	0	30,76,747	30,76,747	0	5,265	4,739	0.00	1.00	0.00	649	3,804	141
Maharashtra	0	51,76,044	51,76,044	0	7,556	6,800	0.00	1.00	0.00	761	5,305	195
Manipur	8,67,840	95,372	51,897	9,11,315	150	135	9.56	0.54	17.56	7,135	109	4
Meghalaya	11,08,037	1,28,328	71,988	11,64,377	215	193	9.07	0.56	16.17	6,404	176	6
Mizoram	4,42,371	50,799	21,606	4,71,564	72	64	9.28	0.43	21.83	7,664	9	1
Nagaland	13,94,386	92,690	20,655	14,66,422	170	153	15.82	0.22	71.00	9,748	143	5
Orissa	4,17,525	12,29,300	14,71,960	1,74,865	2,530	2,277	0.14	1.20	0.12	723	1,814	67
Puducherry	0	61,966	61,966	0	79	71	0.00	1.00	0.00	868	53	2
Punjab	0	12,51,991	12,51,991	0	1,754	1,579	0.00	1.00	0.00	793	1,082	44
Rajasthan	0	30,26,830	30,26,830	0	5,515	4,963	0.00	1.00	0.00	610	4,324	159
Sikkim	3,77,159	27,513	7,388	3,97,284	48	43	14.44	0.27	53.78	9,367	30	1
Tamil Nadu	0	27,19,223	27,19,223	0	3,685	3,317	0.00	1.00	0.00	820	2,670	94
Tripura	1,96,647	4,08,345	4,46,931	1,58,060	237	213	0.39	1.09	0.35	2,836	133	6
Uttar Pradesh	0	75,84,711	75,84,711	0	16,149	14,534	0.00	1.00	0.00	522	14,049	508
Uttarakhand	0	5,08,879	5,08,879	0	690	621	0.00	1.00	0.00	820	410	17
West Bengal	0	36,71,156	36,71,156	0	5,692	5,123	0.00	1.00	0.00	717	4,707	171
Total	**1,86,76,440**	**4,87,16,264**	**4,81,37,419**	**1,92,55,283**	**84,011**	**75,603**	**0.40**	**0.99**	**0.40**	**891**	**63,448**	**2,377**

All the numbers shown in the cells rounded off to the nearest integer

TABLE-'H'

STATE/UT-WISE SITUATION IN 2040 WITHOUT ANY INTERVENTION / STATUS QUO

State	Projected Opening Balance	Projected Institution	Projected Disposal	Projected Pendency	Projected Sanctioned Strength	Projected Working Strength	Pendency to Institution Ratio	Disposal to Institution Ratio	Pendency to Disposal Ratio	Case to Judge Ratio	Additional Judge Strength	Annual Increase in Working Strength
Andaman & Nicobar	1,55,661	17,790	8,703	1,64,748	9	9	9.26	0.49	18.93	19,272	0	To achieve 90% of Sanctioned Strength, if any, in 1-6 years
Andhra Pradesh & Telangana	2,44,50,369	24,06,119	7,04,464	2,61,52,025	972	875	10.87	0.29	37.12	30,700	0	
Arunachal Pradesh	7,58,421	66,609	6,901	8,18,128	17	15	12.28	0.10	118.55	53,923	0	
Assam	1,27,81,992	13,38,859	3,30,153	1,37,90,698	424	382	10.30	0.25	41.77	37,004	0	
Bihar	2,74,38,453	20,66,150	4,64,426	2,90,40,178	1,727	1,554	14.06	0.22	62.53	18,983	0	
Chandigarh	22,01,330	3,14,919	1,45,990	23,70,259	30	30	7.53	0.46	16.24	83,875	0	
Chhattisgarh	39,54,148	5,30,024	2,49,580	42,34,592	394	355	7.99	0.47	16.97	12,646	0	
Daman, Diu and Silvassa	2,98,574	24,956	3,146	3,20,384	7	6	12.84	0.13	101.84	53,922	0	
Delhi	34,04,107	11,80,783	9,08,683	36,76,208	778	700	3.11	0.77	4.05	6,550	0	
Goa	5,02,204	65,436	36,609	5,31,030	57	51	8.12	0.56	14.51	11,065	0	
Gujarat	1,19,35,103	28,42,776	17,08,271	1,30,69,608	1,939	1,745	4.60	0.60	7.65	8,469	0	
Haryana	80,18,150	13,76,303	7,00,084	86,94,369	644	580	6.32	0.51	12.42	16,197	0	
Himachal Pradesh	35,66,326	5,07,994	2,70,173	38,04,147	152	137	7.49	0.53	14.08	29,783	0	
Jammu & Kashmir	57,98,456	7,03,830	3,11,783	61,90,502	245	221	8.80	0.44	19.86	29,489	0	
Jharkhand	1,05,91,313	13,03,255	1,47,656	1,17,46,912	592	533	9.01	0.11	79.56	22,325	0	
Karnataka	2,20,26,324	28,89,580	13,57,814	2,35,58,090	1,122	1,010	8.15	0.47	17.35	24,674	0	
Kerala	1,17,27,546	19,70,124	12,59,317	1,24,38,352	457	442	6.31	0.64	9.88	30,990	0	
Lakshadweep	6,784	864	273	7,375	3	3	8.54	0.32	27.01	2,549	0	
Madhya Pradesh	1,53,67,728	30,76,747	12,71,486	1,71,72,989	1,461	1,315	5.58	0.41	13.51	14,027	0	
Maharashtra	4,54,85,091	51,76,044	19,43,553	4,87,14,583	2,251	2,026	9.41	0.38	25.03	25,007	0	
Manipur	12,96,639	95,372	14,610	13,77,401	41	37	14.44	0.15	94.28	37,724	0	
Meghalaya	17,80,285	1,28,328	13,532	18,95,082	39	35	14.77	0.11	140.05	54,376	0	
Mizoram	4,70,864	50,799	19,129	5,02,534	63	57	9.89	0.38	26.27	9,200	0	
Nagaland	15,90,603	92,690	3,503	16,79,790	27	25	18.12	0.04	479.58	67,332	0	
Orissa	1,24,13,054	12,29,300	4,28,870	1,32,13,483	716	644	10.75	0.35	30.81	21,171	0	
Puducherry	3,44,221	61,966	34,112	3,72,074	26	23	6.00	0.55	10.91	17,358	0	
Punjab	78,82,667	12,51,991	6,85,631	84,49,028	672	605	6.75	0.55	12.32	15,104	0	
Rajasthan	1,80,47,746	30,26,830	14,76,730	1,95,97,846	1,191	1,072	6.47	0.49	13.27	19,661	0	
Sikkim	4,29,054	27,513	2,841	4,53,726	18	16	16.49	0.10	159.69	28,183	0	
Tamil Nadu	2,63,40,395	27,19,223	11,51,172	2,79,08,446	1,015	969	10.26	0.42	24.24	29,989	0	
Tripura	29,74,292	4,08,345	2,00,625	31,82,012	104	94	7.79	0.49	15.86	36,139	0	
Uttar Pradesh	6,70,86,252	75,84,711	29,49,617	7,17,21,345	2,100	1,890	9.46	0.39	24.32	39,508	0	
Uttarakhand	30,62,859	5,08,879	2,80,392	32,91,346	280	252	6.47	0.55	11.74	14,174	0	
West Bengal	3,35,98,659	36,71,156	10,87,363	3,61,82,452	985	887	9.86	0.30	33.28	42,042	0	
Total	**38,77,85,669**	**4,87,16,264**	**2,01,77,189**	**41,63,21,741**	**20,558**	**18,594**	**8.55**	**0.41**	**20.63**	**23,476**	**-**	**-**

All the numbers shown in the cells rounded off to the nearest integer

TABLE-'I'

PROJECTED SANCTIONED STRENGTH OF JUDICIAL OFFICERS IN SUBORDINATE COURTS IN THE YEAR 2025/2040 UNDER VARIOUS METHODS IN ALL THE STATES/UTS

State	Current Sanctioned Strength (2015)	Projected Sanctioned Strength of Judges (2040)				Projected Sanctioned Strength of Judges (2025)				Average annual increase in Working Strength			
		HDI	Literacy	50 Judges per million	Normal Growth	HDI	Literacy	50 Judges per million	Normal Growth	HDI	Literacy	50 Judges per million	Normal Growth
Andaman & Nicobar*	9	9	24	26	17	9	21	16	14		1	1	
Andhra Pradesh & Telangana	972	6,740	3,018	5,251	1,990	3,257	1,768	2,683	1,357	209	75	155	38
Arunachal Pradesh	17	294	228	113	107	128	72	55	33	10	8	3	3
Assam	424	2,466	2,577	2,148	882	966	1,243	1,114	566	76	80	65	19
Bihar	1,727	14,380	14,658	8,292	3,769	6,463	6,574	4,353	2,219	475	485	256	93
Chandigarh*	30	30	51	87	114	30	40	53	67		1	2	3
Chhattisgarh	394	1,101	968	1,674	740	601	768	906	523	26	21	47	13
Daman, Diu and Silvassa*	7	7	101	51	29	7	40	24	9		3	2	1
Delhi	778	1,017	1,017	1,280	1,211	778	778	979	1,100	17	17	26	24
Goa	57	80	137	101	109	76	109	74	76	1	3	2	2
Gujarat	1,939	3,300	4,217	3,920	3,244	2,100	2,467	2,731	2,078	72	105	94	70
Haryana	644	1,304	1,638	1,920	1,249	838	971	1,154	816	28	40	50	26
Himachal Pradesh	152	232	232	431	510	182	182	264	293	3	3	10	13
Jammu & Kashmir	245	522	522	737	828	356	356	442	478	10	10	18	21
Jharkhand	592	7,962	7,684	2,457	768	2,962	2,184	1,338	618	268	258	70	9
Karnataka	1,122	2,967	2,994	3,783	2,522	1,733	1,744	2,186	1,556	74	75	103	58
Kerala	457	686	686	1,927	1,241	569	569	1,045	791	7	7	52	27
Lakshadweep*$	3	3	3	6	10	3	3	4	4				
Madhya Pradesh	1,461	3,433	4,906	5,265	2,739	1,600	2,239	2,983	1,906	75	128	141	50
Maharashtra	2,251	7,824	8,380	7,556	4,519	4,408	4,630	4,373	3,086	205	225	195	86
Manipur	41	482	427	150	143	216	193	85	93	16	14	4	4
Meghalaya	39	700	617	215	144	300	267	109	78	24	21	6	4
Mizoram	63	256	256	72	144	122	122	66	78	8	8	1	4
Nagaland	27	1,528	1,722	170	94	628	706	84	61	54	61	5	2
Orissa	716	1,803	4,137	2,530	1,692	1,120	2,053	1,442	1,076	41	125	67	37
Puducherry*#	26	26	58	79	26	26	36	47	26		2	2	
Punjab	672	1,572	1,628	1,754	1,100	956	978	1,105	767	37	39	44	20
Rajasthan	1,191	1,789	3,483	5,515	2,344	1,372	2,050	2,920	1,594	25	86	159	45
Sikkim	18	282	377	48	47	149	160	30	27	10	13	1	1
Tamil Nadu	1,015	3,577	3,049	3,685	2,827	2,077	1,866	2,083	1,777	90	71	94	63
Tripura	104	187	198	237	356	120	120	157	209	4	4	6	10
Uttar Pradesh	2,100	4,530	10,224	16,149	3,974	3,030	5,308	7,719	2,808	90	295	508	70
Uttarakhand	280	673	618	690	451	407	384	444	318	16	14	17	8
West Bengal	985	3,832	4,899	5,692	2,621	1,899	2,532	2,868	1,621	104	142	171	60
Total	**20,558**	**75,594**	**85,734**	**84,011**	**42,561**	**39,488**	**43,533**	**45,935**	**28,122**	**2,075**	**2,440**	**2,377**	**884**

*HDI Calculation not possible as HDI figures are not available in India Human Development Report 2011 (current judge strength shown as it is)

#No projections done in Normal Growth as the past figures of Institution shows declining trend (current judge strength shown as it is)

$Projection by Literacy Rate not feasible owing to demographical situation (current judge strength shown as it is)

All the numbers shown in the cells rounded off to the nearest integer

TABLE-'J1'

ANDAMAN & NICOBAR
Situation in 2040 under various methodologies

Current Situation: As on 31.12.2015

Opening Balance	Institution	Disposal	Pendency	Sanctioned Strength	Working Strength	Pendency to Institution Ratio	Disposal to Institution Ratio	Pendency to Disposal Ratio	Case to Judge Ratio	Average Disposal Rate
9,230	8,201	7,936	9,495	9	9	1.16	0.97	1.20	1,937	967

Year 2025

Methodology	Opening Balance	Institution	Disposal	Pendency	Sanctioned Strength	Working Strength	Pendency to Institution Ratio	Disposal to Institution Ratio	Pendency to Disposal Ratio	Case to Judge Ratio	Additional Judge Strength	Annual Increase in Working Strength
HDI*					9	9						
Literacy	31,860	18,352	17,405	32,806	21	19	1.79	0.95	1.88	2,643	12	1 (2016-28)
Judge Population Ratio Fifty	28,874	14,775	13,096	30,553	16	14	2.07	0.89	2.33	3,085	7	Around 1
Normal Growth	16,359	11,199	11,604	15,954	14	13	1.42	1.04	1.37	2,120	5	1 (2022-27)
No Intervention	42,965	14,775	8,703	49,038	9	9	3.32	0.59	5.63	6,416	0	To achieve 90% of Sanctioned Strength in 1-6 years

Year 2040

Methodology	Opening Balance	Institution	Disposal	Pendency	Sanctioned Strength	Working Strength	Pendency to Institution Ratio	Disposal to Institution Ratio	Pendency to Disposal Ratio	Case to Judge Ratio	Additional Judge Strength	Annual Increase in Working Strength
HDI*					9	9						
Literacy	11,294	20,148	21,273	10,169	24	22	0.50	1.06	0.48	1,429	15	1 (2016-28)
Judge Population Ratio Fifty	14,267	17,790	21,868	10,189	26	23	0.57	1.23	0.47	1,381	17	Around 1
Normal Growth	2,204	15,432	14,504	3,131	17	15	0.20	0.94	0.22	1,176	8	1 (2022-27)
No Intervention	1,55,661	17,790	8,703	1,64,748	9	9	9.26	0.49	18.93	19,272	0	To achieve 90% of Sanctioned Strength in 1-6 years

*HDI Calculation not possible as HDI figures are not available in India Human Development Report 2011.
All the numbers shown in the cells rounded off to the nearest integer

TABLE-'J2'

ANDHRA PRADESH & TELANGANA
Situation in 2040 under various methodologies

Current Situation: As on 31.12.2015

Opening Balance	Institution	Disposal	Pendency	Sanctioned Strength	Working Strength	Pendency to Institution Ratio	Disposal to Institution Ratio	Pendency to Disposal Ratio	Case to Judge Ratio	Average Disposal Rate
10,14,372	6,75,856	6,58,713	10,31,515	972	841	1.53	0.97	1.57	2,010	805

Year 2025

Methodology	Opening Balance	Institution	Disposal	Pendency	Sanctioned Strength	Working Strength	Pendency to Institution Ratio	Disposal to Institution Ratio	Pendency to Disposal Ratio	Case to Judge Ratio	Additional Judge Strength	Annual Increase in Working Strength
HDI	7,72,591	21,85,369	21,91,986	7,65,974	3,257	2,931	0.35	1.00	0.35	1,009	2,285	209
Literacy	25,42,558	13,29,759	12,20,812	26,51,504	1,768	1,591	1.99	0.92	2.17	2,434	796	75
Judge Population Ratio Fifty	0	14,87,085	14,87,085	0	2,683	2,415	0.00	1.00	0.00	616	1,711	155
Normal Growth	11,25,940	9,46,127	9,52,652	11,19,415	1,357	1,221	1.18	1.01	1.18	1,697	385	38
No Intervention	43,74,236	14,87,085	7,04,464	51,56,857	972	875	3.47	0.47	7.32	6,700	0	To achieve 90% of Sanctioned Strength in 1-6 years

Year 2040

Methodology	Opening Balance	Institution	Disposal	Pendency	Sanctioned Strength	Working Strength	Pendency to Institution Ratio	Disposal to Institution Ratio	Pendency to Disposal Ratio	Case to Judge Ratio	Additional Judge Strength	Annual Increase in Working Strength
HDI	23,32,681	41,32,354	47,16,556	17,48,479	6,740	6,066	0.42	1.14	0.37	1,066	5,768	209
Literacy	6,58,490	17,31,914	21,26,758	2,63,646	3,018	2,716	0.15	1.23	0.12	880	2,046	75
Judge Population Ratio Fifty	0	24,06,119	24,06,119	0	5,251	4,725	0.00	1.00	0.00	509	4,279	155
Normal Growth	6,70,714	13,54,090	14,11,665	6,13,139	1,990	1,791	0.45	1.04	0.43	1,131	1,018	38
No Intervention	2,44,50,369	24,06,119	7,04,464	2,61,52,025	972	875	10.87	0.29	37.12	30,700	0	To achieve 90% of Sanctioned Strength in 1-6 years

All the numbers shown in the cells rounded off to the nearest integer

TABLE-'J3'

ARUNACHAL PRADESH
Situation in 2040 under various methodologies

Current Situation: As on 31.12.2015

Opening Balance	Institution	Disposal	Pendency	Sanctioned Strength	Working Strength	Pendency to Institution Ratio	Disposal to Institution Ratio	Pendency to Disposal Ratio	Case to Judge Ratio	Average Disposal Rate
5,895	8,119	5,238	8,776	17	15	1.08	0.65	1.68	934	451

Year 2025

Methodology	Opening Balance	Institution	Disposal	Pendency	Sanctioned Strength	Working Strength	Pendency to Institution Ratio	Disposal to Institution Ratio	Pendency to Disposal Ratio	Case to Judge Ratio	Additional Judge Strength	Annual Increase in Working Strength
HDI	80,978	60,652	47,360	94,270	128	115	1.55	0.78	1.99	1,232	111	10
Literacy	34,328	26,100	27,063	33,366	72	65	1.28	1.04	1.23	930	55	5 (2016-2025) & 14 (2031-2040)
Judge Population Ratio Fifty	83,987	34,510	20,857	97,640	55	50	2.83	0.60	4.68	2,385	38	3
Normal Growth	23,220	16,777	13,531	26,465	33	30	1.58	0.81	1.96	1,333	16	3 (2016-2020) & 6 (2030-2040)
No Intervention	1,39,812	34,510	6,901	1,67,421	17	15	4.85	0.20	24.26	11,394	0	To achieve 90% of Sanctioned Strength in 1-6 years

Year 2040

Methodology	Opening Balance	Institution	Disposal	Pendency	Sanctioned Strength	Working Strength	Pendency to Institution Ratio	Disposal to Institution Ratio	Pendency to Disposal Ratio	Case to Judge Ratio	Additional Judge Strength	Annual Increase in Working Strength
HDI	68,091	88,542	1,15,016	41,617	294	265	0.47	1.30	0.36	591	277	10
Literacy	31,294	82,820	86,149	27,964	228	205	0.34	1.04	0.32	557	211	5 (2016-2025) & 14 (2031-2040)
Judge Population Ratio Fifty	3,30,430	66,609	44,118	3,52,921	113	101	5.30	0.66	8.00	3,921	96	3
Normal Growth	31,928	28,464	40,594	19,797	107	96	0.70	1.43	0.49	629	90	3 (2016-2020) & 6 (2030-2040)
No Intervention	7,58,421	66,609	6,901	8,18,128	17	15	12.28	0.10	118.55	53,923	0	To achieve 90% of Sanctioned Strength in 1-6 years

All the numbers shown in the cells rounded off to the nearest integer

TABLE-'J4'

ASSAM
Situation in 2040 under various methodologies

Current Situation: As on 31.12.2015

Opening Balance	Institution	Disposal	Pendency	Sanctioned Strength	Working Strength	Pendency to Institution Ratio	Disposal to Institution Ratio	Pendency to Disposal Ratio	Case to Judge Ratio	Average Disposal Rate
2,40,597	2,74,444	2,72,538	2,42,503	424	319	0.88	0.99	0.89	1,615	865

Year 2025

Methodology	Opening Balance	Institution	Disposal	Pendency	Sanctioned Strength	Working Strength	Pendency to Institution Ratio	Disposal to Institution Ratio	Pendency to Disposal Ratio	Case to Judge Ratio	Additional Judge Strength	Annual Increase in Working Strength
HDI	1,15,495	6,87,676	7,04,256	98,914	966	869	0.14	1.02	0.14	924	542	55 (2016-25) & 90 (2026-40)
Literacy	3,21,185	9,54,449	8,98,922	3,76,712	1,243	1,119	0.39	0.94	0.42	1,140	819	80
Judge Population Ratio Fifty	0	6,91,793	6,91,793	0	1,114	1,002	0.00	1.00	0.00	690	690	65
Normal Growth	4,20,039	4,33,254	4,23,938	4,29,355	566	509	0.99	0.98	1.01	1,676	142	19
No Intervention	14,51,143	6,91,793	3,30,153	18,12,783	424	382	2.62	0.48	5.49	5,616	0	To achieve 90% of Sanctioned Strength in 1-6 years

Year 2040

Methodology	Opening Balance	Institution	Disposal	Pendency	Sanctioned Strength	Working Strength	Pendency to Institution Ratio	Disposal to Institution Ratio	Pendency to Disposal Ratio	Case to Judge Ratio	Additional Judge Strength	Annual Increase in Working Strength
HDI	9,93,866	16,90,562	18,41,968	8,42,460	2,466	2,219	0.50	1.09	0.46	1,210	2,042	55 (2016-25) & 90 (2026-40)
Literacy	12,18,810	16,77,416	19,37,137	9,59,088	2,577	2,319	0.57	1.15	0.50	1,249	2,153	80
Judge Population Ratio Fifty	0	13,38,859	13,38,859	0	2,148	1,933	0.00	1.00	0.00	693	1,724	65
Normal Growth	3,41,161	6,48,599	6,70,514	3,19,246	882	794	0.49	1.03	0.48	1,247	458	19
No Intervention	1,27,81,992	13,38,859	3,30,153	1,37,90,698	424	382	10.30	0.25	41.77	37,004	0	To achieve 90% of Sanctioned Strength in 1-6 years

All the numbers shown in the cells rounded off to the nearest integer

TABLE-'J5'

BIHAR
Situation in 2040 under various methodologies

Current Situation: As on 31.12.2015

Opening Balance	Institution	Disposal	Pendency	Sanctioned Strength	Working Strength	Pendency to Institution Ratio	Disposal to Institution Ratio	Pendency to Disposal Ratio	Case to Judge Ratio	Average Disposal Rate
19,23,529	4,42,472	2,92,678	20,73,303	1,727	1,067	4.69	0.66	7.08	2,217	299

Year 2025

Methodology	Opening Balance	Institution	Disposal	Pendency	Sanctioned Strength	Working Strength	Pendency to Institution Ratio	Disposal to Institution Ratio	Pendency to Disposal Ratio	Case to Judge Ratio	Additional Judge Strength	Annual Increase in Working Strength
HDI	78,92,895	18,47,457	15,96,192	81,44,159	6,463	5,817	4.41	0.86	5.10	1,674	4,736	475
Literacy	58,35,633	19,07,791	16,23,084	61,20,340	6,574	5,917	3.21	0.85	3.77	1,309	4,847	485
Judge Population Ratio Fifty	55,15,181	14,34,044	10,99,944	58,49,280	4,353	3,918	4.08	0.77	5.32	1,774	2,626	256
Normal Growth	26,10,835	5,46,883	5,68,916	25,88,802	2,219	1,997	4.73	1.04	4.55	1,581	492	93
No Intervention	82,02,859	14,34,044	4,64,426	91,72,477	1,727	1,554	6.40	0.32	19.75	6,200	0	To achieve 90% of Sanctioned Strength in 3 years

Year 2040

Methodology	Opening Balance	Institution	Disposal	Pendency	Sanctioned Strength	Working Strength	Pendency to Institution Ratio	Disposal to Institution Ratio	Pendency to Disposal Ratio	Case to Judge Ratio	Additional Judge Strength	Annual Increase in Working Strength
HDI	23,69,009	27,14,969	37,25,146	13,58,831	14,380	12,942	0.50	1.37	0.36	393	12,653	475
Literacy	21,53,121	27,65,049	37,96,858	11,21,313	14,658	13,192	0.41	1.37	0.30	373	12,931	485
Judge Population Ratio Fifty	78,03,622	20,66,150	21,59,141	77,10,632	8,292	7,462	3.73	1.05	3.57	1,323	6,565	256
Normal Growth	5,63,396	7,18,432	9,85,743	2,96,085	3,769	3,392	0.41	1.37	0.30	378	2,042	93
No Intervention	2,74,38,453	20,66,150	4,64,426	2,90,40,178	1,727	1,554	14.06	0.22	62.53	18,983	0	To achieve 90% of Sanctioned Strength in 3 years

All the numbers shown in the cells rounded off to the nearest integer

TABLE-'J6'

CHANDIGARH
Situation in 2040 under various methodologies

Current Situation: As on 31.12.2015

Opening Balance	Institution	Disposal	Pendency	Sanctioned Strength	Working Strength	Pendency to Institution Ratio	Disposal to Institution Ratio	Pendency to Disposal Ratio	Case to Judge Ratio	Average Disposal Rate
40,414	1,41,898	1,45,990	36,322	30	30	0.26	1.03	0.25	6,077	4,866

Year 2025

Methodology	Opening Balance	Institution	Disposal	Pendency	Sanctioned Strength	Working Strength	Pendency to Institution Ratio	Disposal to Institution Ratio	Pendency to Disposal Ratio	Case to Judge Ratio	Additional Judge Strength	Annual Increase in Working Strength
HDI*					30	30						
Literacy	5,059	1,75,856	1,75,188	5,728	40	36	0.03	1.00	0.03	5,025	10	1 (2016-21) & 1 (2031-40)
Judge Population Ratio Fifty	1,69,739	2,21,364	2,21,262	1,69,840	53	48	0.77	1.00	0.77	8,230	23	2
Normal Growth	1,42,880	2,66,872	2,77,381	1,32,370	67	60	0.50	1.04	0.48	6,829	37	3 (2016-26) & 5 (2033-2040)
No Intervention	4,17,046	2,21,364	1,45,990	4,92,420	30	30	2.22	0.66	3.37	21,280	0	To achieve 90% of Sanctioned Strength in 1-6 years

Year 2040

Methodology	Opening Balance	Institution	Disposal	Pendency	Sanctioned Strength	Working Strength	Pendency to Institution Ratio	Disposal to Institution Ratio	Pendency to Disposal Ratio	Case to Judge Ratio	Additional Judge Strength	Annual Increase in Working Strength
HDI*					30	30						
Literacy	83,672	2,11,028	2,18,985	75,715	51	46	0.36	1.04	0.35	6,407	21	1 (2016-21) & 1 (2031-40)
Judge Population Ratio Fifty	0	3,14,919	3,14,919	0	87	78	0.00	1.00	0.00	4,022	57	2
Normal Growth	1,43,673	4,18,810	4,76,901	85,583	114	103	0.20	1.14	0.18	5,461	84	3 (2016-26) & 5 (2033-2040)
No Intervention	22,01,330	3,14,919	1,45,990	23,70,259	30	30	7.53	0.46	16.24	83,875	0	To achieve 90% of Sanctioned Strength in 1-6 years

*HDI Calculation not possible as HDI figures are not available in India Human Development Report 2011.
All the numbers shown in the cells rounded off to the nearest integer

TABLE-'J7'

CHHATTISGARH
Situation in 2040 under various methodologies

Current Situation: As on 2015

Opening Balance	Institution	Disposal	Pendency	Sanctioned Strength	Working Strength	Pendency to Institution Ratio	Disposal to Institution Ratio	Pendency to Disposal Ratio	Case to Judge Ratio	Average Disposal Rate
2,78,887	2,02,249	1,95,174	2,85,962	394	341	1.41	0.97	1.47	1,411	704

Year 2025

Methodology	Opening Balance	Institution	Disposal	Pendency	Sanctioned Strength	Working Strength	Pendency to Institution Ratio	Disposal to Institution Ratio	Pendency to Disposal Ratio	Case to Judge Ratio	Additional Judge Strength	Annual Increase in Working Strength
HDI	7,33,206	4,08,471	3,66,698	7,74,978	601	541	1.90	0.90	2.11	2,110	207	20 (2016-2025) & 30 (2026-2040)
Literacy	1,84,732	4,21,811	4,61,716	1,44,827	768	691	0.34	1.09	0.31	878	374	35 (2016-2025) & 20 (2032-2040)
Judge Population Ratio Fifty	0	3,81,152	3,81,152	0	906	815	0.00	1.00	0.00	467	512	47
Normal Growth	1,03,508	3,13,174	3,22,357	94,325	523	471	0.30	1.03	0.29	885	129	13
No Intervention	8,38,234	3,81,152	2,49,580	9,69,806	394	355	2.54	0.65	3.89	3,439	0	To achieve 90% of Sanctioned Strength in 1-6 years

Year 2040

Methodology	Opening Balance	Institution	Disposal	Pendency	Sanctioned Strength	Working Strength	Pendency to Institution Ratio	Disposal to Institution Ratio	Pendency to Disposal Ratio	Case to Judge Ratio	Additional Judge Strength	Annual Increase in Working Strength
HDI	2,22,759	5,48,135	6,76,386	94,508	1,101	991	0.17	1.23	0.14	778	707	20 (2016-2025) & 30 (2026-2040)
Literacy	99,014	5,58,246	5,98,964	58,296	968	871	0.10	1.07	0.10	755	574	35 (2016-2025) & 20 (2032-2040)
Judge Population Ratio Fifty	0	5,30,024	5,30,024	0	1,674	1,507	0.00	1.00	0.00	352	1,280	47
Normal Growth	1,98,646	4,83,691	4,59,604	2,22,733	740	666	0.46	0.95	0.48	1,025	346	13
No Intervention	39,54,148	5,30,024	2,49,580	42,34,592	394	355	7.99	0.47	16.97	12,646	0	To achieve 90% of Sanctioned Strength in 1-6 years

All the numbers shown in the cells rounded off to the nearest integer

TABLE-'J8'

DAMAN, DIU AND SILVASSA
Situation in 2040 under various methodologies

Current Situation: As on 31.12.2015

Opening Balance	Institution	Disposal	Pendency	Sanctioned Strength	Working Strength	Pendency to Institution Ratio	Disposal to Institution Ratio	Pendency to Disposal Ratio	Case to Judge Ratio	Average Disposal Rate
4,717	4,232	3,323	5,626	7	6	1.33	0.79	1.69	1,492	524

Year 2025

Methodology	Opening Balance	Institution	Disposal	Pendency	Sanctioned Strength	Working Strength	Pendency to Institution Ratio	Disposal to Institution Ratio	Pendency to Disposal Ratio	Case to Judge Ratio	Additional Judge Strength	Annual Increase in Working Strength
HDI*					7	6						
Literacy	14,591	18,910	17,303	16,198	40	36	0.86	0.92	0.94	931	33	3 (2016-30) 4 (2031-40)
Judge Population Ratio Fifty	17,513	12,768	10,702	19,579	24	22	1.53	0.84	1.83	1,378	17	2
Normal Growth	25,511	6,626	3,146	28,991	9	8	4.38	0.47	9.22	4,017	2	2 (2025-34)
No Intervention	48,365	12,768	3,146	57,987	7	6	4.54	0.25	18.43	10,189	0	To achieve 90% of Sanctioned Strength in 1-6 years

Year 2040

Methodology	Opening Balance	Institution	Disposal	Pendency	Sanctioned Strength	Working Strength	Pendency to Institution Ratio	Disposal to Institution Ratio	Pendency to Disposal Ratio	Case to Judge Ratio	Additional Judge Strength	Annual Increase in Working Strength
HDI*					7	6						
Literacy	39,749	39,476	45,617	33,608	101	91	0.85	1.16	0.74	871	94	3 (2016-30) 4 (2031-40)
Judge Population Ratio Fifty	68,070	24,956	23,032	69,993	51	45	2.80	0.92	3.04	2,045	44	2
Normal Growth	4,751	10,436	13,633	1,554	29	26	0.15	1.31	0.11	584	22	2 (2025-34)
No Intervention	2,98,574	24,956	3,146	3,20,384	7	6	12.84	0.13	101.84	53,922	0	To achieve 90% of Sanctioned Strength in 1-6 years

*HDI Calculation not possible as HDI figures are not available in India Human Development Report 2011.
All the numbers shown in the cells rounded off to the nearest integer

TABLE-'J9'

DELHI
Situation in 2040 under various methodologies

Current Situation: As on 31.12.2015

Opening Balance	Institution	Disposal	Pendency	Sanctioned Strength	Working Strength	Pendency to Institution Ratio	Disposal to Institution Ratio	Pendency to Disposal Ratio	Case to Judge Ratio	Average Disposal Rate
4,86,776	7,18,211	6,36,078	5,68,909	778	490	0.79	0.89	0.89	2,459	1298

Year 2025

Methodology	Opening Balance	Institution	Disposal	Pendency	Sanctioned Strength	Working Strength	Pendency to Institution Ratio	Disposal to Institution Ratio	Pendency to Disposal Ratio	Case to Judge Ratio	Additional Judge Strength	Annual Increase in Working Strength
HDI	11,57,802	8,54,131	8,34,690	11,77,243	778	660	1.38	0.98	1.41	3,048	0	17
Literacy	11,57,802	8,54,131	8,34,690	11,77,243	778	660	1.38	0.98	1.41	3,048	0	17
Judge Population Ratio Fifty	0	9,50,155	9,50,155	0	979	881	0.00	1.00	0.00	1,079	201	26
Normal Growth	16,38,394	11,42,203	12,20,231	15,60,366	1,100	990	1.37	1.07	1.28	2,809	322	Increase of 50 Judges from 2016 to 2027 i.e. 12yrs
No Intervention	11,27,176	9,50,155	9,08,683	11,68,648	778	700	1.23	0.96	1.29	2968	0	To achieve 90% of Sanctioned Strength in 1-6 years

Year 2040

Methodology	Opening Balance	Institution	Disposal	Pendency	Sanctioned Strength	Working Strength	Pendency to Institution Ratio	Disposal to Institution Ratio	Pendency to Disposal Ratio	Case to Judge Ratio	Additional Judge Strength	Annual Increase in Working Strength
HDI	2,74,010	10,08,568	11,65,710	1,16,868	1,017	915	0.12	1.16	0.10	1,402	239	17
Literacy	2,74,010	10,08,568	11,65,710	1,16,868	1,017	915	0.12	1.16	0.10	1,402	239	17
Judge Population Ratio Fifty	0	11,80,783	11,80,783	0	1,280	1,152	0.00	1.00	0.00	1,025	502	26
Normal Growth	6,17,714	15,25,213	14,14,949	7,27,978	1,211	1,090	0.48	0.93	0.51	1,966	433	Increase of 50 Judges from 2016 to 2027 i.e. 12yrs
No Intervention	34,04,107	11,80,783	9,08,683	36,76,208	778	700	3.11	0.77	4.05	6550	0	To achieve 90% of Sanctioned Strength in 1-6 years

All the numbers shown in the cells rounded off to the nearest integer

TABLE-'J10'

GOA
Situation in 2040 under various methodologies

Current Situation: As on 31.12.2015

Opening Balance	Institution	Disposal	Pendency	Sanctioned Strength	Working Strength	Pendency to Institution Ratio	Disposal to Institution Ratio	Pendency to Disposal Ratio	Case to Judge Ratio	Average Disposal Rate
35,001	39,379	34,765	39,615	57	48	1.01	0.88	1.14	1,550	714

Year 2025

Methodology	Opening Balance	Institution	Disposal	Pendency	Sanctioned Strength	Working Strength	Pendency to Institution Ratio	Disposal to Institution Ratio	Pendency to Disposal Ratio	Case to Judge Ratio	Additional Judge Strength	Annual Increase in Working Strength
HDI	65,503	45,609	47,100	64,012	76	68	1.40	1.03	1.36	1,634	19	2 (2016-27)
Literacy	1,48,658	71,454	66,368	1,53,744	109	98	2.15	0.93	2.32	2,246	52	5 (2016-30)
Judge Population Ratio Fifty	1,07,838	55,093	46,667	1,16,264	74	67	2.11	0.85	2.49	2,433	17	2
Normal Growth	55,351	48,216	47,100	56,467	76	68	1.17	0.98	1.20	1,523	19	2
No Intervention	1,48,070	55,093	36,609	1,66,553	57	51	3.02	0.66	4.55	3,960	0	To achieve 90% of Sanctioned Strength in 1-6 years

Year 2040

Methodology	Opening Balance	Institution	Disposal	Pendency	Sanctioned Strength	Working Strength	Pendency to Institution Ratio	Disposal to Institution Ratio	Pendency to Disposal Ratio	Case to Judge Ratio	Additional Judge Strength	Annual Increase in Working Strength
HDI	24,117	50,095	51,382	22,830	80	72	0.46	1.03	0.44	1,031	23	2 (2016-27)
Literacy	36,148	78,482	87,777	26,853	137	123	0.34	1.12	0.31	932	80	5 (2016-30)
Judge Population Ratio Fifty	1,93,760	65,436	63,431	1,95,765	101	90	2.99	0.97	3.09	2,866	44	2
Normal Growth	58,831	67,730	68,509	58,052	109	98	0.86	1.01	0.85	1,291	52	2
No Intervention	5,02,204	65,436	36,609	5,31,030	57	51	8.12	0.56	14.51	11,065	0	To achieve 90% of Sanctioned Strength in 1-6 years

All the numbers shown in the cells rounded off to the nearest integer

TABLE-'J11'

GUJARAT
Situation in 2040 under various methodologies

Current Situation: As on 31.12.2015

Opening Balance	Institution	Disposal	Pendency	Sanctioned Strength	Working Strength	Pendency to Institution Ratio	Disposal to Institution Ratio	Pendency to Disposal Ratio	Case to Judge Ratio	Average Disposal Rate
21,79,979	10,55,696	10,93,664	21,42,011	1,939	1,170	2.03	1.04	1.96	2,766	979

Year 2025

Methodology	Opening Balance	Institution	Disposal	Pendency	Sanctioned Strength	Working Strength	Pendency to Institution Ratio	Disposal to Institution Ratio	Pendency to Disposal Ratio	Case to Judge Ratio	Additional Judge Strength	Annual Increase in Working Strength
HDI	16,32,800	17,06,104	17,79,734	15,59,170	2,100	1,890	0.91	1.04	0.88	1,767	161	72
Literacy	23,20,356	21,32,286	20,70,483	23,82,160	2,467	2,220	1.12	0.97	1.15	2,006	528	105
Judge Population Ratio Fifty	0	18,63,360	18,63,360	0	2,731	2,458	0.00	1.00	0.00	758	792	94
Normal Growth	23,52,688	17,51,691	17,62,113	23,42,266	2,078	1,870	1.34	1.01	1.33	2,195	139	70
No Intervention	19,07,626	18,63,360	17,08,271	20,62,716	1,939	1,745	1.11	0.92	1.21	2,161	0	To achieve 90% of Sanctioned Strength in 1-6 years

Year 2040

Methodology	Opening Balance	Institution	Disposal	Pendency	Sanctioned Strength	Working Strength	Pendency to Institution Ratio	Disposal to Institution Ratio	Pendency to Disposal Ratio	Case to Judge Ratio	Additional Judge Strength	Annual Increase in Working Strength
HDI	9,04,062	28,40,670	28,37,002	9,07,730	3,300	2,970	0.32	1.00	0.32	1,261	1,361	72
Literacy	16,55,215	30,60,816	36,12,331	11,03,700	4,217	3,795	0.36	1.18	0.31	1,243	2,278	105
Judge Population Ratio Fifty	0	28,42,776	28,42,776	0	3,920	3,528	0.00	1.00	0.00	806	1,981	94
Normal Growth	11,27,119	26,26,842	27,90,012	9,63,949	3,244	2,920	0.37	1.06	0.35	1,286	1,305	70
No Intervention	1,19,35,103	28,42,776	17,08,271	1,30,69,608	1,939	1,745	4.60	0.60	7.65	8,469	0	To achieve 90% of Sanctioned Strength in 1-6 years

All the numbers shown in the cells rounded off to the nearest integer

TABLE-'J12'

HARYANA
Situation in 2040 under various methodologies

Current Situation: As on 31.12.2015

Opening Balance	Institution	Disposal	Pendency	Sanctioned Strength	Working Strength	Pendency to Institution Ratio	Disposal to Institution Ratio	Pendency to Disposal Ratio	Case to Judge Ratio	Average Disposal Rate
4,93,768	5,72,953	5,42,440	5,24,281	644	474	0.92	0.95	0.97	2,250	1207

Year 2025

Methodology	Opening Balance	Institution	Disposal	Pendency	Sanctioned Strength	Working Strength	Pendency to Institution Ratio	Disposal to Institution Ratio	Pendency to Disposal Ratio	Case to Judge Ratio	Additional Judge Strength	Annual Increase in Working Strength
HDI	5,88,611	8,60,520	8,76,312	5,72,819	838	754	0.67	1.02	0.65	1,922	194	28
Literacy	8,36,116	10,40,602	10,06,672	8,70,046	971	874	0.84	0.97	0.86	2,147	327	40
Judge Population Ratio Fifty	0	9,21,705	9,21,705	0	1,154	1,039	0.00	1.00	0.00	887	510	50
Normal Growth	7,92,606	8,63,993	8,54,585	8,02,014	816	734	0.93	0.99	0.94	2,257	172	26
No Intervention	12,05,029	9,21,705	7,00,084	14,26,650	644	580	1.55	0.76	2.04	3,667	0	To achieve 90% of Sanctioned Strength in 1-6 years

Year 2040

Methodology	Opening Balance	Institution	Disposal	Pendency	Sanctioned Strength	Working Strength	Pendency to Institution Ratio	Disposal to Institution Ratio	Pendency to Disposal Ratio	Case to Judge Ratio	Additional Judge Strength	Annual Increase in Working Strength
HDI	1,74,836	13,56,019	13,83,269	1,47,586	1,304	1,174	0.11	1.02	0.11	1,304	660	28
Literacy	5,03,389	14,99,366	17,30,897	2,71,858	1,638	1,474	0.18	1.15	0.16	1,359	994	40
Judge Population Ratio Fifty	0	13,76,303	13,76,303	0	1,920	1,728	0.00	1.00	0.00	796	1,276	50
Normal Growth	5,05,212	12,73,522	13,25,331	4,53,404	1,249	1,124	0.36	1.04	0.34	1,583	605	26
No Intervention	80,18,150	13,76,303	7,00,084	86,94,369	644	580	6.32	0.51	12.42	16,197	0	To achieve 90% of Sanctioned Strength in 1-6 years

All the numbers shown in the cells rounded off to the nearest integer

TABLE-'J13'

HIMACHAL PRADESH
Situation in 2040 under various methodologies

Current Situation: As on 31.12.2015

Opening Balance	Institution	Disposal	Pendency	Sanctioned Strength	Working Strength	Pendency to Institution Ratio	Disposal to Institution Ratio	Pendency to Disposal Ratio	Case to Judge Ratio	Average Disposal Rate
2,26,224	2,97,220	3,16,717	2,06,727	152	134	0.70	1.07	0.65	3,906	1975

Year 2025

Methodology	Opening Balance	Institution	Disposal	Pendency	Sanctioned Strength	Working Strength	Pendency to Institution Ratio	Disposal to Institution Ratio	Pendency to Disposal Ratio	Case to Judge Ratio	Additional Judge Strength	Annual Increase in Working Strength
HDI	4,16,887	3,25,107	3,17,967	4,24,028	182	164	1.30	0.98	1.33	4,524	30	3
Literacy	4,16,887	3,25,107	3,17,967	4,24,028	182	164	1.30	0.98	1.33	4,524	30	3
Judge Population Ratio Fifty	2,16,641	3,90,590	4,48,701	1,58,530	264	237	0.41	1.15	0.35	2,560	112	10
Normal Growth	7,40,330	5,21,556	4,95,712	7,66,173	293	264	1.47	0.95	1.55	4,780	141	13
No Intervention	9,30,751	3,90,590	2,70,173	10,51,168	152	137	2.69	0.69	3.89	9659	0	To achieve 90% of Sanctioned Strength in 1-6 years

Year 2040

Methodology	Opening Balance	Institution	Disposal	Pendency	Sanctioned Strength	Working Strength	Pendency to Institution Ratio	Disposal to Institution Ratio	Pendency to Disposal Ratio	Case to Judge Ratio	Additional Judge Strength	Annual Increase in Working Strength
HDI	1,49,144	3,58,825	4,06,840	1,01,129	232	209	0.28	1.13	0.25	2,430	80	3
Literacy	1,49,144	3,58,825	4,06,840	1,01,129	232	209	0.28	1.13	0.25	2,430	80	3
Judge Population Ratio Fifty	0	5,07,994	5,07,994	0	431	388	0.00	1.00	0.00	1,310	279	10
Normal Growth	4,25,617	8,06,333	8,80,827	3,51,122	510	459	0.44	1.09	0.40	2,684	358	13
No Intervention	35,66,326	5,07,994	2,70,173	38,04,147	152	137	7.49	0.53	14.08	29783	0	To achieve 90% of Sanctioned Strength in 1-6 years

All the numbers shown in the cells rounded off to the nearest integer

TABLE-'J14'

JAMMU & KASHMIR
Situation in 2040 under various methodologies

Current Situation: As on 31.12.2015

Opening Balance	Institution	Disposal	Pendency	Sanctioned Strength	Working Strength	Pendency to Institution Ratio	Disposal to Institution Ratio	Pendency to Disposal Ratio	Case to Judge Ratio	Average Disposal Rate
1,85,078	4,07,440	3,92,819	1,99,699	245	220	0.49	0.96	0.51	2,693	1414

Year 2025

Methodology	Opening Balance	Institution	Disposal	Pendency	Sanctioned Strength	Working Strength	Pendency to Institution Ratio	Disposal to Institution Ratio	Pendency to Disposal Ratio	Case to Judge Ratio	Additional Judge Strength	Annual Increase in Working Strength
HDI	7,83,613	4,64,378	4,38,335	8,09,657	356	320	1.74	0.94	1.85	3,900	111	10
Literacy	7,82,806	4,64,194	4,38,335	8,08,666	356	320	1.74	0.94	1.84	3,897	111	10
Judge Population Ratio Fifty	5,43,944	5,11,541	5,37,183	5,18,301	442	398	1.01	1.05	0.96	2,655	197	18
Normal Growth	7,00,144	6,06,049	5,78,319	7,27,874	478	430	1.20	0.95	1.26	3,038	233	21
No Intervention	14,45,545	5,11,541	3,11,783	16,45,302	245	221	3.22	0.61	5.28	8,876	0	To achieve 90% of Sanctioned Strength in 1-6 years

Year 2040

Methodology	Opening Balance	Institution	Disposal	Pendency	Sanctioned Strength	Working Strength	Pendency to Institution Ratio	Disposal to Institution Ratio	Pendency to Disposal Ratio	Case to Judge Ratio	Additional Judge Strength	Annual Increase in Working Strength
HDI	4,59,286	5,72,083	6,50,432	3,80,938	522	470	0.67	1.14	0.59	2,194	277	10
Literacy	4,53,506	5,71,576	6,50,432	3,74,649	522	470	0.66	1.14	0.58	2,181	277	10
Judge Population Ratio Fifty	0	7,03,830	7,03,830	0	737	663	0.00	1.00	0.00	1,061	492	18
Normal Growth	5,30,726	9,67,829	10,23,724	4,74,831	828	745	0.49	1.06	0.46	2,011	583	21
No Intervention	57,98,456	7,03,830	3,11,783	61,90,502	245	221	8.80	0.44	19.86	29,489	0	To achieve 90% of Sanctioned Strength in 1-6 years

All the numbers shown in the cells rounded off to the nearest integer

TABLE-'J15'

JHARKHAND
Situation in 2040 under various methodologies

Current Situation: As on 31.12.2015

Opening Balance	Institution	Disposal	Pendency	Sanctioned Strength	Working Strength	Pendency to Institution Ratio	Disposal to Institution Ratio	Pendency to Disposal Ratio	Case to Judge Ratio	Average Disposal Rate
3,15,484	1,27,978	1,18,845	3,24,357	592	466	2.53	0.93	2.73	952	277

Year 2025

Methodology	Opening Balance	Institution	Disposal	Pendency	Sanctioned Strength	Working Strength	Pendency to Institution Ratio	Disposal to Institution Ratio	Pendency to Disposal Ratio	Case to Judge Ratio	Additional Judge Strength	Annual Increase in Working Strength
HDI	9,28,689	6,31,466	6,77,863	8,82,293	2,962	2,666	1.40	1.07	1.30	585	2,370	220 Judges (2016-2030) & 340 Judges (2031-2040)
Literacy	3,39,526	4,83,139	5,03,270	3,19,394	2,184	1,966	0.66	1.04	0.63	418	1,592	150 Judges (2016-2030) & 420 Judges (2031-2040)
Judge Population Ratio Fifty	9,63,008	4,19,440	3,15,070	10,67,378	1,338	1,204	2.54	0.75	3.39	1,148	746	70
Normal Growth	2,92,901	1,43,715	1,51,591	2,85,026	618	556	1.98	1.05	1.88	785	26	9
No Intervention	16,32,666	4,19,440	1,47,656	19,04,450	592	533	4.54	0.35	12.90	3,852	0	To achieve 90% of Sanctioned Strength in 1-6 years

Year 2040

Methodology	Opening Balance	Institution	Disposal	Pendency	Sanctioned Strength	Working Strength	Pendency to Institution Ratio	Disposal to Institution Ratio	Pendency to Disposal Ratio	Case to Judge Ratio	Additional Judge Strength	Annual Increase in Working Strength
HDI	29,990	19,33,364	18,91,698	71,657	7,962	7,166	0.04	0.98	0.04	274	7,370	220 Judges (2016-2030) & 340 Judges (2031-2040)
Literacy	58,582	18,08,416	18,00,244	66,754	7,684	6,916	0.04	1.00	0.04	270	7,092	150 Judges (2016-2030) & 420 Judges (2031-2040)
Judge Population Ratio Fifty	54,57,271	13,03,255	5,94,094	61,66,432	2,457	2,211	4.73	0.46	10.38	3,058	1,865	70
Normal Growth	82,765	1,67,985	1,89,003	61,747	768	691	0.37	1.13	0.33	363	176	9
No Intervention	1,05,91,313	13,03,255	1,47,656	1,17,46,912	592	533	9.01	0.11	79.56	22,325	0	To achieve 90% of Sanctioned Strength in 1-6 years

All the numbers shown in the cells rounded off to the nearest integer

TABLE-'J16'

KARNATAKA
Situation in 2040 under various methodologies

Current Situation: As on 31.12.2015

Opening Balance	Institution	Disposal	Pendency	Sanctioned Strength	Working Strength	Pendency to Institution Ratio	Disposal to Institution Ratio	Pendency to Disposal Ratio	Case to Judge Ratio	Average Disposal Rate
12,26,112	12,51,981	12,09,127	12,68,966	1,122	820	1.01	0.97	1.05	3,022	1345

Year 2025

Methodology	Opening Balance	Institution	Disposal	Pendency	Sanctioned Strength	Working Strength	Pendency to Institution Ratio	Disposal to Institution Ratio	Pendency to Disposal Ratio	Case to Judge Ratio	Additional Judge Strength	Annual Increase in Working Strength
HDI	25,91,390	20,64,015	19,98,129	26,57,276	1,733	1,560	1.29	0.97	1.33	2,984	611	74
Literacy	30,64,298	21,83,298	20,10,231	32,37,364	1,744	1,570	1.48	0.92	1.61	3,342	622	75
Judge Population Ratio Fifty	0	20,36,163	20,36,163	0	2,186	1,968	0.00	1.00	0.00	1,035	1,064	103
Normal Growth	26,60,625	18,61,177	18,04,502	27,17,300	1,556	1,400	1.46	0.97	1.51	3,230	434	58
No Intervention	44,53,303	20,36,163	13,57,814	51,31,652	1,122	1,010	2.52	0.67	3.78	6,426	0	To achieve 90% of Sanctioned Strength in 1-6 years

Year 2040

Methodology	Opening Balance	Institution	Disposal	Pendency	Sanctioned Strength	Working Strength	Pendency to Institution Ratio	Disposal to Institution Ratio	Pendency to Disposal Ratio	Case to Judge Ratio	Additional Judge Strength	Annual Increase in Working Strength
HDI	14,78,948	29,77,372	34,90,676	9,65,645	2,967	2,670	0.32	1.17	0.28	1,669	1,845	74
Literacy	27,85,726	29,54,220	35,22,947	22,17,000	2,994	2,695	0.75	1.19	0.63	2,130	1,872	75
Judge Population Ratio Fifty	0	28,89,580	28,89,580	0	3,783	3,405	0.00	1.00	0.00	849	2,661	103
Normal Growth	14,53,711	27,37,148	29,74,335	12,16,524	2,522	2,270	0.44	1.09	0.41	1,846	1,400	58
No Intervention	2,20,26,324	28,89,580	13,57,814	2,35,58,090	1,122	1,010	8.15	0.47	17.35	24,674	0	To achieve 90% of Sanctioned Strength in 1-6 years

All the numbers shown in the cells rounded off to the nearest integer

TABLE-'J17'

KERALA
Situation in 2040 under various methodologies

Current Situation: As on 31.12.2015

Opening Balance	Institution	Disposal	Pendency	Sanctioned Strength	Working Strength	Pendency to Institution Ratio	Disposal to Institution Ratio	Pendency to Disposal Ratio	Case to Judge Ratio	Average Disposal Rate
13,31,558	13,52,012	13,38,443	13,45,127	457	442	0.99	0.99	1.00	6,071	2,849

Year 2025

Methodology	Opening Balance	Institution	Disposal	Pendency	Sanctioned Strength	Working Strength	Pendency to Institution Ratio	Disposal to Institution Ratio	Pendency to Disposal Ratio	Case to Judge Ratio	Additional Judge Strength	Annual Increase in Working Strength
HDI	21,87,365	14,73,339	14,38,813	22,21,891	569	512	1.51	0.98	1.54	7,150	112	7
Literacy	20,87,101	14,61,882	14,38,813	21,10,170	569	512	1.44	0.98	1.47	6,932	112	7
Judge Population Ratio Fifty	0	16,41,046	16,41,046	0	1,045	941	0.00	1.00	0.00	1,745	588	52
Normal Growth	24,30,188	19,87,918	19,51,657	24,66,449	791	712	1.24	0.98	1.26	6,205	334	27
No Intervention	36,36,659	16,41,046	12,59,317	40,18,387	457	442	2.45	0.77	3.19	11,941	0	To achieve 90% of Sanctioned Strength in 1-6 years

Year 2040

Methodology	Opening Balance	Institution	Disposal	Pendency	Sanctioned Strength	Working Strength	Pendency to Institution Ratio	Disposal to Institution Ratio	Pendency to Disposal Ratio	Case to Judge Ratio	Additional Judge Strength	Annual Increase in Working Strength
HDI	10,06,628	15,16,626	17,37,972	7,85,282	686	617	0.52	1.15	0.45	4,090	229	7
Literacy	7,31,439	15,04,833	17,37,972	4,98,300	686	617	0.33	1.15	0.29	3,624	229	7
Judge Population Ratio Fifty	0	19,70,124	19,70,124	0	1,927	1,734	0.00	1.00	0.00	1,136	1,470	52
Normal Growth	12,03,764	28,88,912	31,05,557	9,87,120	1,241	1,117	0.34	1.07	0.32	3,664	784	27
No Intervention	1,17,27,546	19,70,124	12,59,317	1,24,38,352	457	442	6.31	0.64	9.88	30,990	0	To achieve 90% of Sanctioned Strength in 1-6 years

All the numbers shown in the cells rounded off to the nearest integer

TABLE-'J18'

LAKSHADWEEP
Situation in 2040 under various methodologies

Current Situation: As on 31.12.2015

Opening Balance	Institution	Disposal	Pendency	Sanctioned Strength	Working Strength	Pendency to Institution Ratio	Disposal to Institution Ratio	Pendency to Disposal Ratio	Case to Judge Ratio	Average Disposal Rate
433	227	280	380	3	3	1.67	1.23	1.36	220	91

Year 2025

Methodology	Opening Balance	Institution	Disposal	Pendency	Sanctioned Strength	Working Strength	Pendency to Institution Ratio	Disposal to Institution Ratio	Pendency to Disposal Ratio	Case to Judge Ratio	Additional Judge Strength	Annual Increase in Working Strength
HDI*					3	3						
Literacy$					3	3						
Judge Population Ratio Fifty#	1,033	475	364	1,145	4	4	2.41	0.77	3.14	377	1	
Normal Growth	1,033	475	273	1,236	4	4	2.60	0.57	4.53	377	1	
No Intervention	1,033	475	273	1,236	3	3	2.60	0.57	4.53	503	0	To achieve 90% of Sanctioned Strength in 1-6 years

Year 2040

Methodology	Opening Balance	Institution	Disposal	Pendency	Sanctioned Strength	Working Strength	Pendency to Institution Ratio	Disposal to Institution Ratio	Pendency to Disposal Ratio	Case to Judge Ratio	Additional Judge Strength	Annual Increase in Working Strength
HDI*					3	3						
Literacy$					3	3						
Judge Population Ratio Fifty#	5,055	864	455	5,464	6	5	6.33	0.53	12.01	1,184	3	
Normal Growth	505	864	819	550	10	9	0.64	0.95	0.67	152	7	
No Intervention	6,784	864	273	7,375	3	3	8.54	0.32	27.01	2,549	0	To achieve 90% of Sanctioned Strength in 1-6 years

*HDI Calculation not possible as HDI figures are not available in India Human Development Report 2011.
#The Institution figures have been taken that of Normal Growth Methodology
$Projection not feasible owing to demographical situation
(The Sanctioned and Working Strength has been kept same as of present where the projections are not feasible to be done)
All the numbers shown in the cells rounded off to the nearest integer

TABLE-'J19'

MADHYA PRADESH
Situation in 2040 under various methodologies

Current Situation: As on 31.12.2015

Opening Balance	Institution	Disposal	Pendency	Sanctioned Strength	Working Strength	Pendency to Institution Ratio	Disposal to Institution Ratio	Pendency to Disposal Ratio	Case to Judge Ratio	Average Disposal Rate
11,81,459	10,83,924	10,73,584	11,91,799	1,461	1,215	1.10	0.99	1.11	1,865	967

Year 2025

Methodology	Opening Balance	Institution	Disposal	Pendency	Sanctioned Strength	Working Strength	Pendency to Institution Ratio	Disposal to Institution Ratio	Pendency to Disposal Ratio	Case to Judge Ratio	Additional Judge Strength	Annual Increase in Working Strength
HDI	2,52,067	12,72,839	13,92,456	1,32,451	1,600	1,440	0.10	1.09	0.10	1,059	139	25 (2016-2024) & 165 (2031-2040)
Literacy	3,34,813	18,75,652	18,71,112	3,39,352	2,239	2,015	0.18	1.00	0.18	1,097	778	80 (2016-2030) & 200 (2031-2040)
Judge Population Ratio Fifty	0	15,97,901	15,97,901	0	2,983	2,684	0.00	1.00	0.00	595	1,522	141
Normal Growth	19,91,184	16,45,213	16,10,027	20,26,371	1,906	1,715	1.23	0.98	1.26	2,120	445	50
No Intervention	18,85,130	15,97,901	12,71,486	22,11,546	1,461	1,315	1.38	0.80	1.74	2,649	0	To achieve 90% of Sanctioned Strength in 1-6 years

Year 2040

Methodology	Opening Balance	Institution	Disposal	Pendency	Sanctioned Strength	Working Strength	Pendency to Institution Ratio	Disposal to Institution Ratio	Pendency to Disposal Ratio	Case to Judge Ratio	Additional Judge Strength	Annual Increase in Working Strength
HDI	3,17,862	30,26,938	28,28,425	5,16,374	3,433	3,090	0.17	0.93	0.18	1,082	1,972	25 (2016-2024) & 165 (2031-2040)
Literacy	23,07,716	39,93,755	40,75,834	22,25,638	4,906	4,415	0.56	1.02	0.55	1,427	3,445	80 (2016-2030) & 200 (2031-2040)
Judge Population Ratio Fifty	0	30,76,747	30,76,747	0	5,265	4,739	0.00	1.00	0.00	649	3,804	141
Normal Growth	13,92,665	22,09,548	23,35,264	12,66,949	2,739	2,465	0.57	1.06	0.54	1,461	1,278	50
No Intervention	1,53,67,728	30,76,747	12,71,486	1,71,72,989	1,461	1,315	5.58	0.41	13.51	14,027	0	To achieve 90% of Sanctioned Strength in 1-6 years

All the numbers shown in the cells rounded off to the nearest integer

TABLE-'J20'

MAHARASHTRA
Situation in 2040 under various methodologies

Current Situation: As on 2015

Opening Balance	Institution	Disposal	Pendency	Sanctioned Strength	Working Strength	Pendency to Institution Ratio	Disposal to Institution Ratio	Pendency to Disposal Ratio	Case to Judge Ratio	Average Disposal Rate
28,68,764	17,74,497	16,49,187	29,94,074	2,251	1,917	1.69	0.93	1.82	2422	961

Year 2025

Methodology	Opening Balance	Institution	Disposal	Pendency	Sanctioned Strength	Working Strength	Pendency to Institution Ratio	Disposal to Institution Ratio	Pendency to Disposal Ratio	Case to Judge Ratio	Additional Judge Strength	Annual Increase in Working Strength
HDI	25,81,121	35,97,539	36,14,656	25,64,005	4,408	3,967	0.71	1.00	0.71	1558	2,157	205
Literacy	41,86,387	39,74,250	37,87,606	43,73,032	4,630	4,167	1.1	0.95	1.15	1958	2,379	225
Judge Population Ratio Fifty	15,71,035	33,58,004	35,97,897	13,31,142	4,373	3,936	0.40	1.07	0.37	1252	2,122	195
Normal Growth	24,24,518	25,02,223	25,85,603	23,41,138	3,086	2,777	0.94	1.03	0.91	1774	835	86
No Intervention	81,76,412	33,58,004	19,46,553	95,87,864	2,251	2,026	2.86	0.58	4.93	5693	0	To achieve 90% of Sanctioned Strength in 1-6 years

Year 2040

Methodology	Opening Balance	Institution	Disposal	Pendency	Sanctioned Strength	Working Strength	Pendency to Institution Ratio	Disposal to Institution Ratio	Pendency to Disposal Ratio	Case to Judge Ratio	Additional Judge Strength	Annual Increase in Working Strength
HDI	28,59,694	59,46,481	65,69,219	22,36,956	7,824	7,042	0.38	1.10	0.34	1251	5,573	205
Literacy	32,25,505	59,00,241	70,30,419	20,95,327	8,380	7,542	0.36	1.19	0.3	1210	6,129	225
Judge Population Ratio Fifty	0	51,76,044	51,76,044	0	7,556	6,800	0.00	1.00	0.00	761	5,305	195
Normal Growth	7,51,806	36,81,411	38,25,078	6,08,138	4,519	4,067	0.17	1.04	0.16	1090	2,268	86
No Intervention	4,54,85,091	51,76,044	19,43,553	4,87,14,583	2,251	2,026	9.41	0.38	25.03	25007	0	To achieve 90% of Sanctioned Strength in 1-6 years

All the numbers shown in the cells rounded off to the nearest integer

TABLE-'J21'

MANIPUR
Situation in 2040 under various methodologies

Current Situation: As on 31.12.2015

Opening Balance	Institution	Disposal	Pendency	Sanctioned Strength	Working Strength	Pendency to Institution Ratio	Disposal to Institution Ratio	Pendency to Disposal Ratio	Case to Judge Ratio	Average Disposal Rate
8,862	5,418	7,395	6,885	41	34	1.27	1.36	0.93	420	396

Year 2025

Methodology	Opening Balance	Institution	Disposal	Pendency	Sanctioned Strength	Working Strength	Pendency to Institution Ratio	Disposal to Institution Ratio	Pendency to Disposal Ratio	Case to Judge Ratio	Additional Judge Strength	Annual Increase in Working Strength
HDI	1,03,178	94,725	70,475	1,27,427	216	194	1.35	0.74	1.81	1,020	175	16
Literacy	30,291	71,900	63,348	38,843	193	174	0.54	0.88	0.61	587	152	14
Judge Population Ratio Fifty	1,63,429	66,419	28,592	2,01,256	85	76	3.03	0.43	7.04	3,019	44	4
Normal Growth	53,296	32,633	31,278	54,651	93	84	1.67	0.96	1.75	1023	52	5 (2016-2034)
No Intervention	2,19,359	66,419	14,610	2,71,169	41	37	4.08	0.22	18.56	7,745	0	To achieve 90% of Sanctioned Strength in 1-6 years

Year 2040

Methodology	Opening Balance	Institution	Disposal	Pendency	Sanctioned Strength	Working Strength	Pendency to Institution Ratio	Disposal to Institution Ratio	Pendency to Disposal Ratio	Case to Judge Ratio	Additional Judge Strength	Annual Increase in Working Strength
HDI	80,108	1,18,056	1,65,498	32,666	482	434	0.28	1.40	0.20	457	441	16
Literacy	70,598	1,17,138	1,46,493	41,242	427	384	0.35	1.25	0.28	489	386	14
Judge Population Ratio Fifty	8,67,840	95,372	51,897	9,11,315	150	135	9.56	0.54	17.56	7,135	109	4
Normal Growth	13,573	50,922	51,075	13,420	143	129	0.26	1.00	0.26	500	102	5 (2016-2034)
No Intervention	12,96,639	95,372	14,610	13,77,401	41	37	14.44	0.15	94.28	37,724	0	To achieve 90% of Sanctioned Strength in 1-6 years

All the numbers shown in the cells rounded off to the nearest integer

TABLE-'J22'

MEGHALAYA
Situation in 2040 under various methodologies

Current Situation: As on 31.12.2015

Opening Balance	Institution	Disposal	Pendency	Sanctioned Strength	Working Strength	Pendency to Institution Ratio	Disposal to Institution Ratio	Pendency to Disposal Ratio	Case to Judge Ratio	Average Disposal Rate
14,249	19,168	18,429	14,988	39	30	0.78	0.96	0.81	1,114	386

Year 2025

Methodology	Opening Balance	Institution	Disposal	Pendency	Sanctioned Strength	Working Strength	Pendency to Institution Ratio	Disposal to Institution Ratio	Pendency to Disposal Ratio	Case to Judge Ratio	Additional Judge Strength	Annual Increase in Working Strength
HDI	1,94,718	1,22,710	94,837	2,22,591	300	270	1.81	0.77	2.35	1,176	261	24
Literacy	89,883	93,011	84,428	98,466	267	240	1.06	0.91	1.17	762	228	21
Judge Population Ratio Fifty	2,28,269	80,823	35,453	2,73,639	109	98	3.39	0.44	7.72	3,145	70	6
Normal Growth	30,398	26,749	25,444	31,703	78	70	1.19	0.95	1.25	816	39	4
No Intervention	3,15,954	80,823	13,532	3,83,245	39	35	4.74	0.17	28.32	11,304	0	To achieve 90% of Sanctioned Strength in 1-6 years

Year 2040

Methodology	Opening Balance	Institution	Disposal	Pendency	Sanctioned Strength	Working Strength	Pendency to Institution Ratio	Disposal to Institution Ratio	Pendency to Disposal Ratio	Case to Judge Ratio	Additional Judge Strength	Annual Increase in Working Strength
HDI	1,05,473	1,68,820	2,33,622	40,671	700	630	0.24	1.38	0.17	435	661	24
Literacy	1,15,939	1,67,507	2,05,865	77,582	617	555	0.46	1.23	0.38	511	578	21
Judge Population Ratio Fifty	11,08,037	1,28,328	71,988	11,64,377	215	193	9.07	0.56	16.17	6,404	176	6
Normal Growth	41,404	48,656	48,575	41,485	144	130	0.85	1.00	0.85	693	105	4
No Intervention	17,80,285	1,28,328	13,532	18,95,082	39	35	14.77	0.11	140.05	54,376	0	To achieve 90% of Sanctioned Strength in 1-6 years

All the numbers shown in the cells rounded off to the nearest integer

TABLE-'J23'

MIZORAM
Situation in 2040 under various methodologies

Current Situation: As on 31.12.2015

Opening Balance	Institution	Disposal	Pendency	Sanctioned Strength	Working Strength	Pendency to Institution Ratio	Disposal to Institution Ratio	Pendency to Disposal Ratio	Case to Judge Ratio	Average Disposal Rate
3,730	11,296	10,355	4,671	63	30	0.41	0.92	0.45	501	337

Year 2025

Methodology	Opening Balance	Institution	Disposal	Pendency	Sanctioned Strength	Working Strength	Pendency to Institution Ratio	Disposal to Institution Ratio	Pendency to Disposal Ratio	Case to Judge Ratio	Additional Judge Strength	Annual Increase in Working Strength
HDI	55,082	42,730	34,411	63,400	122	110	1.48	0.81	1.84	889	59	8
Literacy	79,850	48,417	34,411	93,855	122	110	1.94	0.71	2.73	1,166	59	8
Judge Population Ratio Fifty	75,476	38,473	20,058	93,891	66	60	2.44	0.52	4.68	1,907	3	1
Normal Growth	35,391	24,271	22,266	37,396	78	70	1.54	0.92	1.68	852	15	4
No Intervention	79,193	38,473	19,129	98,536	63	57	2.56	0.50	5.15	2075	0	To achieve 90% of Sanctioned Strength in 1-6 years

Year 2040

Methodology	Opening Balance	Institution	Disposal	Pendency	Sanctioned Strength	Working Strength	Pendency to Institution Ratio	Disposal to Institution Ratio	Pendency to Disposal Ratio	Case to Judge Ratio	Additional Judge Strength	Annual Increase in Working Strength
HDI	33,830	56,273	74,896	15,208	256	230	0.27	1.33	0.20	392	193	8
Literacy	61,600	55,836	74,896	42,540	256	230	0.76	1.34	0.57	511	193	8
Judge Population Ratio Fifty	4,42,371	50,799	21,606	4,71,564	72	64	9.28	0.43	21.83	7,664	9	1
Normal Growth	35,890	40,288	42,508	33,670	144	130	0.84	1.06	0.79	586	81	4
No Intervention	4,70,864	50,799	19,129	5,02,534	63	57	9.89	0.38	26.27	9200	0	To achieve 90% of Sanctioned Strength in 1-6 years

All the numbers shown in the cells rounded off to the nearest integer

TABLE-'J24'

NAGALAND
Situation in 2040 under various methodologies

Current Situation: As on 31.12.2015

Opening Balance	Institution	Disposal	Pendency	Sanctioned Strength	Working Strength	Pendency to Institution Ratio	Disposal to Institution Ratio	Pendency to Disposal Ratio	Case to Judge Ratio	Average Disposal Rate
3,553	5,135	4,826	3,862	27	25	0.75	0.94	0.80	348	140

Year 2025

Methodology	Opening Balance	Institution	Disposal	Pendency	Sanctioned Strength	Working Strength	Pendency to Institution Ratio	Disposal to Institution Ratio	Pendency to Disposal Ratio	Case to Judge Ratio	Additional Judge Strength	Annual Increase in Working Strength
HDI	1,38,536	96,843	71,594	1,63,785	628	565	1.69	0.74	2.29	417	601	54
Literacy	3,76,035	1,14,014	80,421	4,09,628	706	635	3.59	0.71	5.09	772	679	61
Judge Population Ratio Fifty	3,47,273	72,712	9,873	4,10,112	84	76	5.64	0.14	41.54	5,555	57	5
Normal Growth	7,640	7,278	7,286	7,633	61	55	1.05	1.00	1.05	271	34	3 (2016-35)
No Intervention	3,72,461	72,712	3,503	4,41,671	27	25	6.07	0.05	126.10	17,807	0	To achieve 90% of Sanctioned Strength in 1-6 years

Year 2040

Methodology	Opening Balance	Institution	Disposal	Pendency	Sanctioned Strength	Working Strength	Pendency to Institution Ratio	Disposal to Institution Ratio	Pendency to Disposal Ratio	Case to Judge Ratio	Additional Judge Strength	Annual Increase in Working Strength
HDI	97,685	1,33,403	1,85,081	46,008	1,528	1,375	0.34	1.39	0.25	168	1501	54
Literacy	1,12,573	1,32,366	2,08,619	36,320	1,722	1,550	0.27	1.58	0.17	158	1695	61
Judge Population Ratio Fifty	13,94,386	92,690	20,655	14,66,422	170	153	15.82	0.22	71.00	9,748	143	5
Normal Growth	1,082	12,302	11,909	1,474	94	85	0.12	0.97	0.12	157	67	3 (2016-35)
No Intervention	15,90,603	92,690	3,503	16,79,790	27	25	18.12	0.04	479.58	67,332	0	To achieve 90% of Sanctioned Strength in 1-6 years

All the numbers shown in the cells rounded off to the nearest integer

TABLE-'J25'

ORISSA
Situation in 2040 under various methodologies

Current Situation: As on 31.12.2015

Opening Balance	Institution	Disposal	Pendency	Sanctioned Strength	Working Strength	Pendency to Institution Ratio	Disposal to Institution Ratio	Pendency to Disposal Ratio	Case to Judge Ratio	Average Disposal Rate
10,70,377	4,01,923	4,08,261	10,64,039	716	598	2.65	1.02	2.61	2,462	666

Year 2025

Methodology	Opening Balance	Institution	Disposal	Pendency	Sanctioned Strength	Working Strength	Pendency to Institution Ratio	Disposal to Institution Ratio	Pendency to Disposal Ratio	Case to Judge Ratio	Additional Judge Strength	Annual Increase in Working Strength
HDI	18,34,147	6,53,039	6,43,572	18,43,614	1,120	1,008	2.82	0.99	2.86	2,467	404	41
Literacy	10,16,742	11,88,642	11,46,716	10,58,668	2,053	1,848	0.89	0.96	0.92	1,193	1,337	125
Judge Population Ratio Fifty	11,37,466	8,13,572	8,20,029	11,31,009	1,442	1,297	1.39	1.01	1.38	1,504	726	67
Normal Growth	11,32,825	5,99,036	6,19,613	11,12,248	1,076	968	1.86	1.03	1.80	1,789	360	37
No Intervention	27,02,100	8,13,572	4,28,870	30,86,802	716	644	3.79	0.53	7.20	5,456	0	To achieve 90% of Sanctioned Strength in 1-6 years

Year 2040

Methodology	Opening Balance	Institution	Disposal	Pendency	Sanctioned Strength	Working Strength	Pendency to Institution Ratio	Disposal to Institution Ratio	Pendency to Disposal Ratio	Case to Judge Ratio	Additional Judge Strength	Annual Increase in Working Strength
HDI	5,75,696	8,28,423	10,52,875	3,51,244	1,803	1,623	0.42	1.27	0.33	865	1,087	41
Literacy	12,74,117	19,75,728	23,94,593	8,55,251	4,137	3,723	0.43	1.21	0.36	873	3,421	125
Judge Population Ratio Fifty	4,17,525	12,29,300	14,71,960	1,74,865	2,530	2,277	0.14	1.20	0.12	723	1,814	67
Normal Growth	2,31,561	8,83,749	9,88,984	1,26,326	1,692	1,523	0.14	1.12	0.13	732	976	37
No Intervention	1,24,13,054	12,29,300	4,28,870	1,32,13,483	716	644	10.75	0.35	30.81	21,171	0	To achieve 90% of Sanctioned Strength in 1-6 years

All the numbers shown in the cells rounded off to the nearest integer

TABLE-'J26'

PUDUCHERRY
Situation in 2040 under various methodologies

Current Situation: As on 31.12.2015

Opening Balance	Institution	Disposal	Pendency	Sanctioned Strength	Working Strength	Pendency to Institution Ratio	Disposal to Institution Ratio	Pendency to Disposal Ratio	Case to Judge Ratio	Average Disposal Rate
24,431	20,951	20,409	24,973	26	14	1.19	0.97	1.22	3242	1458

Year 2025

Methodology	Opening Balance	Institution	Disposal	Pendency	Sanctioned Strength	Working Strength	Pendency to Institution Ratio	Disposal to Institution Ratio	Pendency to Disposal Ratio	Case to Judge Ratio	Additional Judge Strength	Annual Increase in Working Strength
HDI*					26	14					0	
Literacy	15,122	42,091	46,649	10,564	36	32	0.25	1.11	0.23	1,788	10	2 (2016-24) & (2031-40)
Judge Population Ratio Fifty#	0	42,091	42,091	0	47	43	0.00	1.00	0.00	988	21	2
Normal Growth$					26	14					0	
No Intervention#	31,012	42,091	34,112	38,991	26	23	0.93	0.81	1.14	3,124	0	To achieve 90% of Sanctioned Strength, if any, in 1-6 years

Year 2040

Methodology	Opening Balance	Institution	Disposal	Pendency	Sanctioned Strength	Working Strength	Pendency to Institution Ratio	Disposal to Institution Ratio	Pendency to Disposal Ratio	Case to Judge Ratio	Additional Judge Strength	Annual Increase in Working Strength
HDI*					26	14					0	
Literacy	35,316	61,966	72,889	24,393	58	52	0.39	1.18	0.33	1,871	32	2 (2016-24) & (2031-40)
Judge Population Ratio Fifty#	0	61,966	61,966	0	79	71	0.00	1.00	0.00	868	53	2
Normal Growth$					26	14					0	
No Intervention#	3,44,221	61,966	34,112	3,72,074	26	23	6.00	0.55	10.91	17,358	0	To achieve 90% of Sanctioned Strength, if any, in 1-6 years

*HDI Calculation not possible as HDI figures are not available in India Human Development Report 2011.
#The Institution figures have been taken that of Literacy Methodology
$No projections done as the past figures of Institution shows declining trend
(The Sanctioned and Working Strength has been kept same as of present where the projections are not feasible to be done)
All the numbers shown in the cells rounded off to the nearest integer

TABLE-'J27'

PUNJAB
Situation in 2040 under various methodologies

Current Situation: As on 31.12.2015

Opening Balance	Institution	Disposal	Pendency	Sanctioned Strength	Working Strength	Pendency to Institution Ratio	Disposal to Institution Ratio	Pendency to Disposal Ratio	Case to Judge Ratio	Average Disposal Rate
5,07,663	5,75,046	5,78,681	5,04,028	672	490	0.88	1.01	0.87	2,210	1134

Year 2025

Methodology	Opening Balance	Institution	Disposal	Pendency	Sanctioned Strength	Working Strength	Pendency to Institution Ratio	Disposal to Institution Ratio	Pendency to Disposal Ratio	Case to Judge Ratio	Additional Judge Strength	Annual Increase in Working Strength
HDI	8,65,045	9,58,536	9,32,993	8,90,587	956	860	0.93	0.97	0.95	2,120	284	37
Literacy	10,23,772	10,13,626	9,53,399	10,83,999	978	880	1.07	0.94	1.14	2,315	306	39
Judge Population Ratio Fifty	0	9,16,102	9,16,102	0	1,105	994	0.00	1.00	0.00	921	433	44
Normal Growth	9,84,824	7,76,145	7,59,545	10,01,424	767	690	1.29	0.98	1.32	2,552	95	20
No Intervention	14,17,915	9,16,102	6,85,631	16,48,386	672	605	1.80	0.75	2.40	3,859	0	To achieve 90% of Sanctioned Strength in 1-6 years

Year 2040

Methodology	Opening Balance	Institution	Disposal	Pendency	Sanctioned Strength	Working Strength	Pendency to Institution Ratio	Disposal to Institution Ratio	Pendency to Disposal Ratio	Case to Judge Ratio	Additional Judge Strength	Annual Increase in Working Strength
HDI	6,98,082	13,80,468	15,62,169	5,16,381	1,572	1,415	0.37	1.13	0.33	1,469	900	37
Literacy	8,46,418	13,69,734	16,16,584	5,99,568	1,628	1,465	0.44	1.18	0.37	1,513	956	39
Judge Population Ratio Fifty	0	12,51,991	12,51,991	0	1,754	1,579	0.00	1.00	0.00	793	1,082	44
Normal Growth	4,60,550	10,05,773	10,99,640	3,66,683	1,100	990	0.36	1.09	0.33	1,481	428	20
No Intervention	78,82,667	12,51,991	6,85,631	84,49,028	672	605	6.75	0.55	12.32	15,104	0	To achieve 90% of Sanctioned Strength in 1-6 years

All the numbers shown in the cells rounded off to the nearest integer

TABLE-'J28'

RAJASTHAN
Situation in 2040 under various methodologies

Current Situation: As on 31.12.2015

Opening Balance	Institution	Disposal	Pendency	Sanctioned Strength	Working Strength	Pendency to Institution Ratio	Disposal to Institution Ratio	Pendency to Disposal Ratio	Case to Judge Ratio	Average Disposal Rate
14,54,566	13,96,369	13,71,762	14,79,173	1,191	985	1.06	0.98	1.08	2,894	1378

Year 2025

Methodology	Opening Balance	Institution	Disposal	Pendency	Sanctioned Strength	Working Strength	Pendency to Institution Ratio	Disposal to Institution Ratio	Pendency to Disposal Ratio	Case to Judge Ratio	Additional Judge Strength	Annual Increase in Working Strength
HDI	18,36,517	16,70,609	16,66,987	18,40,139	1,372	1,235	1.10	1.00	1.10	2,840	181	25
Literacy	17,59,731	23,67,345	24,23,331	17,03,745	2,050	1,845	0.72	1.02	0.70	2,237	859	86
Judge Population Ratio Fifty	0	19,82,134	19,82,134	0	2,920	2,628	0.00	1.00	0.00	754	1,729	159
Normal Growth	15,52,996	19,08,448	19,14,968	15,46,475	1,594	1,435	0.81	1.00	0.81	2,412	403	45
No Intervention	33,37,663	19,82,134	14,76,730	38,43,067	1,191	1,072	1.94	0.75	2.60	4,963	0	To achieve 90% of Sanctioned Strength in 1-6 years

Year 2040

Methodology	Opening Balance	Institution	Disposal	Pendency	Sanctioned Strength	Working Strength	Pendency to Institution Ratio	Disposal to Institution Ratio	Pendency to Disposal Ratio	Case to Judge Ratio	Additional Judge Strength	Annual Increase in Working Strength
HDI	10,66,417	20,66,063	21,83,615	9,48,864	1,789	1,610	0.46	1.06	0.43	1,946	598	25
Literacy	8,74,319	42,20,217	42,00,532	8,94,005	3,483	3,135	0.21	1.00	0.21	1,625	2,292	86
Judge Population Ratio Fifty	0	30,26,830	30,26,830	0	5,515	4,963	0.00	1.00	0.00	610	4,324	159
Normal Growth	11,46,000	27,94,209	28,44,899	10,95,309	2,344	2,110	0.39	1.02	0.39	1,867	1,153	45
No Intervention	1,80,47,746	30,26,830	14,76,730	1,95,97,846	1,191	1,072	6.47	0.49	13.27	19,661	0	To achieve 90% of Sanctioned Strength in 1-6 years

All the numbers shown in the cells rounded off to the nearest integer

TABLE-'J29'

SIKKIM
Situation in 2040 under various methodologies

Current Situation: As on 31.12.2015

Opening Balance	Institution	Disposal	Pendency	Sanctioned Strength	Working Strength	Pendency to Institution Ratio	Disposal to Institution Ratio	Pendency to Disposal Ratio	Case to Judge Ratio	Average Disposal Rate
1,160	4,106	3,806	1,460	18	14	0.36	0.93	0.38	376	175

Year 2025

Methodology	Opening Balance	Institution	Disposal	Pendency	Sanctioned Strength	Working Strength	Pendency to Institution Ratio	Disposal to Institution Ratio	Pendency to Disposal Ratio	Case to Judge Ratio	Additional Judge Strength	Annual Increase in Working Strength
HDI	40,704	27,040	21,398	46,346	149	134	1.71	0.79	2.17	506	131	12 (2016-35)
Literacy	1,02,824	31,237	22,977	1,11,085	160	144	3.56	0.74	4.83	931	142	13
Judge Population Ratio Fifty	94,980	20,942	4,546	1,11,376	30	27	5.32	0.22	24.50	4,293	12	1
Normal Growth	5,805	4,549	4,034	6,319	27	**24**	1.39	0.89	1.57	431	9	1 (2016-25) & 2 (2026-34)
No Intervention	1,01,414	20,942	2,841	1,19,514	18	16	5.71	0.14	42.06	7,553	0	To achieve 90% of Sanctioned Strength in 1-6 years

Year 2040

Methodology	Opening Balance	Institution	Disposal	Pendency	Sanctioned Strength	Working Strength	Pendency to Institution Ratio	Disposal to Institution Ratio	Pendency to Disposal Ratio	Case to Judge Ratio	Additional Judge Strength	Annual Increase in Working Strength
HDI	21,761	37,778	44,550	14,989	282	254	0.40	1.18	0.34	234	264	12 (2016-35)
Literacy	31,828	37,484	57,178	12,134	377	339	0.32	1.53	0.21	204	359	13
Judge Population Ratio Fifty	3,77,159	27,513	7,388	3,97,284	48	43	14.44	0.27	53.78	9,367	30	1
Normal Growth	1,749	7,276	7,367	1,659	47	42	0.23	1.01	0.23	215	29	1 (2016-25) & 2 (2026-34)
No Intervention	4,29,054	27,513	2,841	4,53,726	18	16	16.49	0.10	159.69	28,183	0	To achieve 90% of Sanctioned Strength in 1-6 years

All the numbers shown in the cells rounded off to the nearest integer

TABLE-'J30'

TAMIL NADU
Situation in 2040 under various methodologies

Current Situation: As on 31.12.2015

Opening Balance	Institution	Disposal	Pendency	Sanctioned Strength	Working Strength	Pendency to Institution Ratio	Disposal to Institution Ratio	Pendency to Disposal Ratio	Case to Judge Ratio	Average Disposal Rate
10,38,820	11,95,322	11,51,349	10,82,793	1,015	969	0.91	0.96	0.94	2,306	1188

Year 2025

Methodology	Opening Balance	Institution	Disposal	Pendency	Sanctioned Strength	Working Strength	Pendency to Institution Ratio	Disposal to Institution Ratio	Pendency to Disposal Ratio	Case to Judge Ratio	Additional Judge Strength	Annual Increase in Working Strength
HDI	29,82,461	23,86,907	21,13,452	32,55,916	2,077	1,869	1.36	0.89	1.54	2,873	1,062	90
Literacy	42,461	19,51,493	19,10,304	83,649	1,866	1,679	0.04	0.98	0.04	1,188	851	71
Judge Population Ratio Fifty	20,48,262	20,96,171	21,12,953	20,31,480	2,083	1,875	0.97	1.01	0.96	2,211	1,068	94
Normal Growth	42,89,997	19,50,112	18,24,768	44,15,341	1,777	1,599	2.26	0.94	2.42	3,903	762	63
No Intervention	56,31,650	20,96,171	11,51,172	65,76,649	1,015	969	3.14	0.55	5.71	7,975	0	To achieve 90% of Sanctioned Strength in 1-6 years

Year 2040

Methodology	Opening Balance	Institution	Disposal	Pendency	Sanctioned Strength	Working Strength	Pendency to Institution Ratio	Disposal to Institution Ratio	Pendency to Disposal Ratio	Case to Judge Ratio	Additional Judge Strength	Annual Increase in Working Strength
HDI	20,17,939	29,00,242	37,17,252	12,00,930	3,577	3,219	0.41	1.28	0.32	1,528	2,562	90
Literacy	22,37,422	28,77,690	31,75,524	19,39,588	3,049	2,744	0.67	1.10	0.61	1,864	2,034	71
Judge Population Ratio Fifty	0	27,19,223	27,19,223	0	3,685	3,317	0.00	1.00	0.00	820	2,670	94
Normal Growth	13,18,912	23,79,737	29,47,428	7,51,220	2,827	2,544	0.32	1.24	0.25	1,454	1,812	63
No Intervention	2,63,40,395	27,19,223	11,51,172	2,79,08,446	1,015	969	10.26	0.42	24.24	29,989	0	To achieve 90% of Sanctioned Strength in 1-6 years

All the numbers shown in the cells rounded off to the nearest integer

TABLE-'J31'

TRIPURA
Situation in 2040 under various methodologies

Current Situation: As on 31.12.2015

Opening Balance	Institution	Disposal	Pendency	Sanctioned Strength	Working Strength	Pendency to Institution Ratio	Disposal to Institution Ratio	Pendency to Disposal Ratio	Case to Judge Ratio	Average Disposal Rate
1,15,209	2,23,862	2,09,282	1,29,789	104	68	0.58	0.93	0.62	4,986	2,143

Year 2025

Methodology	Opening Balance	Institution	Disposal	Pendency	Sanctioned Strength	Working Strength	Pendency to Institution Ratio	Disposal to Institution Ratio	Pendency to Disposal Ratio	Case to Judge Ratio	Additional Judge Strength	Annual Increase in Working Strength
HDI	6,29,323	2,47,242	2,22,917	6,53,648	120	108	2.64	0.90	2.93	8,116	16	4
Literacy	6,29,323	2,47,242	2,22,917	6,53,648	120	108	2.64	0.90	2.93	8,116	16	4 (2016-30) & 5 (2031-40)
Judge Population Ratio Fifty	4,11,647	2,98,563	2,92,990	4,17,220	157	141	1.40	0.98	1.42	5,020	53	6
Normal Growth	6,93,709	4,01,205	3,77,244	7,17,670	209	188	1.79	0.94	1.90	5,824	105	12 (2016-36)
No Intervention	7,26,234	2,98,563	2,00,625	8,24,171	104	94	2.76	0.67	4.11	10,949	0	To achieve 90% of Sanctioned Strength in 1-6 years

Year 2040

Methodology	Opening Balance	Institution	Disposal	Pendency	Sanctioned Strength	Working Strength	Pendency to Institution Ratio	Disposal to Institution Ratio	Pendency to Disposal Ratio	Case to Judge Ratio	Additional Judge Strength	Annual Increase in Working Strength
HDI	3,18,405	2,77,051	3,51,523	2,43,933	187	168	0.88	1.27	0.69	3,544	83	4
Literacy	2,41,241	2,77,051	3,70,813	1,47,479	198	178	0.53	1.34	0.40	2,912	94	4 (2016-30) & 5 (2031-40)
Judge Population Ratio Fifty	1,96,647	4,08,345	4,46,931	1,58,060	237	213	0.39	1.09	0.35	2,836	133	6
Normal Growth	3,17,651	6,70,931	6,85,898	3,02,684	356	320	0.45	1.02	0.44	3,089	252	12 (2016-36)
No Intervention	29,74,292	4,08,345	2,00,625	31,82,012	104	94	7.79	0.49	15.86	36,139	0	To achieve 90% of Sanctioned Strength in 1-6 years

All the numbers shown in the cells rounded off to the nearest integer

TABLE-'J32'

UTTAR PRADESH
Situation in 2040 under various methodologies

Current Situation: As on 31.12.2015

Opening Balance	Institution	Disposal	Pendency	Sanctioned Strength	Working Strength	Pendency to Institution Ratio	Disposal to Institution Ratio	Pendency to Disposal Ratio	Case to Judge Ratio	Average Disposal Rate
55,17,004	33,70,910	33,13,424	55,74,490	2,100	1,827	1.65	0.98	1.68	4,865	1,561

Year 2025

Methodology	Opening Balance	Institution	Disposal	Pendency	Sanctioned Strength	Working Strength	Pendency to Institution Ratio	Disposal to Institution Ratio	Pendency to Disposal Ratio	Case to Judge Ratio	Additional Judge Strength	Annual Increase in Working Strength
HDI	86,94,335	41,38,358	41,15,418	87,17,274	3,030	2,727	2.11	0.99	2.12	4,706	930	90
Literacy	21,32,278	67,07,024	69,94,807	18,44,496	5,308	4,777	0.28	1.04	0.26	1,850	3,208	295
Judge Population Ratio Fifty	0	48,96,875	48,96,875	0	7,719	6,947	0.00	1.00	0.00	705	5,619	508
Normal Growth	74,91,489	38,45,244	38,34,502	75,02,231	2,808	2,527	1.95	1.00	1.96	4,486	708	70
No Intervention	1,38,40,586	48,96,875	29,49,617	1,57,87,844	2,100	1,890	3.22	0.60	5.35	9,914	0	To achieve 90% of Sanctioned Strength in 1-6 years

Year 2040

Methodology	Opening Balance	Institution	Disposal	Pendency	Sanctioned Strength	Working Strength	Pendency to Institution Ratio	Disposal to Institution Ratio	Pendency to Disposal Ratio	Case to Judge Ratio	Additional Judge Strength	Annual Increase in Working Strength
HDI	21,85,286	52,66,301	62,22,288	12,29,299	4,530	4,077	0.23	1.18	0.20	1,828	2,430	90
Literacy	64,66,728	1,26,10,687	1,39,00,656	51,76,758	10,224	9,202	0.41	1.10	0.37	2,073	8,124	295
Judge Population Ratio Fifty	0	75,84,711	75,84,711	0	16,149	14,534	0.00	1.00	0.00	522	14,049	508
Normal Growth	34,05,182	48,77,145	54,73,179	28,09,148	3,974	3,577	0.58	1.12	0.51	2,315	1,874	70
No Intervention	6,70,86,252	75,84,711	29,49,617	7,17,21,345	2,100	1,890	9.46	0.39	24.32	39,508	0	To achieve 90% of Sanctioned Strength in 1-6 years

All the numbers shown in the cells rounded off to the nearest integer

TABLE-'J33'

UTTARAKHAND
Situation in 2040 under various methodologies

Current Situation: As on 31.12.2015

Opening Balance	Institution	Disposal	Pendency	Sanctioned Strength	Working Strength	Pendency to Institution Ratio	Disposal to Institution Ratio	Pendency to Disposal Ratio	Case to Judge Ratio	Average Disposal Rate
1,45,326	2,22,223	2,00,931	1,66,618	280	206	0.75	0.90	0.83	1,784	1113

Year 2025

Methodology	Opening Balance	Institution	Disposal	Pendency	Sanctioned Strength	Working Strength	Pendency to Institution Ratio	Disposal to Institution Ratio	Pendency to Disposal Ratio	Case to Judge Ratio	Additional Judge Strength	Annual Increase in Working Strength
HDI	5,32,073	4,68,289	3,89,434	6,10,928	407	366	1.30	0.83	1.57	2,733	127	16
Literacy	2,45,960	3,83,608	3,69,406	2,60,163	384	346	0.68	0.96	0.70	1,820	104	14
Judge Population Ratio Fifty	0	3,88,085	3,88,085	0	444	399	0.00	1.00	0.00	972	164	17
Normal Growth	1,95,006	3,12,359	3,09,322	1,98,044	318	286	0.63	0.99	0.64	1,774	38	8
No Intervention	4,73,444	3,88,085	2,80,392	5,81,137	280	252	1.50	0.72	2.07	3419	0	To achieve 90% of Sanctioned Strength in 1-6 years

Year 2040

Methodology	Opening Balance	Institution	Disposal	Pendency	Sanctioned Strength	Working Strength	Pendency to Institution Ratio	Disposal to Institution Ratio	Pendency to Disposal Ratio	Case to Judge Ratio	Additional Judge Strength	Annual Increase in Working Strength
HDI	3,79,230	5,42,664	6,56,474	2,65,420	673	606	0.49	1.21	0.40	1,521	393	16
Literacy	2,79,627	5,38,444	6,03,066	2,15,005	618	556	0.40	1.12	0.36	1,471	338	14
Judge Population Ratio Fifty	0	5,08,879	5,08,879	0	690	621	0.00	1.00	0.00	820	410	17
Normal Growth	2,38,119	4,45,529	4,42,842	2,40,806	451	406	0.54	0.99	0.54	1,684	171	8
No Intervention	30,62,859	5,08,879	2,80,392	32,91,346	280	252	6.47	0.55	11.74	14174	0	To achieve 90% of Sanctioned Strength in 1-6 years

All the numbers shown in the cells rounded off to the nearest integer

TABLE-'J34'

WEST BENGAL
Situation in 2040 under various methodologies

Current Situation: As on 31.12.2015

Opening Balance	Institution	Disposal	Pendency	Sanctioned Strength	Working Strength	Pendency to Institution Ratio	Disposal to Institution Ratio	Pendency to Disposal Ratio	Case to Judge Ratio	Average Disposal Rate
25,56,461	11,54,159	10,91,807	26,18,813	985	859	2.27	0.95	2.40	4,320	1,227

Year 2025

Methodology	Opening Balance	Institution	Disposal	Pendency	Sanctioned Strength	Working Strength	Pendency to Institution Ratio	Disposal to Institution Ratio	Pendency to Disposal Ratio	Case to Judge Ratio	Additional Judge Strength	Annual Increase in Working Strength
HDI	19,74,071	16,53,169	19,91,966	16,35,273	1,899	1,709	0.99	1.20	0.82	2,122	914	85(2016-25) & 145(2029-40)
Literacy	20,33,269	26,49,141	26,21,202	20,61,208	2,532	2,279	0.78	0.99	0.79	2,055	1,547	142
Judge Population Ratio Fifty	0	20,04,567	20,04,567	0	2,868	2,581	0.00	1.00	0.00	777	1,883	171
Normal Growth	33,72,512	17,11,391	17,15,986	33,67,917	1,621	1,459	1.97	1.00	1.96	3,485	636	60
No Intervention	64,14,446	20,04,567	10,87,363	73,31,649	985	887	3.66	0.54	6.74	9,497	0	To achieve 90% of Sanctioned Strength in 1-6 years

Year 2040

Methodology	Opening Balance	Institution	Disposal	Pendency	Sanctioned Strength	Working Strength	Pendency to Institution Ratio	Disposal to Institution Ratio	Pendency to Disposal Ratio	Case to Judge Ratio	Additional Judge Strength	Annual Increase in Working Strength
HDI	11,02,799	40,18,177	40,52,621	10,68,355	3,832	3,449	0.27	1.01	0.26	1,485	2,847	85(2016-25) & 145(2029-40)
Literacy	31,17,906	44,44,997	52,33,818	23,29,084	4,899	4,409	0.52	1.18	0.45	1,715	3,914	142
Judge Population Ratio Fifty	0	36,71,156	36,71,156	0	5,692	5,123	0.00	1.00	0.00	717	4,707	171
Normal Growth	14,48,453	25,50,294	28,19,908	11,78,839	2,621	2,359	0.46	1.11	0.42	1,695	1,636	60
No Intervention	3,35,98,659	36,71,156	10,87,363	3,61,82,452	985	887	9.86	0.30	33.28	42,042	0	To achieve 90% of Sanctioned Strength in 1-6 years

All the numbers shown in the cells rounded off to the nearest integer

Appendix-A

1924-1925

CIVIL JUSTICE COMMITTEE

2(3). The Governor General in Council has accordingly decided to appoint a Committee :-

> To enquire into the operation and effects of the substantive and adjective law, whether enacted or otherwise, followed by the courts in India in the disposal of civil suits, appeals, applications for revision and other civil litigation (including the execution of decrees and orders), with a view to ascertaining and reporting whether any and what changes and improvements should be made so as to provide for the more speedy, economical and satisfactory despatch of the business transacted in the courts and for the more speedy, economical and satisfactory execution of the processes issued by the courts. **[Para 2(3), Page No. viii]**

13. An examination has been made of the records of a large number of decided and undecided suits throughout India. We have arrived at the conclusion that in Bengal parties are not likely to obtain a decision in a contested suit of value involving a reasonable amount of difficulty in less than two and a half years. In Bombay and Sind and in Madras the period would be about two years, and in Bihar and Orissa, Agra and Oudh, the Punjab and the Central Provinces it would be about one year or a little less. In Burma and the North-West Frontier Province the period would be even shorter.

14. In Bengal and Assam, Bombay and Sind, and Madras the arrears in this class of suit are either unmanageable or approach the unmanageable. It is true that these suits represent a small proportion of the total number, but it may be estimated safely that the interests of more than one hundred thousand persons are involved in them, and their decision occupies the major part of the time of several hundred courts.

15. Improvement in methods is of vital importance. We can suggest improvements, but we are convinced that, where the arrears are unmanageable, improvement in methods can only palliate. It cannot cure. It is patent that, when a court has pending work which will occupy it for something between one year and two years or even more, new-comers have faint hopes. When there is enough work pending at the end of 1924 to occupy a subordinate judge till the end of 1926, difficult contested suits instituted in 1925 have no chance of being decided before 1927. Whatever be the improvement in methods, improvement in methods alone cannot be expected in such circumstances to produce a satisfactory result even in a decade.

16. Until this burden is removed or appreciably lightened, the prospect is gloomy. The existence of such arrears presents further a serious obstacle to improvement in methods. It may well be asked – Is there much tangible advantage gained by effecting an improvement in process serving, pleadings, handling of issues and expediting to the stage when parties are in a position to call their evidence, when it is a certainty that, as soon as that stage is reached, the hearing must be adjourned to a date eighteen months ahead or later, to take its place, in its turn, for evidence, arguments and decision? Unless a court can start with a reasonably clean slate, improvement of methods is likely to tantalise only. The existence of a mass of arrears takes the heart out of a presiding officer. He can hardly be expected to take a strong interest in preliminaries, when he knows that the hearing of the evidence and the decision will not be by him but by his successor after his transfer. So long as such arrears exist, there is a temptation to which many presiding officers succumb, to hold back the heavier contested suits and devote attention to the lighter ones. The out-turn of decisions in contested suits is thus maintained somewhere near the figure of the institutions, while the really difficult work is pushed further into the back-ground.

[Para 13-16, Page Nos. 21-22]

Appendix-B

1949

CHIEF JUSTICE OF CALCUTTA HIGH COURT'S REPORT AS SOURCED FROM 14TH REPORT OF THE LAW COMMISSION OF INDIA, (Vol.I) ON "REFORM OF JUDICIAL ADMINISTRATION"

Inadequacy of Judicial Personnel in West Bengal

The Chief Justice of the Calcutta High Court in dealing with the aspect of inadequacy of judicial personnel has observed:--

"There is undoubtedly great congestion of work in the subordinate courts and particularly at Alipore. Only a very small part of that congestion might have been avoided, but the bulk of it was bound to occur and it will continue to persist so long as the numerical strength of the subordinate judiciary is not adequately increased. Very recently the High Court, after a careful consideration of the actual needs, recommended that the strength of the Higher Judicial Service, including the deputation posts comprised therein, should be raised from 36 to 62, but the State Government agreed to increase it by only 9 members**.....**"

The learned Chief Justice went on to observe that in view of the increasing pressure of judicial work, it has been found impossible to spare judges for inspection work. He further stated:-

'The cadre of each of the two Services '(The West Bengal Higher Judicial Service and the West Bengal Civil Service (Judicial)' includes a number of deputation posts which are posts outside the judicial line proper. The number of deputation reserve or posts in the Higher Judicial Service is 10, that of Subordinate Judges 9 and that of Munsifs 18. The necessity of supplying officers for these posts, which are not allowed to remain vacant, naturally reduces the number of officers available for judicial work in the courts. If the full complement of Munsifs required for manning all the Munsifs courts had been provided and similarly the strength of the cadre of District and Additional District Judges as also of the Subordinate Judges maintained at the required strength, the system might have been worked without any difficulty being caused to the Courts. As matters stand, however, till very recently, the numerical strength of the Munsifs was much less than the minimum required for officering all the courts, and when I came to office I found that as many as 13 courts of Munsifs had been lying vacant without any presiding

officer for 8 or 9 years**.....** What happens and has been happening for a long time is this. The posts of deputation reserve, included in the cadre of the Higher Judicial Service but outside the judicial line proper, are kept continuously filled and the necessary personnel have to be supplied. But the higher posts in the judicial line, such as District and Additional District Judges, cannot also be kept vacant and, therefore, since the remainder of the permanent members of the Higher Judicial Service are not sufficient to fill all the posts, Subordinate Judges**.....** Of 34 confirmed Subordinate Judges, as many as 23 are now acting in the Higher Judicial Service. The promotion of so many Subordinate Judges for acting appointments in the Higher Judicial Service necessarily creates vacancies in the ranks of the Subordinate Judges and those have to be filled by promoting Munsifs. The drain thus caused on the body of Munsifs cannot be made good by promotion, because there is no lower rank of judicial officers from which promotions can be made and therefore some of the courts of Munsifs have to lie vacant. The recruitment of judicial officers in this State lies entirely in the hands of the State Government. On account of the Court's insistent demands pressed on the State Government during the last few years, they have now recruited a fairly large number of Munsifs, although the full complement has not yet been reached. But the officers thus made available are still very junior officers, either officers of only a few years' experience, or probationers who have not yet completed their training. The accelerated promotion of a large number of Subordinate Judges which has been forced by the circumstances has been responsible for the depletion of officers of requisite standing, available for work either as Subordinate Judges or as Munsifs. Munsifs of a few years' standing are now acting as Subordinate Judges; and for the 22 stations which require senior Munsifs with a higher pecuniary jurisdiction, it has been possible to provide only 16. As the whole pressure of deputations to reserve posts and promotions to the Higher Judicial Service or to the ranks of Subordinate Judges in the West Bengal Civil Service (Judicial) has fallen on the ranks of Munsifs, the Court has been compelled by sheer necessity to withdraw probationers from their training and post them in

courts for judicial work, so that as few courts may remain unprovided with presiding officers as possible. Of the Munsifs recruited in 1955, none has completed his training, but all are sitting in court except one who has been reposted to resume his training. Of the 15 recruited in 1956, 11 have had to be withdrawn to sit in Court after undergoing training for periods ranging between 7 days and a little over 5 months and only 4 could be kept under training, one of whom again has had to be re-posted to sit in Court in a temporary leave vacancy. The choice before the Court was either to keep the courts of Munsifs vacant or to appoint probationers to preside over them. The Court has chosen the latter alternative as the lesser of the two evils, because to leave about 15 courts without any presiding officer would create a very serious situation.

"**.....**The State Government again, are frequently proposing that some member or members of the Judicial Service should be spared for some special post or duty. In the case of the members of the Higher Judicial Service occupying the rank of District Judges, they do not even require the concurrence of the Court. The manner in which requests for members of the Judicial Service are made for the purpose of their appointment in special posts outside the cadre tends to create the impression, which I hope is unfounded that the needs of the courts are regarded as only of a secondary importance and it is thought that they can be properly left to carry on with such officers as may remain to them after the needs of other departments have been met."

In conclusion, he observed--

"The one measure which is called for more urgently than any other and which will enable the High Court to fill in vacancies in the subordinate courts is the increase of the cadre of both the Higher Judicial Service and the West Bengal Civil Service (Judicial) to the requisite numerical strength, as recommended by the Court. As matters stand now, a fairly large number of the courts of the lowest jurisdiction, viz., the courts of the Munsifs are still lying vacant and a fairly large number of courts of both Subordinate Judges and District Judges are, in

the majority of cases, being held by persons promoted to those posts before they had acquired the requisite length of experience and, in certain cases, by persons whose qualifications might have been more adequate. The state of things cannot be remedied, unless the High Court is provided with the full complement of officers of such strength that not only can it keep all the posts filled, but it can also accord promotion to the higher posts only to persons who have acquired the requisite experience and have given evidence of the requisite qualifications. The necessity of obtaining the consent of the Executive for the creation of Additional Judgeships does not cause any appreciable delay in this State because, where there is congestion of work, it has not been found difficult to persuade the Executive that Additional Judgeships are required. But it is no use creating Additional Judgeships if no officers are available for filling them by. The real difficulty is shortage of personnel and the Court finds it useless to recommend the creation of Additional Judgeships, as it knows perfectly well that no officers can be found to preside over additional courts."

[Para 20, Page Nos. 155-158]

Appendix-C

1952

JUDICIAL REFORMS COMMITTEE
UTTAR PRADESH
AS SOURCED FROM 14TH REPORT OF THE LAW COMMISSION OF INDIA, (Vol.I) ON
"REFORM OF JUDICIAL ADMINSTRATION"

Observations of U.P. Judicial Reforms Committee.

18. In Uttar Pradesh, the problem of inadequacy of strength received specific attention during the enquiry conducted by the Judicial Reforms Committee. The Committee observed :-

> "As we will show hereafter, the civil judiciary is under-manned and consequently over-worked. Where a Munsif previously handled a file of about 200 cases, he has now to deal with a file of even 700 or 800 cases. The condition in the courts of Civil Judges is no better."[1]

In dealing with the strength of the judiciary, the Committee stated:--

> "We are of the opinion that considering the amount and nature of work that is coming before the civil courts, the cadre should be substantially increased as early as possible if the arrears, which are accumulating from day to day, are to be cleared off. It may also be mentioned that besides this temporary phase of accumulated arrears, the work has gone up both in volume and complexity and the old cadre of civil judicial officers will not be sufficient to deal with the volume of work now coming before the civil courts. What is required, therefore, is a permanent increase in cadre and also some increase for the time being to deal with the accumulated arrears. Civil work has been falling into arrears year by year since 1942. This is due to the fact that after the entry of Japan into the War and the enactment of a large number of new laws creating new offences, for example, under the Defence of India Act and Rules, criminal work to be done by Sessions Judges and Assistant Sessions Judges increased enormously with the result that these officers who are also District Judges and Civil Judges, were unable to give sufficient time for the disposal of civil work. This is clearly reflected in the figures of pending file of regular suits and civil appeals in the courts of District Judges and Civil Judges .....
>
> It will be seen, therefore, that the number of pending suits in 1949 was almost double of the number pending in 1942. Same is the case with appeals. The reason for this is that Civil Judges and District Judges have been busy in disposing of criminal work, with the result that many Civil Courts remained lying vacant and many a time Civil Judges were working as Assistant Sessions Judges without doing any appreciable civil work. The cadre could not unfortunately be increased to cope with the increased criminal work thrown on Sessions and Assistant Sessions Judges in the last five years. Similarly the institution, which was just above 4,100 in 1942, has gradually increased and was just above 5,900 in 1949, i.e. an increase of about 40 per cent in civil suits. Institution of appeals also rose from just over 2,200 in 1942 to over 4,300 in 1945, but then it came down to 2,900 in 1949. Even so, it is 25 per cent above the figure for 1942. The reason why the number of appeals has come down since 1945 is that a number of Munsifs have had to be kept vacant and additional Munsifs' Courts could not be created and the Munsifs did thus not dispose of as much work as they should have done. Similarly, if we compare the figures in the Munsifs' Courts, the state of affairs will be found to be the same."[2]

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1 Report of the Uttar Pradesh Judicial Reforms Committee (1950-1951), Page No. 15.

2 Report of the Uttar Pradesh Judicial Reforms Committee/1950-1951 Page No. 21-22

Proceeding further, the Committee stated :-

> "In recent times there has been a great increase in the duration of cases. This increase in duration in subordinate courts started some time after the beginning of the last war due, to a large extent, to the fact that very many new laws were introduced leading to new types of cases both in the criminal and civil courts. Then came the transfer of power in 1947 leading to a shortage in the cadre of officers required for the disposal of judicial work, the civil, criminal and revenue. There was also an increase in crimes and criminal work due to the troubles following in the wake of the partition of 1947. This led to a sudden appointment of a large number of young men to make up the deficiency in the cadre with the natural result that the quality of the officers also deteriorated to a certain extent. It has resulted in a good percentage of the cadre consisting of inexperienced officers of less than five years' standing. Over and above this, there is no doubt that so far as the administration of civil justice is concerned, there is an actual shortage of officers to carry on the day-to-day work. In old days a pending file of 200 was considered sufficient for a Munsif and whenever a file went above 300 or so, an Additional Munsif was provided. In those circumstances, it was expected that a suit would not last for more than six months to a year in the Munsif's court. At the present time, a pending file of 300 to 400 is not considered too high for a Munsif while some of them have a pending file of even 700 to 800. In the case of Civil Judges 50 used to be a normal file but now it is generally over 100 and sometimes even 200 to 400. No option is, therefore, left to the officer who fixes dates sometimes six months ahead and sometimes dates have to be fixed only for the fixation of dates. Adjournments cannot be avoided in this state of circumstances. Then if the file of an officer is overburdened, he has to deal with interlocutary matters in a large number of cases every day which occupies most of his time. The cases also become old and it is common experience that with the duration of the case parties procure more voluminous evidence and create greater complexities. It is, therefore, imperatively necessary before the entire administration of justice collapses because of the tremendous weight of arrears which cannot be cleared off, to increase the cadre of judicial officers considerably to dispose of the work lying unattended."[2]

2 *Ibid*, Page No. 127.

Shri T.R. Misra, a former Judge of the Allahabad High Court who was a Member of the Committee made some important observations in his note of dissent :-

> "There is an undoubted shortage of Judges and Magistrates and there is urgent need of making this shortage good as soon as possible. There should be one Munsif for a file of 250 Munsiff's suits and one Civil Judge for a file of 75 or 80 Civil Judge's regular suits. If Civil Judges are required to do criminal work also, extra officers should be provided..... As far as I am aware the work in most of the courts is much too heavy for a single officer to cope with expeditiously and satisfactorily. Most of the Munsifs have a pending file of 500 to 1000 regular suits which means the work of two to four Munsifs. The criminal work with District and Sessions Judges and Civil and Assistant Sessions Judges has also considerably increased. Partly owing to this increase and partly owing to the faulty manner in which it is arranged civil work is greatly dislocated causing much avoidable trouble, expense and delay to the parties. So long as this heavy burden is not removed or appreciably lightened by the appointment of more officers, Government's object to give cheap and speedy justice to the people of the State cannot be achieved."[3]

[Para No. 18, Page Nos. 150-152]

Inadequacy of Judicial Personnel In Uttar Pradesh

19. …...The High Court of Allahabad has made a reference to the Government of Uttar Pradesh emphasising the need for a considerable increase in the strength of the judicial officers.

[Para No. 19, Page No. 152]

…..The High Court has summed up the position as under :-

> "The existing strength of judicial officers in a district is sufficient to cope with the institution in only nine to ten districts; all other districts require additional help so that the disposal should not be less than the institution. Institution of civil suits is decreasing, largely as the result of a change in the law on account of which suits which were previously instituted in civil courts are now instituted in revenue courts; consequently, the number of existing officers in more districts may suffice to cope with the institution in future. If no regard is to be had to this decrease in the institution (which has just now begun to be felt), it seems that about three hundred and fifty officers would be required to cope with the institution as against the existing number of two hundred and sixty-five officers; in other words, about eighty five officers more would be required to prevent the arrears increasing. With the expected decrease in the institution the number would be less, but some additional officers will be required.....
>
> In all other districts one officer or more would be required to clear off the arrears. No less than two hundred and seventy five officers would be required if the existing arrears were to be cleared off in one year; if they were to be cleared off in two years, the number of officers required would be one

3 Report of the Uttar Pradesh Judicial Reforms Committee (1950-51), Page No. 127.

hundred and thirty seven.....

The largest number of officers required is in the court of Munsifs because the heaviest arrears are in suits triable by a Munsif. Roughly about half the number of officers required to clear off the arrears should be Munsifs, the number of civil judges required would be about half that of Munsifs and the number of Civil and Sessions Judges, about one-third."

The High Court proceeds to state –

"The Court takes a very grave view of the delay with which cases are disposed of in civil courts and sessions courts. It reflects no credit on the administration of Justice that sessions trials (barring those for capital offences) take about a year and a half for disposal, civil suits take more than a year for disposal in the trial court, civil appeals are not disposed of for two and three years and criminal appeals also take a long time for disposal. The delay in the disposal of a suit and a civil appeal means that the aggrieved party is left without any redress for many years. In many cases it would be hardly worthwhile filing a suit in a civil court for redress. If the administration of civil justice is not to be reduced to a farce, urgent measures are necessary to prevent the delay. The judicial officers are as a rule making the fullest use of their time and the Court does not think they can dispose of substantially more work. They are generally punctual in attendance and barring a few isolated cases they do full day's work everyday. The accumulation of arrears is due mostly to inadequacy of officers of all grades and the Court would urge Government to take into immediate consideration the question of increasing the number of officers of all grades."

The Court further observed :-

"There have been occasions when there has been considerable delay in the consideration of the proposal for filling up vacancies in the Lower Judicial Service and the Higher Judicial Service. Great delay has occurred in the past. For instance the Public Service Commission held examination for recruitment of officers in the Lower Judicial Service in January, 1956, but Government orders for their appointment were received in June 1957. The Court proposed on 28th November, 1955, the filling up of vacancies in the Higher Judicial Service, Government sanctioned the number of officers to be recruited on 20th April, 1956 the Selection Committee sent the list of candidates to Government on 17th July, 1956, and it was not until on 27th April, 1957, that Government issued orders for their appointment and posting. The Court wrote on 14th May, 1957, for re-employment of retired District and Sessions Judges and Government's approval was received on 26th July, 1957."

[Para No. 19, Page Nos. 153-155]

Appendix-D

1958

LAW COMMISSION OF INDIA

FOURTEENTH REPORT

REFORM OF JUDICIAL ADMINISTRATION

(Vol.I)

8—ADEQUACY OF JUDICIAL STRENGTH

Laws, delays- An ancient complaint

1. Laws' delays are proverbial and perhaps, as old as law itself. One reads of them in Herodotus. Complaints about them are at present being loudly voiced in Europe and America.

Importance of speedy disposal of cases

2. In an organized society, it is in the interest of the citizens as well as the State that the disputes which go to the law courts for adjudication, should be decided within a reasonable time, so as to give certainty and definiteness to rights and obligations. If the course of a trial is inordinately long, the chances of miscarriage of justice and the expenses of litigation increase alike. Delays result in witnesses being unable to testify correctly to events which may have faded in their memory, and sometimes in their being won over by the opponent. Relief granted to an aggrieved party after a lapse of years loses much of its value and sometimes becomes totally infructuous. Such is the basis of the ubiquity of the comment "Justice delayed is justice denied".

[Para Nos. 1 & 2, Page No. 129]

Time lag inevitable

4. The final adjudication of the dispute must, therefore, involve a certain lapse of time from the date of its being brought before the court. The time so taken will depend on several factors, such as, the nature of the suit, the number of parties and witnesses, the competence of the presiding officers and so forth. We must not forget that however similar the facts of two cases may be, every case is entitled to individual attention for its satisfactory disposal and any "mass production" methods or "assembly line techniques" in the disposal of cases would be utterly incompatible with a sound administration of justice. Nevertheless, taking into account the normal time required for its various stages, a proceeding should be capable of being disposed of in a given length of time. Broadly speaking, therefore, we think, it should be possible to lay down limits of time within which judicial proceedings of various classes should, if our system of administration of justice is to function with efficiency, be normally brought to a conclusion in the courts in which they are instituted.

Possible to lay down time limits

Time limits in civil cases

5. Having regard to the general course of judicial work in civil courts, normally, a regular contested suit in a munsif's court should be disposed of within a year, and in a subordinate judge's court within one year and a half; small cause suits should be disposed of within three months, regular contested appeals in district courts within six months and miscellaneous civil appeals in such courts, within three months.

In criminal cases

6. We are of the view, that criminal cases in magisterial courts should be disposed of within two months and committal proceedings within six weeks from the date of the apprehension of the accused. Sessions cases should be disposed of within three months from the date of the apprehension of the accused. Criminal appeals and revisions should be disposed of within two months in the court of session and within six months in the High Court from the date of their institution.

Standards arbitrary

7. No doubt there is some degree of arbitrariness about the standards we suggest but, in the nature of things, that cannot be avoided. It may, however, be stated that the standards laid down by us are in a way based on actual experience as these standards have been achieved in some of the States.

Figures of average duration

8. We give below a comparative Table showing the average duration of various kinds of contested matters in different classes of courts in the various States in India, during the years 1953 to 1955. We have not received the administration reports for the year 1955 from all the States, but wherever possible, we have made use of the figures made available to us.

[Para Nos. 4, 5, 6, 7 & 8, Page No. 130]

What are arrears

10. Having suggested the standard time limits within which various classes of judicial proceedings should be concluded in the courts of the first instance, we may proceed to define what should be regarded as “arrears”. We think that all matters which have not been disposed of within the time limits prescribed should be treated as “arrears”. Thus, more than one year old suits in munsifs courts, more than one and a half year old suits in subordinate judges' courts, small cause suits more than three months' old, civil appeals more than six months' old and miscellaneous appeals more than three months old, should be deemed to be “arrears”**.....** **[Para Nos. 10, Page No. 136]**

Table showing average duration in days of contested suits and contested civil appeals in the courts of munsifs, subordinate judges and district judges in the various States for the year 1953-55

Name of the State	Full trial cases in munsif's courts			Full trial cases in courts of Subordinate Judges			Full trial cases in District Judges courts			Contested appeals before Sub-Judges			Contested appeals before District Judges		
	1953	1954	1955	1953	1954	1955	1953	1954	1955	1953	1954	1955	1953	1954	1955
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16
Andhra	O.S. -392 S.C.-139	O.S.-365 S.C.-131	O.S.-391 S.C.- 147	O.S.-578 S.C.-138	O.S.-620 S.C.-227	O.S.-523 S.C.-213	463	386	500	211	244	279	410	424	315
Assam	O.S.-858 S.C.-333	O.S.-490 S.C.-215	.. ..	O.S.-739	O.S.-370	..	..	126	..	381	537	..	582	310	..
Bihar	O.S.-498 S.C.-182	O.S.-504 S.C.-189	.. ..	O.S.-713 S.C.-222	O.S.-763 S.C.-211	.. ..	877	1114	..	277	349	..	534	658	..
Bombay (a)	O.S.-662 S.C.-254	O.S.-559 S.C.-253	O.S.-448 S.C.-254	..	..	..	422	386	436	..	..	..	436	518	446
Kerala (Travancore-Cochin)	O.S.-856 S.C.-191	O.S.-747 S.C.-173	O.S.-731 S.C.-251	..	..	O.S.-801 S.C.-70	1064	1039	1048	..	..	467	291	339	329
Madras	O.S.-421 S.C.-139	O.S.-491 S.C.-137	O.S.-721 S.C.-187	O.S.-601 S.C.-176	O.S.-725 S.C.-178	703 312	345	437	460	245	394	381	340	651	391
Madhya Pradesh	O.S.-321 S.C.-234	O.S.-336 S.C.-243	.. ..	406	522	..	562	588	..	..	..	..	251	249	..
Orissa	O.S.-489 S.C.-170	O.S.-561 S.C.-232	O.S.-597 S.C.-252	O.S.-566 S.C.-306	O.S.-678 S.C.-377	O.S.-754 S.C.-359	869	816	779	469	581	645	612	628	656
Punjab	..	..	..	O.S.-285 S.C.-86	O.S.-238 S.C.-82	O.S.-224 S.C.-85	301	195	252	144	131	136		281	214
Uttar Pradesh	O.S.-477 S.C.-154	O.S.-565 S.C.-160	O.S.-537 S.C.-154	O.S.-502	O.S.-541	O.S.-618	417	552	708	277	305	369	303	308	295
West Bengal	O.S.-416 S.C.-177	O.S.-423 S.C.-178	O.S.-399 S.C.-175	O.S.-530 S.C.-193	O.S.-630 S.C.-189	O.S.-699 S.C.-272	438	483	306	184	154	207	146	200	261

(a) In Bombay, the figures of average duration of full trial cases relate to both the courts of civil judges, senior division and civil judges, junior division.

NOTE - The figures given in this Table have been taken from the reports on the administration of justice published by the High Courts of the various States.

***Comparative Table showing the institution, disposal and pendency of certain categories of civil proceedings in the courts of munsifs or officers of corresponding cadre in the various States for the* year 1956.**

Name of the State	**No. of Officers**	**Civil Suits**					**Small Cause Suits**				
		Pending at the beginning of the year	Institution	Disposals	Balance		Pending at the beginning of the year	Institution	Disposals	Balance	
					Below one year	Above one year				Below one year	Above one year
1	2	3	4	5	6	7	8	9	10	11	12
Andhra	57	19084	23100	23123	12381	8294	7894	38643	38640	7543	354
Assam	16	6264	9813	9983	4815	1136	..	..	..	..	..
Bihar	116	46620	71945	83796	28639	7240	4987	12137	12696	5256	90
Bombay	N.A.										
Madhya Pradesh	152	18141	28807	28322	13320	5306	634	2420	2466	555	33
Madras	72	20497	34602	37067	16087	3748	24948	76364	87482	13775	447
Mysore (A)	..	8488	19187	19802	7406	467	849	4354	4388	812	3
Orissa	37	8957	7828	8412	5050	3940	1096	2863	3026	948	50
Punjab	N.A.										
Rajasthan	62	12551	25299	24132	10625	3093	647	2161	2274	513	21
Travancore – Cochin (Kerala) (B)	53	31227	27721	28535	9359	21054	3361	11477	11224	3182	432
Uttar Pradesh	140	126800	139602	146988	59191	60223	6111	16076	17806	2720	1658
West Bengal	87	53664	106899	113151	33709	17840	3706	10007	9996	3396	470

NOTE - The figures given in this Table have been furnished to us by the High Courts of the respective States.

[Page No. 137]

Comparative Table showing the institution, disposal and pendency of certain categories of civil proceedings in the courts of munsifs or officers of corresponding cadre in the various States for the year 1956-contd.

Name of the State	**Miscellaneous Civil Cases and Petitions**					
	Pending at the beginning of the year	Institution	Disposals	Balance		Remarks
				Below one year	Above one year	
1	13	14	15	16	17	18
Andhra	22075	166605	167433	18975	2272	
Assam	876	2022	1988	836	73	
Bihar	6827	25386	17067	6006	110	
Bombay	N.A.					
Madhya Pradesh	6519	14788	14959	5263	1085	
Madras	10537	326014	296872	37854	1825	
Mysore (A)	1502	3944	3879	1515	52	(A) The figures shown against the State relate to the official year 1955-56
Orissa	1442	5306	5169	2380	472	
Punjab						
Rajasthan	1956	4640	4381	1842	373	
Travancore – Cochin (Kerala) (B)	12515	567518	567402	11764	867	(B) Do.
Uttar Pradesh	16165	39072	42280	11779	1178	
West Bengal	8769	17832	17458	7787	1726	

NOTE - The figures given in this Table have been furnished to us by the High Courts of the respective States.

[Page No. 138]

Comparative Table showing the institution, disposal and pendency of certain categories of civil proceedings in the courts of subordinate judges or officers of corresponding cadre in the various States in the year 1956

Name of the State	No. of Officers	Civil Suits					Small Cause Suits					Miscellaneous Civil Cases & Petitions				
		Pending at the beginning of the year	Institution	Disposals	Balance		Pending at the beginning of the year	Institution	Disposals	Balance		Pending at the beginning of the year	Institution	Disposals	Balance	
					Below one year	Above one year				Below one year	Above one year				Below one year	Above one year
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17
Andhra Pradesh	38	3302	2287	2491	1548	1640	2508	8534	8170	2669	223	11145	54109	53364	10293	1597
Assam	8	1435	718	708	584	644	..	..	..	..	..	283	498	463	186	22
Bihar	37	4560	269	3345	2048	1915	1887	4120	4145	1754	137	1409	3423	3306	1093	170
Bombay																
Madhya Pradesh	152	18141	28807	28322	13320	5306	634	2420	2466	555	33	6519	14788	14959	5263	1085
Madras	30	2907	1815	2200	1206	1101	2345	5963	6585	1683	121	8654	53686	54424	6294	1622
Mysore (A)		780	804	849	543	192	1148	5360	5181	1317	10	719	1636	1587	678	90
Orissa	14	1227	590	1034	447	642	770	1572	1553	665	37	560	1406	1427	580	243
Punjab	-															
Rajasthan	33	7330	8655	8077	4573	3335	3961	7713	7966	2878	830	1279	2354	2346	950	337
Travancore – Cochin (Kerala) (B)	6	377	1077	813	336	265	22	170	170	21	1	93	10459	10177	298	77
Uttar Pradesh	120	5779	5427	6254	2016	2936	4780	15018	14873	4234	691	3893	9726	9992	1858	769
West Bengal	36	6723	3224	3291	2781	4496	1307	2909	2465	1786	189	1499	3926	3591	1614	278

NOTE - The figures given in this Table have been furnished by the High Courts of the respective States.

[Page No. 139]

Comparative Table showing the institution, disposal and pendency of certain categories of civil proceedings in the courts of munsifs or officers of corresponding cadre in the various States in the year 1956

Name of the State	Civil Appeals					Civil Miscellaneous Appeals					Remarks
	Pending at the beginning of the year	Institution	Disposals	Balance		Pending at the beginning of the year	Institution	Disposals	Balance		
				Below one year	Above one year				Below one year	Above one year	
1	18	19	20	21	22	23	24	25	26	27	28
Andhra Pradesh	2257	1953	2062	1822	526	1025	N.A.	695	291	39	
Assam	713	727	282	613	319	100	231	152	105	3	
Bihar	1757	916	3330	1003	1071	124	214	646	149	10	
Bombay											
Madhya Pradesh	..	..	..	..	..	..	..	..	..	..	
Madras	1635	956	2209	1461	454	249	616	652	250	37	
Mysore (A)	1401	1795	1591	1390	215	125	263	273	114	1	(A) The figures shown against the State relate to the official year 1955-56
Orissa	436	455	657	194	165	39	64	69	38	2	
Punjab											
Rajasthan	257	497	606	86	62	74	103	144	25	8	
Travancore – Cochin (Kerala) (B)	..	1499	760	265	474	..	..	46	4	4	(B) Do.
Uttar Pradesh	12172	16758	15331	6367	7232	1071	1792	1781	731	351	
West Bengal	2429	175	2766	962	1673	332	79	1739	428	99	

NOTE - The figures given in this Table have been furnished by the High Courts of the respective States.

[Page No. 140]

Table showing the different classes of civil proceedings instituted, disposed of and pending in the courts of the district Judges in the various States in the year 1956.

Name of the State	No. of Officers	Civil Suits					Miscellaneous Civil Cases and Petitions					Remarks
		Pending at the beginning of the year	Institution	Disposals	Balance		Pending at the beginning of the year	Institution	Disposals	Balance		
					Below one year	Above one year				Below one year	Above one year	
Andhra Pradesh	33	720	756	636	562	278	3397	13595	13183	3477	332	
Assam	7	31	37	25	24	11	143	284	159	210	1	
Bihar	14	87	91	52	63	56	1865	2875	2548	1619	499	
Bombay												
Madhya Pradesh	37 (A)	816	638	541	315	598	1923	3222	3509	1036	600	(A) Includes Add. Dt. Judges
Madras	15	146	144	132	99	47	1499	10896	11094	1218	83	
Mysore (*x*)		394	232	169	198	259	394	729	664	350	107	
Orissa	10	56	67	36	50	10	331	480	392	203	185	
Punjab												
Rajasthan	16	308	135	127	95	221	597	1308	1218	507	180	
Travancore – Cochin (Kerala) (*y*)	22(B)	5042	2004	2333	1221	3492	7785	114609	114421	7563	410	(B) Includes Add. Dt. Judges.
Uttar Pradesh	39	359	974	807	836	190	1886	6827	6620	1695	398	
West Bengal	30	312	643	245	447	136	4160	6077	4246	4128	1839	

NOTE - The figures given in this Table have been furnished by the High Courts of the respective States.

Table showing the different classes of civil proceedings instituted, disposed of and pending in the courts of the district Judges in the various States in the year 1956.

Name of the State	Civil Appeals					Civil Miscellaneous Appeals					Remarks
	Pending at the beginning of the year	Institution	Disposals	Balance		Pending at the beginning of the year	Institution	Disposals	Balance		
				Below one year	Above one year				Below one year	Above one year	
Andhra Pradesh	1912	3596	3245	1889	374	952	N.A.	568	381	3	*(x)* For the official year 1955-56.
Assam	304	263	214	160	127	55	121	102	68	3	In Addition to D.Js. Mysore tried small cause suits the details of which are given below:
Bihar	3533	4178	2009	2455	534	680	1489	967	640	55	
Bombay											
Madhya Pradesh	4979	4059	3682	2708	2648	944	1286	1229	707	294	Pending at the beginning of the year . . 109
Madras	1799	2979	1909	1393	166	186	518	398	226	13	Instituted . .97
Mysore (*x*)	457	213	156	391	123	58	126	102	81	1	Disposal . . 206
Orissa	1106	906	823	662	469	175	413	324	238	24	(*y*) Figures relate to the official year 1955-56.
Punjab											
Rajasthan	1684	2729	2487	1477	449	415	805	748	372	100	In addition, the D.Js. of Travancore-Cochin disposed of small cause suits the details of which are given below:-
Travancore – Cochin (Kerala) (*y*)	7661	5286	6856	3192	2899	979		1143	681	271	
Uttar Pradesh	11683	15300	13660	8862	4461	1474	3118	2736	1486	370	Pending at the beginning of the year . . 8 Instituted . . 9 Disposed of . . 14 Balance . . 3
West Bengal	3218	4242	1006	2912	1002	1238	4987	1106	3117	182	

NOTE - The figures given in this Table have been furnished by the High Courts of the respective States.

[Page No.142]

Comparative Table showing the institution, disposal and pendency of various categories of criminal proceedings in the Courts of Session in the various States in the year 1956

Name of the State	No. of Officers	Sessions Cases					Criminal Appeals					Criminal Revisions				
		Pending at the beginning of the year	Institution	Disposals	Balance		Pending at the beginning of the year	Institution	Disposals	Balance		Pending at the beginning of the year	Institution	Disposals	Balance	
					Below one year	Above one year				Below one year	Above one year				Below one year	Above one year
Assam	13	235	490	506	214	6	378	1079	1000	451	..	127	324	335	110	..
Bihar	85	658	1702	1725	622	13	1592	5481	5454	1552	67	Not Shown	2719	3434	1066	12
Bombay																
Travancore-Cochin (Kerala)	22	73	439	370	142	..	97	462	402	157	..	174	141	99	..	..
Madhya Pradesh	79	561	1412	1322	622	29	1357	5512	5289	1359	224	1241	3495	3355	1238	143
Madras	34	231	1499	1556	215	(G)	228	6413	4061	236	(G)	N.A.	228	232	21	(G)
Mysore	10	33	171	158	46	..	184	634	624	194	..	47	119	111	55	..
Orissa	19	168	428	401	190	5	246	1514	1165	588	7	47	279	229	27	..
Punjab																
Rajasthan	37	363	1207	1110	435	25	513	2645	2563	580	15	389	2691	1520	436	24
Uttar Pradesh	169	3584	8919	8250	3593	660	8450	23845	22970	7965 E	1360	1909	4994 F	5053	1591 E	259
West Bengal	59	149	969	918	196	4	477	4954	1763	546	..	..	1641	1405	236	..

NOTE - The figures given in this Table have been furnished to us by the High Courts of the respective States.

(E) Includes Cases pending for over one year.

(F) Includes cases pending at the beginning of the year.

(G) We have been informed that in Madras no Criminal proceeding of any category would be pending for over a year. The discrepancy in the figures relating to Sessions Cases cannot be explained. The discrepancy in the figures relating to criminal appeals is due to the fact that the disposals by transfer to the Courts of Magistrates have not been taken into consideration.

[Page No.143]

Courts of Munsifs & Subordinate Judges.

Adequacy of strength

11. Taking the courts of munsifs' first, it will be noticed, that in all the States, except in Madhya Pradesh and Rajasthan, the judicial officers have been able to keep pace with the current institution of regular suits **….....**

Old suits in munsifs courts

12. The real problem requiring attention is the large volume of the pending old suits in the States, which seem to be the accumulations of the last many years..... Thus, though the present strength of judicial officers might, broadly speaking, be said to be adequate to deal with the current file, intensive efforts are necessary to rid the files of the incubus of these old suits, which has assumed alarming proportions in several States.

In subordinate Judges courts

Strength adequate to cope with Institutions but Not arrears

13. The magnitude of the problem will appear in a truer light when we remember that, generally, out of the total disposal, only about twenty to twenty-five per cent of the suits are disposed of after full trial. The rest of the suits are disposed of without contest, and include cases summarily dismissed under Order IX of Civil Procedure Code or otherwise, suits decided ex-parte or on admission of the claim and suits compromised after the defendant has entered an appearance. The major part of the courts time is naturally taken by the disposal of contested cases **.....** We can, therefore, rightly infer that the large number or suits pending over one year consists mainly of contested suits **.....**

[Para Nos. 11 to 13, Page Nos. 144, 145]

Causes of Accumulation of arrears

Delay in appointment of additional judges

16. The root cause of the progressive accumulation of old cases in several States is that, in the past, in spite of the growing volume of work, the strength of the judiciary was not proportionately increased. The existing accumulation of arrears is also partly due to additional work thrown on judicial officers by recent legislation. The area of work to be covered by the judicial officers has been greatly widened **.....**

[Para No. 16, Page No. 148]

Persistent Complaints By High Courts

17. The inadequacy of the strength of the subordinate judiciary has been pointed out by the various High Courts from time to time in their

administration reports. The Madhya Pradesh High Court in its report for the year 1954, on the administration of civil justice, attributed the rise in the average duration of cases among other things to "inevitable re-grouping of Courts, keeping of some Courts vacant for want of judges, heavy sessions and criminal work". In Uttar Pradesh, year after year, the High Court has observed, that the work in subordinate courts, both civil and criminal, has been increasing rapidly but the addition to the strength of judiciary has not kept pace with the increase in the volume of work. They have also pointed out that courts had frequently to be kept vacant for want of officers and that the judicial officers who were doing magisterial work were entrusted with other work with the result that they were unable to devote themselves to regular trial work. In West Bengal also, the High Court has repeatedly referred to the mounting arrears in subordinate courts, though it do not seem to have made specific observations as to the inadequacy of the judicial officers in the annual administration reports. In Orissa, the delay in the disposal of pending cases was attributed to the availability of a lesser number of officers than was necessary. Similar observations have been made by the Patna High Court also.

It is, therefore, abundantly clear that the inadequacy of judicial officers has been repeatedly brought to the notice of State Government through the administration reports issued by the High Courts. The High Courts have also from time to time made representations to the government seeking for an increase in the cadre of the subordinate judiciary.

[Para No. 17, Page No. 149]

Grave Conditions

21. **……** Under the Constitution administration of justice and the constitution and organisation of courts other than the High Courts are the responsibility of the State administration. The facts revealed indicate, on the one hand a gross neglect by the state administration of their duty in establishing the necessary number of courts and on the other, a complete failure on the part of the State to carry out its obligations to provide trained and proper judicial personnel for presiding over the courts. The States in

question cannot even urge financial stringency as an excuse for, the figures reveal that these States have been making substantial gains out of the revenue earned by them by way of Court fees. It is a matter for serious consideration whether in order to prevent what appears to be virtually a breakdown in the system of judicial administration the Central Government should not, by an amendment of the Constitution, be given a greater measure of control over some aspects of judicial administration in the States. This suggestion is made on the basis that such control exercised by the Centre would tend to prevent such deplorable conditions arising.

Failure of State Governments

22. One should have thought that the problem of continually rising arrears could have been easily met by a quick and watchful awareness of the situation as it developed and the immediate creation of additional courts to deal with the increasing work. It is surprising that some of the State Governments should have failed to appreciate their responsibility in the matter, notwithstanding the repeated attempts by the High Courts and other authorities to make the State Government alive to the true situation.

Powers to High Court to create Additional courts

23....we would suggest that the High Courts may be generally empowered by the State Governments to create additional courts subject to certain limits whenever they consider that additional work justifies the creation of a new court. As the High Court is responsible for the administration of justice in the State and is in a better position than the State Government to assess the need for additional courts to relieve congestion of work, it could well be trusted to exercise this power satisfactorily. This, in our view, will help in some measure to obviate the delays that occur in the State Governments sanctioning proposals for the creation of additional courts.

[Para Nos. 21 to 23, Page No. 158-159]

26. We would, however, suggest that the following broad principles be borne in mind in determining questions of the adequacy of the strength of the subordinate judiciary.

(1) The strength of the subordinate judiciary should be sufficient to enable it to dispose of suits, criminal trials, appeals, revisions and other proceedings within the limits of time set out in paragraphs 5 and 6 supra.

(2) The High Court should immediately undertake a careful examination of the requirements of the judicial personnel of various classes in the light of the volume of work in the subordinate courts.

(3) The strength of the subordinate judiciary should be fixed so that it will be sufficient to dispose of the current institutions within the target time limits.

(4) The cadre strength of the judicial officers should be fixed after making due allowance for leave, promotion, deputation vacancies and also for the training of the judicial officers.

(5) Until the cadre strength is fixed inclusive of deputation requirements, the present strength of the cadre should not be depleted for making ex-cadre appointments.

(6) No court should be allowed to be without a presiding officer; there should be a reserve (included in the leave and deputation reserve) to meet unforeseen contingencies.

(7) The annual administration reports should specifically examine these features; such periodical examination would serve to keep the attention focussed on the adequacy of judicial personnel, which is one of the basic requirements of the administration of justice.

(8) Temporary additional courts should be established wherever necessary to dispose of the accumulation of arrears. This should be done without any delay.

(9) The High Courts should be empowered, subject to certain limits, to create temporary additional courts wherever they consider it necessary, without reference to the State Governments.

(10) The High Courts and district judges should be careful to see that a subordinate court is not over-burdened with work. Wherever the pendency of suits is very high, the district judge should redistribute the work or, in the alternative ask for an additional hand to clear off the arrears.

[Para Nos. 26, Page Nos. 159, 160]

Appendix-E

THE HIGH COURTS ARREARS COMMITTEE
1972

Chairman :

Shri J.C. SHAH

(FORMER CHIEF JUSTICE OF INDIA)

Member:

SHRI K. VEERASWAMI

CHIEF JUSTICE

HIGH COURT OF JUDICATURE, MADRAS

(6) Inadequacy of Judge strength

9. Inability of the High Courts to cope with the inflow and disposal of rising number of causes instituted is largely attributable to the denial of the necessary Judge strength to the High Courts at the appropriate time. A glance at the Annexures reveals that there has been a steep rise in the Court work, which the judge strength could not conceivably cope with. Our attention was drawn by the Chief Justices that even after there was a substantial increase in the institutions and sizeable arrears have accumulated there has been no readjustment of allotted Judge strength, and the High Courts were required to attend to a much larger quota of work than they were equipped to cope with**.....** Depletion of the normal strength of the High Courts, by deputing Judges to Commissions and Committees for holding judicial, quasi judicial and sometimes political enquiries and to various tribunals set up from time to time and the delay in filling vacancies in the High Court have contributed in no small measure to the accumulation of undisposed of causes. Before addition to the High Court strength is sanctioned many years lapse and by the time the additional personnel take a hand in attending to the file much larger volume has piled up necessitating further additions**.....**

10. In the working paper of the all India Law Seminar recently held statistics are published at page 30 stating the delay in appointments only in the course of one year.

[Para Nos. 9 and 10, Page No. 38]

The following vacancies of the High Court Judges had not been filled up till August 18, 1970 from the date noted against them:

Allahabad	2 Permanent	July 24, 1970	– 1 m. 25 days.
		July 1, 1970	– 1 m. 18 days.
Assam and Nagaland	1 Permanent	Jan. 31, 1970	– 6 m. 18 days.
Andhra Pradesh	1 Permanent	May 9, 1970	–3 m. 9 days.
	1 Additional	Nov.11, 1970	–9 m. 7 days.
Bombay	2 Permanent	April 9, 1970	3 m. 20 days
	1 Additional	May 28, 1970	2 m. 20 days
Calcutta	2 Permanent	Jan.14, 1970	–7m. 4days.
		June 1, 1970	–2m. 17 days.
Madras	2 Permanent	Feb.3, 1970	– 6 m. 15 days.
Madhya Pradesh	2 Additional	April 21, 1970	– 3 m. 27 days.
Patna	2 Additional	Nov. 11, 1969	– 8 m. 7 days.
		April 22, 1970	– 4 m. 27 days.

These are taken from the statement of the Minister of Home Affairs before the Rajya Sabha on August 18, 1970. The delays in 1970 are not exceptional : they conform to the normal pattern. Annexure XV shows the number of days lost in making appointment of Judges in the High Courts during the years 1965-1970. Illustrative of such delays are the following statements furnished by the Allahabad and Patna High Courts.

Statement showing the number of days lost in appointment of Judges in the High Court of Judicature at Allahabad during the years 1969 to 1971 :-

Year	Days lost in appointment
1960	142
1970	100
1971	285

Statement showing the delays in filling vacancies in the High Court of Judicature at Patna.

Date on which vacancy occurred	Date of appointment	Period for which there was no Judge
9-9-66	11-11-66	2 months 2 days
9-9-66	15-11-66	2 months 6 days
11-11-66	21-3-67	4 months 10 days
11-11-66	21-3-67	4 months 10 days
1-12-66	21-3-67	3 months 20 days
31-10-67	5-2-68	3 months 4 days
31-10-67	5-2-68	3 months 4 days
31-10-67	21-3-68	4 months 20 days
31-10-67	21-3-68	4 months 20 days
1-3-68	21-3-68	20 days
3-8-68	5-2-69	6 months 2 days
6-4-68	22-4-68	16 days
1-1-69	5-2-69	1 month 4 days
5-2-69	6-4-70	1 year 2 months 1 day
5-2-69	6-4-70	1 year 2 months 1 day
26-7-69	(Post for Not filled up election cases)	2 years 5 months 5 days
6-9-69	7-11-69	2 months 1 day
7-11-69	6-4-70	4 months 29 days
12-4-70	22-4-70	10 days
22-4-70	24-5-71	1 year 1 month 2 days
5-9-70	19-4-71	7 months 14 days
15-9-70	19-4-71	7 months 4 days
11-11-70	19-4-71	5 months 8 days
12-1-71	19-4-71	3 months 7 days

19-4-71	24-5-71	1 month 5 days
19-4-71	24-5-71	1 month 5 days
19-4-71	24-5-71	1 month 5 days
19-4-71	Not filled up	8 months 12 days
16-10-71	8-11-71	22 days
8-11-71	Not filled up	1 month 23 days
17-11-71	Not filled up	1 month 14 days
	Total	**13 Years 1 month 6 days**

[Page Nos. 39-40]

The Chief Justice of the Patna High Court has further furnished us with the following statements showing the number of days lost due to the absence of Judges on leave or on deputation.

Year	**No. of days lost on account of Judges going on earned leave**	**No. of days lost on account of deputation of Judges on Commissions of Inquiry.**
(1)	(2)	(3)
1966	261 days	--
1967	61 days	171 days
1968	117 days	163 days
1969	124 days	21 days
1970	157 days	5 days
1971	148 days	–
Total	868 days	360 days

Annexure XVI shows the number of days lost on account of deputation of Judges on Commissions etc., during the years 1965 to 1970.

11. Two other factors which appear to have been left out of consideration in regard to the maintenance of adequate Judge strength in each of the High Courts are :-

1. The fact that Judges have to go out for inspection of subordinate courts, once in a year or once in two years—each such inspection taking about a week's time.

2. Judges taking leave--(Annexure XVII shows the numbers of days lost on account of Judges going on leave during the years 1965 to 1970).

Another important factor which has not been borne in mind in the matter of maintenance of adequate Judge strength is the slowness of some

of the Judges in the matter of disposal of cases.

[Para No. 10 & 11 Page No. 41]

(xxx) **Provision of Adequate Judge Strength**

126. The immediate need is to refix the permanent strength of the High Courts making it commensurate with the recent rise in the volume of work in the several High Courts. This must be done by working out the additional judge strength necessary for clearing the present accumulations on the basis of the norms of disposal per judge as fixed from time to time at the Chief Justices' Conferences and making the strength of the additional judges such that within a specified period of reasonably short duration the accumulated arrears could be cleared, by utilising the service of such additional or *ad hoc* judges only for clearing the arrears and not for attending to other court business. Even after the judge strength of High Courts is augmented according to the needs of each High Court in the manner stated there should be a periodical review of the strength so fixed as recommended by the Law Commission. Utilisation of retired judges of the High Courts who are in good health, mental and physical for employment as *ad hoc* judges would make available a body of experienced men who may be instrumental in reducing the arrears, and by making *ad hoc* appointments whenever judges are deputed for non-judicial work for more than 4 months, depletion of the judge strength may be obviated.

127. We may observe that in fixing the norms of disposal per judge and on that basis fixing the permanent strength of judges in a High Court, account should be taken of judges required for special work outside the High Court, such as for being appointed to head commissions or other enquiries and of days lost on account of leave and on account of trial of election petitions and inspections of subordinate courts. Accounts should also be taken, having regard to the special information which the Chief Justice of each High Court, has, of the capacity and talent of particular judges in his court for speedy disposals of cases. If the absence of a judge in the High Court exceeds a period of three or four months, on account of the above mentioned factors, it may be regarded as appropriate to make an appointment of an additional or *ad hoc* judge, so that the work of the High Court may not be hindered and fall into arrears.

128. We may refer to the statistics which we have quoted in relation to the delay in the appointment of judges. A perusal of the statement is disturbing. In each High Court, many judge-days were lost because of failure to appoint judges in time. In the old days, it was customary for recommendations to be made for appointment of judges well in advance of the date of retirement of the incumbent and appointment were invariably made so as to enable the new appointee judge to take office immediately on the retirement of the incumbent. It is unfortunate that this convention has fallen into disuse. This convention should again be resuscitated and appointments should be made by the Government so that there is no time-lag between the retirement of a judge and the new appointee taking office. For that purpose, it is necessary that the preliminaries to the appointment of judges should be cleared well in advance of the date on which the vacancies are likely to occur. We may recommend that the recommendation with regard to the appointment of a judge may be sent by the Chief Justice directly to the Governor of the State, and if within a time to be fixed by convention, say, not exceeding a month; no objection is raised to the appointment, the Governor must be deemed to have accepted the recommendation, and the matter may be referred to the Central Government. The Central Government also should take expeditious steps to clear the steps for early appointment before the date on which the vacancy occurs. We may also state that the scheme of consultation with the Chief Justice of the High Court and the Chief Justice of India in appointment of judges of the High Court will function smoothly if the recommendation made by the Chief Justice of a High Court for appointment of a judge is treated as cleared by the Governor if no objection has been raised by him within a month from the date when the recommendation was received by him and the Central Government will be entitled to deal with the recommendation on that footing.

(xxxi) **Provision of Adequate Staff for the High Courts**

129. We have already referred to the inadequacy and insufficiency of the staff of the High Court. It appears that requests made by the Chief Justices to their respective State Governments for additional staff are not infrequently turned down on the plea of lack of finance. We have been told that in a large majority

of States, the income realised by the judicial departments by way of court-fees, fines etc. exceed the expenditure incurred. Administration of justice is essentially a social service which it is the duty of every civilised State to provide: but this service is regarded as a source of revenue to be utilised for general administrative purposes. It is illogical to put forward the plea of lack of finance in justification for turning down the legitimate and every reasonable requests, made by Chief Justices for additional staff.

130. We may in this connection observe that at the Chief Justices Conference held in 1966 it was resolved as follows:--

> "On a true construction of the provision of Article 229 of the Constitution, the Chief Justice of a State has the power to create posts and appoint officers to the said posts, subject to the rules made or to be made in accordance with the proviso to clause 2 of the said Article."

The Chief Justices and Judges of all the High Courts were of the view that Art. 229 of the Constitution which empowers the Chief Justice of a High Court to appoint officers and servants of the High Court confers on him by necessary implication the power to create posts of such officers and servants required for Court administration : otherwise the provision empowering the Chief Justice to appoint officers and servants for his High Court would appear to be illusory. This view has apparently received approval by the judgment of the Supreme Court in M. Gooroomurthy v. Accountant-General, Nagaland AIR (1971); S.C. 1850.

131. We may recommend as a practical measure the adoption of a convention that every High Court should work out its distinctive norms, in regard to the work turnover for different sections in the registry e.g. the Copyist section, process section etc. and determine the strength of the staff. The Chief Justice may then proceed to appoint the additional staff based on those norms and give intimation to the State Government in that behalf for inclusion of provision in the budget as a charged item. Under Art. 229 the administrative expenses of a High Court including all salaries, allowance and pensions payable to or in respect of officers and servants of the court, being charged upon the

consolidated fund of the State, there should be no difficulty in carrying out the above recommendation. Any objection raised by the State Government that the expenditure for the High Court is not part of "plan expenditure" is in view of the precise term of Art. 229 misconceived.

[Para Nos. 126-131 Page No. 80-82]

Appendix-F

LAW COMMISSION OF INDIA

SEVENTY – SEVENTH REPORT

ON

DELAY AND ARREARS

IN

TRIAL COURTS

NOVEMBER, 1978

Need for effective steps

1.7. There is another aspect of which also we must not lose sight. Whatever suggestions we make for eliminating delay in the disposal of cases can prove useful only if something effective can be done to deal with the huge arrears which have already piled up. No reform, and no suggestion for improvement, would make any mark if the existing courts remain burdened with the heavy backlog of pending cases. The existence of such heavy backlog presents an almost insurmountable barrier to improvement in methods. Suggestions for improvement can yield results only if something concrete is done with regard to the already existing heavy backlog of cases and if at least some of the courts can start with a clean slate.

As long as courts remain burdened with arrears, the other suggestions for expediting the disposal of cases would be nothing more than palliatives and would not provide any effective relief. The position as it emerges at present is that even if service is effected and issues are framed within one month of the institution of a suit, the cases would still linger on for years in most of the courts because the courts would remain pre-occupied with the disposal of older cases which account for the backlog of arrears. Any serious attempt to eliminate delay in the disposal of cases must, at the threshold, seek effective remedy for clearing the huge backlog of arrears.

We have appended[1] charts and statements to this Report showing the institution and disposal of cases in various States. From the perusal of the figures mentioned therein, it would appear that the courts at present by and large are only disposing of that number of cases in a year as are instituted in that year. The result is that the number of pending cases with all the heavy backlog remains as it is. To cope with the backlog of cases, we must have additional number of courts which may deal exclusively with the old

1 Appendix 1.

cases. In some States, we also find that the existing number of judges is not enough to cope even with the fresh institutions. In such States the number of courts would have to be increased on a permanent basis so that the disposal may keep pace with the institutions.

[Para No.1.7, Page No. 2]

TABLE-1

Table showing institution and disposal of Regular Suits and Miscellaneous Cases during the quarter ending December, 1977 and disposal as percentage of Institution during 4th quarter of 1976 and 1st, 2nd, 3rd and 4th Quarters of 1977

S. No.	Name of the State	Institution and otherwise			Disposal			Percentage of disposal over Institution during				
		Regular Suits	Misc. Cases	Total	Regular Suits	Misc. Cases	Total	4th quarter of 1976	Ist quarter of 1977	2nd quarter of 1977	3rd quarter of 1977	4th quarter of 1977
	1	2	3	4	5	6	7	8	9	10	11	12
1.	Andhra Pradesh	21,942	1,31,211	1,53,153	23,063	1,32,478	1,55,541	105.4	107.9	92.6	96.6	101.6
2.	Assam	1,428	1,004	2,432	1,230	762	1,992	101.9	106.0	105.1	100.4	81.9
3.	Bihar	9,344	3,539	12,883	7,709	3,123	10,832	222.8	130.2	84.5	96.1	84.1
4.	Gujarat	12,697	9,563	22,260	12,235	8,373	20,608	102.5	99.3	69.2	103.8	92.6
5.	Haryana	9,100	1,176	10,276	9,239	1,208	10,447	124.6	110.3	86.8	89.5	101.7
6.	Himachal Pradesh	1,463	1,459	2,922	1,361	1,311	2,672	106.4	124.8	123.9	102.9	91.4
7.	Jammu & Kashmir	----------Not received----------										
8.	Karnataka	10,168	6,788	16,956	8,656	7,190	15,846	94.2	96.7	69.2	91.0	93.5
9.	Kerala	10,714	35,542	46,256	11,771	38,031	49,802	105.8	104.0	92.9	102.0	107.7
10	Madhya Pradesh	18,423	4,989	23,412	18,671	4,930	23,601	109.1	114.3	74.2	89.5	100.8
11.	Maharashtra	25,459	14,348	39,807	21,080	13,631	34,711	97.1	103.3	78.3	88.0	87.2
12.	Manipur	44	88	132	38	96	134	77.1	100.4	104.1	98.2	101.5
13.	Meghalaya	----------Not received----------										
14.	Nagaland	33	8	41	39	21	60	38.9	113.7	123.2	148.8	146.3
15.	Orissa	3,245	2,834	6,079	3,168	2,690	5,858	115.8	132.4	67.3	105.1	96.4
16.	Punjab	12,888	6,166	19,054	13,841	6,858	20,599	101.7	111.2	87.2	90.0	108.6
17.	Rajasthan	7,699	3,669	11,368	7,240	4,188	11,428	109.9	104.0	86.9	83.7	100.5
18.	Sikkim	39	43	82	32	49	81	111.3	102.9	93.6	115.3	98.8
19.	Tamil Nadu	18,087	89,459	1,07,546	18,582	88,605	1,07,187	105.1	100.6	92.0	101.4	99.7
20.	Tripura	188	103	291	369	99	468	44.5	72.5	64.4	122.1	160.8
21.	Uttar Pradesh	36,996	23,008	60,004	35,017	21,511	56,528	102.4	92.3	113.5	95.1	94.2
22.	West Bengal	16,625	3,523	20,148	11,409	2,801	14,210	81.2	89.3	91.0	91.0	70.5
UNION TERRITORIES												
1.	A& N Islands	22	4	26	21	10	31	168.8	166.7	77.8	82.1	119.2
2.	Arunachal Pradesh	2	..	2	4	..	4	200.0	..	50.0	200.0	200.0
3.	Chandigarh	201	602	803	113	616	729	91.0	106.1	113.1	73.1	90.8
4.	Dadra & Nagar Haveli	2	3	5	10	7	17	75.0	957.1	100.0	500.0	340.0
5.	Delhi	4,249	2,092	6,341	3,545	22,223	5,768	103.8	105.4	108.9	95.2	91.0

6.	Goa, Daman & Diu	439	192	631	345	137	482	71.3	84.7	131.0	106.0	76.4
7.	Lakshadweep	5	125	130	14	107	121	108.9	91.7	80.6	94.4	93.1
8.	Mizoram	56	65	121	45	64	109	117.1	83.9	120.3	126.4	90.1
9.	Pondicherry	599	981	1,580	656	803	1,459	102.0	101.3	81.0	108.0	92.3
	TOTAL	2,22157	3,42,584	5,64,741	2,09,503	3,41,922	5,51,425	105.9	103.4	89.4	96.0	97.6

[Page No.63]

TABLE II

Table showing total strength of courts functioning, disposal of Regular Suits and Miscellaneous Cases in Units and rate of disposal per court on the basis of time devoted by courts to civil work in original Jurisdiction during 4th Quarter of 1976 and 1st, 2nd, 3rd and 4th Quarters of 1977

		Disposal of one Regular suits	Disposal of one Misc. cases
(a)	After full trial	6 Units	2 ULits
(b)	Without Trial	1/4 Unit	1/12 Unit
(c)	By transfer	1 Units	1/3 Unit
(d)	Without contest, ex parte admission of claims, compromise or arbitration	2 Units	1/2 Unit

S. No.	Name of the State/Union Territories	Total strength of courts	Disposal in units during					Average rate of disposal per court during				
			4th quarter of 76	1st quarter of 77	2nd quarter of 77	3rd quarter of 77	4th quarter of 77	4th quarter of 76	1st quarter of 77	2nd quarter of 77	3rd quarter of 77	4th quarter of 77
	1	2	3	4	5	6	7	8	9	10	11	12
1.	Andhra Pradesh	186	1,12,891	83,762	69,435	1,08,958	1,03,438	600.5	475.9	436.7	637.2	556.1
2.	Assam	23	4,431	6,026	6,590	6,742	3,377	142.9	241.0	235.4	232.5	146.8
3.	Bihar	213	30,484	30,950	32,106	33,235	15,891	87.3	146.0	145.3	155.3	74.6
4.	Gujarat	124	38,814	37,586	22,799	42,186	33,532	320.8	308.1	262.1	357.5	270.4
5.	Haryana	47	17,450	17,820	15,410	20,652	21,683	545.3	540	467.0	543.5	461.3
6.	Himachal Pradesh	18	5,459	4,422	8,127	5,372	5,313	303.3	245.7	451.5	298.4	295.2
7.	Jammu & Kashmir	Not received										
8.	Karnataka	114	27,858	29,791	20,461	35,380	30,014	255.6	256.8	170.5	305.0	263.3
9.	Kerala	96	45,653	50,866	28,203	48,797	47,977	475.6	529.9	290.8	488.0	499.8
10	Madhya Pradesh	108	49,188	53,790	34,054	59,857	49,0344	268.8	275.8	181.1	328.9	454.0
11.	Maharashtra	173	66,104	72,098	51,239	73,670	53,343	382.1	497.5	299.6	533.8	308.3
12.	Manipur	5.5	379	497	619	598	246	216.6	142.0	112.6	70.4	44.7
13.	Meghalaya	Not received										
14.	Nagaland	19	108	395	184	207	248	9.0	30.4	7.7	10.4	13.1
15.	Orissa	52	10,735	15,327	6,348	12,048	9,377	104.2	255.5	105.8	334.7	180.3
16.	Punjab	81	29,318	31,849	25,171	30,244	34,637	451.0	513.27	364.8	373.4	427.6
17.	Rajasthan	66	20,886	19,211	16,342	23,259	20,127	300.5	282.5	267.9	352.4	305.0
18.	Sikkim	1.75	250	205	230	192	184	71.4	273.3	131.4	109.7	105.1
19.	Tamil Nadu	150	91,292	91,729	52,904	1,03,566	92,111	656.8	764.4	397.8	699.8	614.1
20.	Tripura	4	395	650	744	901	904	79.0	130.0	148.8	180.2	226.0

21.	Uttar Pradesh	349	94,858	99,928	77,007	1,24,472	92,422	403.7	283.1	305.6	371.6	264.8
22.	West Bengal	126	24,472	33,935	38,264	40,609	21,773	191.2	275.9	308.6	324.9	172.8
UNION TERRITORIES												
1.	A& N Islands	1.25	64	39	36	64	68	42.7	26.0	24.0	51.2	54.4
2.	Arunachal Pradesh	1		..	4	17	19	0.7	..	..	17.0	19.0
3.	Chandigarh	2.55	1,000	1,129	814	611	772	800.0	501.8	361.8	271.6	343.1
4.	Dadra & Nag-ar Haveli	0.25	4	353	6	3	39	16.0	1412.0	12.0	6.0	152.0
5.	Delhi	36	14,843	15,399	11,879	14,086	11,863	436.6	427.8	330.0	391.6	329.5
6.	Goa, Daman & Diu	9	1,382	1,602	1,150	1,804	1,267	172.8	188.5	135.3	212.2	140.0
7.	Lakshadweep	1.25	103	32	41	15	68	51.5	128.0	41.0	15.0	55.2
8.	Mizoram	1	588	495	519	159	372	235.2	495.0	519.0	159.0	372.0
9.	Pondicherry	8.5	2,974	2,847	1,362	2,931	2,903	424.9	438.0	209.5	366.4	341.5
	TOTAL	2016.75	6,92,450	7,02,733	5,22,048	7,90,645	6,53,002	325.2	349.9	272.7	393.4	323.8

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TABLE III

Pendency of Regular Suits and miscellaneous Cases on the Original side as on 1-1-1977, 1-10-1977 and 31-12-1977 and rate of increase/decrease during the 4th quarter of 1976 and 1st, 2nd, 3rd and 4th quarters of 1977

S. No.	Name of the State/Union Territories	Pendency as on			Rate of increase or decrease					Percentage increase or decrease in the period from 1-1-77 to 31-12-77
		1-1-77	1-10-77	31-1-77	4th quarter of 1976	1st quarter of 1977	2nd quarter of 1977	3rd quarter of 1977	4th quarter of 1977	
	1	2	3	4	5	6	7	8	9	10
1.	Andhra Pradesh	2,15,605	2,22,661	2,18,273	-3.7	-4.3	+4.3	+2.6	-1.1	+1.2
2.	Assam	14,933	14,537	14,977,	-0.3	-1.3	-1.3	-0.1	+3.0	+0.3
3.	Bihar	1,49,877	1,49,475	1,51,526	-8.7	-3.7	+2.9	+0.6	+1.4	+1.1
4.	Gujarat	1,20,348	1,26,433	1,28,085	-0.5	+0.1	+5.8	-0.8	+1.3	+6.4
5.	Haryana	25,061	26,770	26,599	-5.7	-2.9	+4.7	+5.0	-0.6	+6.1
6.	Himachal Pradesh	17,832	16,513	16,763	-1.1	-2.9	-4.2	-0.5	+1.5	-6.0
7.	Jammu & Kashmir	Not received----------								
8.	Karnataka	1,80,014	1,87,166	1,88,276	+0.5	+0.3	+2.7	-1.0	+0.6	+4.6
9.	Kerala	87,232	86,623	83,077	-2.7	-2.1	+2.5	-1.0	-4.1	-4.8
10	Madhya Pradesh	1,00,352	1,06,400	1,06,211	-1.8	-3.1	+5.8	+3.4	-0.2	+5.8
11.	Maharashtra	3,50,871	3,65,878	3,70,974	+0.4	-0.4	+3.0	+1.7	+1.4	+5.7
12.	Manipur	538	531	529	+9.8	-0.2	-2.2	+1.1	-0.4	-1.7
13.	Meghalaya	Not received----------								
14.	Nagaland	381	332	313	+56.3	-4.2	-3.6	-5.7	-5.7	-17.8
15.	Orissa	22,954	22,232	22,453	-3.7	-10.0	+9.4	-1.6	+1.0	-2.2
16.	Punjab	53,633	56,700	55,055	-0.5	-3.0	+4.7	+4.2	-2.9	+2.7
17.	Rajasthan	71,903	75,345	75,285	-1.4	-0.7	+1.8	+3.7	-0.1	+4.7
18.	Sikkim	236	228	229	-3.3	-0.8	+2.1	-4.6	+0.4	-3.0
19.	Tamil Nadu	1,75,507	1,79,168	1,79,527	-2.9	-0.3	+3.4	-0.9	+0.2	+2.3
20.	Tripura	2,815	3,086	2,909	+12.5	+5.1	+7.3	-2.8	-5.7	+3.3
21.	Uttar Pradesh	2,19,072	2,23,540	2,27,016	-0.7	+2.7	-2.5	+1.9	+1.6	+3.6
22.	West Bengal	1,84,252	1,91,312	1,92,250	+1.9	+1.3	+1.2	+1.2	+3.1	+7.0
	UNION TERRITORIES									
1.	A& N Islands	97	98	93	-10.2	-12.4	+7.1	+7.7	-5.1	-4.1
2.	Arunachal Pradesh	5	14	12	-16.7	+100.0	+28.6	-33.3	-14.3	+140.0
3.	Chandigarh	2,846	2,899	2,973	+2.6	-2.1	-3.4	+7.7	+2.6	+4.5
4.	Dadra & Nag-ar Haveli	140	64	52	+0.7	-42.9	-	-20.0	-18.7	-62.9
5.	Delhi	31,961	31,451	32,024	-0.9	-1.2	-1.5	+1.1	+1.8	+0.2

6.	Goa, Daman & Diu	6,458	6,329	6,478	+2.8	+1.4	-2.6	-0.7	+2.4	+0.3
7.	Lakshadweep	113	142	151	-9.6	+4.4	+17.8	+2.2	+6.3	+33.6
8.	Mizoram	216	180	192	-7.7	+11.6	-11.3	-15.1	+6.7	-11.1
9.	Pondicherry	2,545	2,563	2,684	-1.5	-0.7	+7.3	-5.5	+4.7	+5.5
TOTAL IN THE COUNTRY		20,37,797	20,96,670	21,09,986	-1.6	0.9	+2.5	+1.3	+0.6	+3.5

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TABLE IV

Table showing institution and disposal of Regular and Miscellaneous Appeals in district Appellate Courts during 4th quarter of 1977 and percentage of disposal over Institution during 4th quarter of 1976 and 1st, 2nd, 3rd and 4th Quarters of 1977

S. No.	Name of the State/ Union Territory	Institution and otherwise received			Disposal			Percentage of disposal over Institution during				
		Regular Appeals	Misc. Appeals	Total	Regular Appeals	Misc. Appeals	Total	4th quarter of 1976	Ist quarter of 1977	2nd quarter of 1977	3rd quarter of 1977	4th quarter of 1977
	1	2	3	4	5	6	7	8	9	10	11	12
1.	Andhra Pradesh	2,893	1,642	4,535	2,478	1,885	4,363	106.3	105.7	57.9	107.5	96.2
2.	Assam	154	55	209	111	45	156	76.1	105.6	82.6	82.6	74.6
3.	Bihar	1,432	490	1,922	1,230	481	1,711	181.9	107.2	98.6	89.1	89.0
4.	Gujarat	844	413	1,257	794	359	1,153	90.0	101.8	80.8	126.8	91.7
5.	Haryana	2,092	456	2,548	1,778	378	2,156	93.0	72.8	88.3	91.2	84.6
6.	Himachal Pradesh	802	226	1,028	192	243	435	87.2	72.4	88.3	91.1	42.3
7.	Jammu&Kashmir	**Not received**										
8.	Karnataka	1,147	1,127	2,274	1,317	1,048	2,365	111.4	130.2	94.4	143.8	104.0
9.	Kerala	1,966	781	2,747	2,447	866	3,313	113.1	118.6	74.1	116.9	120.6
10	Madhya Pradesh	2,293	1,188	3,481	2,068	1,081	3,149	82.8	109.4	84.8	114.6	90.5
11.	Maharashtra	1,833	758	2,591	1,562	579	2,141	126.2	97.4	84.7	121.3	82.6
12.	Manipur	11	–	11	9	3	12	100.0	141.2	100.0	114.3	109.1
13.	Meghalaya	**Not received**										
14.	Nagaland	20	–	20	12	–	12	59.3	66.7	19.8	425.0	60.0
15.	Orissa	536	236	772	462	228	690	89.1	105.1	69.8	105.6	89.4
16.	Punjab	3,310	628	3,938	3,435	692	4,127	101.0	108.6	104.6	103.0	104.8
17.	Rajasthan	1,384	738	2,122	1,198	562	1,760	101.5	95.6	92.6	91.2	82.9
18.	Sikkim	–	–	–	–	–	–	–	–	120.0	25.0	--
19.	Tamil Nadu	3,049	1,573	4,622	3,376	1,792	5,168	105.9	112.9	80.4	115.4	111.8
20.	Tripura	35	20	55	29	15	44	176.9	173.9	195.1	89.3	80.0
21.	Uttar Pradesh	8,801	5,347	14,148	7,198	5,619	12,817	100.4	97.0	135.8	103.7	90.6
22.	West Bengal	1,227	604	1,831	1,035	529	1,564	108.7	108.1	105.2	104.1	85.4
UNION TERRITORIES												
1.	A& N Island	–	–	–	–	–	–	–	200.0	–	100.0	–
2.	Arunachal Pradesh	1	–	1	1	2	3	–	–	–	50.0	300.0
3.	Chandigarh	17	74	91	23	59	82	69.9	116.9	130.6	121.2	90.1
4.	Dadra & Nagar Haveli	–	1	1	–	1	1	–	–	–	–	100.0
5.	Delhi	369	688	1,057	308	609	917	90.7	90.5	91.6	85.9	86.8
6.	Goa, Daman & Diu	43	42	85	55	17	72	98.5	113.9	91.2	65.1	84.7
7.	Lakshadweep	1	–	1	5	1	6	50.0	25.0	–	–	600.0
8.	Mizoram	16	15	31	6	15	21	62.5	110.0	89.0	178.6	67.7
9.	Pondicherry	65	50	115	57	65	122	110.1	85.6	83.5	121.2	106.1
TOTAL in the Country		34,341	17,152	51,493	31,186	17,174	48,360	105.6	103.7	96.7	107.3	93.9

TABLE V

Table showing total strength of Courts for Appellate Civil work, disposal in Units and average rate of disposal per court on the basis of time devoted by Courts to Appellate Civil work during 4th quarter of 1976 and 1st, 2nd, 3rd and 4th quarters of 1977

		Regular Appeals	Miscellaneous Appeals
(a)	After full hearing	2 Units	2 Units
(b)	Dismissal or not prosecuted	1/6 Unit	1/12 Unit
(c)	Transferred to other courts	½ Units	½ Unit

S. No.	Name of the State/Union Territories	Total strength of courts for Appellate work	Disposal in units during					Average rate of disposal per court on the basis of time devoted by courts to appellate civil work during				
			4th quarter of 76	1st quarter of 77	2nd quarter of 77	3rd quarter of 77	4th quarter of 77	4th quarter of 76	1st quarter of 77	2nd quarter of 77	3rd quarter of 77	4th quarter of 77
	1	2	3	4	5	6	7	8	9	10	11	12
1.	Andhra Pradesh	26	3,683	3,355	2,036	4,444	4,454	147.3	119.8	91.0	170.9	171.3
2.	Assam	4	223	372	354	407	191	37.2	67.6	88.5	101.8	47.8
3.	Bihar	86	2,112	2,169	1,962	2,452	1,212	41.4	37.4	36.3	40.2	14.1
4.	Gujarat	18	1,705	1,713	1,371	2,225	1,518	81.2	100.8	76.2	92.7	84.3
5.	Haryana	11	1,556	1,701	1,101	1,229	2,314	311.2	243.0	220.2	245.8	210.4
6.	Himachal Pradesh	2	357	230	298	378	436	102.0	57.5	74.5	94.5	218.0
7.	Jammu and Kashmir	Not received										
8.	Karnataka	30	3,570	4,182	2,389	4,429	3,083	274.6	154.9	95.6	158.2	102.8
9.	Kerala	21	4,476	4,737	2,036	3,733	3,998	223.8	236.9	101.8	186.7	190.4
10	Madhya Pradesh	31	3,335	5,745	3,289	5,503	3,567	238.2	287.3	96.7	157.2	115.1
11.	Maharashtra	27	4,812	3,860	2,741	3,214	2,925	209.2	175.5	137.1	120.4	108.3
12.	Manipur	0.5	12	30	29	34	21	48.0	60.0	58.0	68.0	42.0
13.	Meghalaya	Not received										
14.	Nagaland	3	66	–	17	16	24	8.25	–	5.7	5.3	8.0
15.	Orissa	8	636	1,034	449	947	625	212.0	54.4	28.1	236.8	78.1
16.	Punjab	14	2,782	2,669	3,060	3,963	3,824	252.9	242.6	255.0	330.3	273.1
17.	Rajasthan	11	1,431	1,721	1,160	1,876	1,392	124.4	143.4	96.7	170.5	126.5
18.	Sikkim	0.25	–	–	7	1	–	–	–	28.0	4.0	–
19.	Tamil Nadu	14	6,946	6,562	3,092	6,835	5,907	248.1	285.3	93.7	427.2	421.9
20.	Tripura	1	57	104	114	56	42	57.0	104.0	114.0	56.0	42.0
21.	Uttar Pradesh	86	12,034	13,380	10,883	14,158	10,507	218.8	142.3	143.2	168.6	122.2
22.	West Bengal	30	2,161	2,896	3,090	3,301	1,534	74.5	111.4	118.8	122.3	51.1

UNION TERRITORIES												
1.	A& N Islands	0.25	–	3	–	2	–	–	–	–	8.0	–
2.	Arunachal Pradesh	1	–	–	–	2	2	–	–	–	–	2
3.	Chandirgarh	0.75	93	144	91	111	81	124.0	192.0	121.3	148.0	108.0
4.	Dadra & Nag-ar Haveli	0.25	4	2	–	–	–	16.0	8.0	–	–	–
5.	Delhi	8	848	835	627	1,108	824	105.0	104.0	78.4	158.3	103.0
6.	Goa, Daman & Diu	1	158	115	83	101	96	316.0	230.0	110.7	202.0	96.0
7.	Lakshadweep	0.25	4	2	–	–	3	5.3	2.7	–	–	12.0
8.	Mizoram	1	27	41	139	72	26	27.0	41.0	139.0	72.0	26.0
9.	Pondicherry	2	193	190	94	190	169	77.2	76.0	37.6	126.7	84.5
	TOTAL in the Country	438.25	53,332	57,792	40,512	61,787	48,775	154.3	137.3	101.8	149.9	111.3

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TABLE VI

Table showing pendency of Regular and Miscellaneous Appeals in District Courts as on 1-1-1977 and 1-10-1977 and 31-12-1977 and rate of increase or decrease in pendency during 4th quarter of 1976 and 1st, 2nd, 3rd and 4th quarters of 1977 and also the number of cases increased or decreased and percentage increase or decrease within a period of 12 months i.e. from 1-1-1977 to 31-12-1977

S. No.		Pendency as on			Rate of increase or decrease during						
	Name of the State/ Union Territory	1-1-77	1-10-77	31-12-77	4th quarter of 1976	Ist quarter of 1977	2nd quarter of 1977	3rd quarter of 1977	4th quarter of 1977	No. of appeals increased or decreased during the year	Percentage increase or decrease during the year 1977
	1	2	3	4	5	6	7	8	9	10	11
1.	Andhra Pradesh	12,319	13,430	13,602	- 1.6	-1.5	+ 13.1	- 2.2	+ 1.3	+ 1,283	+ 10.4
2.	Assam	1,870	1,992	2,045	+ 3.8	- 0.9	+ 3.0	+ 4.4	+ 2.7	+ 175	+ 9.4
3.	Bihar	14,005	14,230	14,441	- 10.1	- 1.5	+ 0.3	+ 2.8	+ 1.5	+ 436	+ 3.1
4.	Gujarat	6,734	6,622	6,726	+ 2.1	- 0.3	+ 3.8	- 4.9	+ 1.6	- 8	- 0.1
5.	Haryana	5,033	5, 785	6, 177	+ 1.6	+ 10.7	+ 2.2	+ 1.5	+ 6.8	+ 1,144	+ 22.7
6.	Himachal Pradesh	1,524	1,703	2,296	+ 3.6	+ 6.6	+ 2.5	+ 2.3	+ 34.8	+ 772	+ 50.7
7.	Jammu and Kashmir	_____ Not received									
8.	Karnataka	15,966	14,147	14,056	- 1.8	- 5.4	+ 0.8	- 7.1	-0.6	- 1,910	- 12.0
9.	Kerala	12,825	12,405	11,839	- 3.3	- 4.8	+ 5.4	- 3.6	-4.6	- 986	- 7.7
10	Madhya Pradesh	13,200	12,624	12,956	+ 4.4	- 3.4	+ 3.4	- 4.6	+ 2.6	-244	- 1.8
11.	Maharashtra	19,592	19,513	19,963	- 4.1	+ 0.4	+ 2.2	- 2.9	+ 2.3	+ 371	+ 1.9
12.	Manipur	45	35	34	– ..	– 15.6	–	– 7.9	- 2.9	– 11	- 24.4
13.	Meghalaya	_____Not received									
14.	Nagaland	4	65	73	- 14.4	+ 25.0	+ 1,460.0	_ 16.7	+12.3	+ 69	+ 1,725.0
15.	Orissa	2,840	2,929	3,011	+ 3.2	- 1.9	+ 7.1	- 1.9	+ 2.8	+ 171	+ 6.0
16.	Punjab	8,381	7,948	7,759	- 6.1	- 1.9	- 1.6	- 1.8	- 2.4	- 622	- 7.4
17.	Rajasthan	7,878	8,260	8,622	- 0.3	+ 1.0	+ 1.4	+ 2.4	+ 4.4	+ 744	+ 9.4
18.	Sikkim	6	10	10	..	+ 33.3	- 12.5	+ 42.9	–	+ 4	+ 6.6
19.	Tamil Nadu	15,954	15,235	14,689	- 2.0	- 3.9	+ 4.7	- 5.1	- 3.6	- 1,265	- 7.9
20.	Tripura	325	258	269	- 5.8	- 10.5	- 13.4	+ 2.4	+ 4.3	- 56	- 17.2
21.	Uttar Pradesh	38,858	35,452	36,783	-0.2	+ 1.3	- 8.4	- 1.7	+ 3.8	- 2,075	- 5.3
22.	West Bengal	9,309	8,776	9,043	- 2.0	- 2.6	- 1.8	- 1.5	+ 3.0	- 266	- 2.0

					UNION TERRITORIES						
1.	A& N Islands	3	2	2	100.0	- 50.0	+ 100.0	+ 100.00	–	–	–
2.	Arunachal Pradesh	..	3	1	–	–	–	–	- 66.7	+ 1	–
3.	Chandigarh	229	167	176	+ 17.4	- 9.6	- 10.6	- 9.7	+ 5.4	- 53	- 23.1
4.	Dadra & Nag-ar Haveli	27	55	55	- 11.5	- 85.2	+ 1250.0	+ 1.9	–	+ 28	+ 103.7
5.	Delhi	4,471	4,809	4,949	+ 2.0	+ 2.1	+ 1.4	+ 3.9	+ 2.9	+ 478	+ 10.7
6.	Goa, Daman & Diu	600	651	664	+ 0.5	- 1.7	+ 1.7	+ 8.5	+ 2.0	+ 64	+ 10.7
7.	Lakshadwe ep	14	20	15	+ 27.3	+ 21.4	+ 23.5	- 4.8	- 25.0	+ 1	+ 7.1
8.	Mizoram	67	54	64	+ 15.5	- 3.0	+ 16.9	- 28.9	+ 18.5	- 3	- 4.5
9.	Pondicherr y	453	469	462	- 3.0	+ 6.2	+ 3.5	- 5.8	- 10.5	+ 9	+ 2.0
	TOTAL in the Country	1,92,532	1,87,649	1,90,782	- 1.7	- 1.1	+ 0.7	- 2.2	+ 1.7	- 1,749	- 0.9

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TABLE VIII

General result of trial of Civil in District/Additional Judges Courts on the Original side during the year 1977

Name of the State/ Union Territory	Pendency as on 01-01-1977			Institution during 1977			Disposal during 1977			Pendency as on 31-12-76-77		
	Regular Suits	Misc. Cases	Total	Regular Suits	Misc. Cases	Total	Regular Suits	Misc. Cases	Total	Regular Suits	Misc. Cases	Total
1.	2.	3.	4.	5.	6.	7.	8.	9.	10.	11.	12.	13
1. Andhra Pradesh	517	8,301	8,818	869	36,572	37,441	896	37,293	38,189	490	7,580	8,070
2. Assam	245	882	1,127	224	1,044	1,268	164	906	1,070	305	1,020	1,325
3. Bihar	748	4,324	5,072	438	3,553	3,991	426	3,579	4,005	760	5,295	5,055
4. Gujarat	120	5,558	5,678	63	6,069	6,132	91	5,782	5,873	92	5,845	5,937
5. Haryana	573	618	1,191	673	892	1,565	520	575	1,095	726	935	1,661
6. Himachal Pradesh	----------Not available separately----------											
7. Jammu & Kashmir	----------Not available----------											
8. Karnataka	90	3,640	3,730	324	3,988	4,312	314	3,639	3,953	100	3,989	4,089
9. Kerala	46	4,684	4,730	573	10,268	10,841	313	9,007	9,320	306	5,945	6,251
10. Madhya Pradesh	5,439	3,875	9,314	6,200	4,839	11,039	5,600	4,511	10,111	6,039	4,203	10,242
11. Maharashtra	43,847	4,848	48,695	10,743	3,952	14,695	8,803	3,393	12,196	45,787	5,407	51,194
12. Manipur	23	19	42	43	32	75	45	42	87	21	9	30
13. Meghalaya	----------Not available----------											
14. Nagaland	----------Not available separately----------											
15. Orissa	33	777	810	27	956	983	36	802	838	24	931	955
16. Punjab	1,518	1,323	2,841	531	3,085	3,616	1,679	2,557	4,236	370	1,851	2,221
17. Rajasthan	3,061	3,716	6,777	2,056	3,586	5,642	1,490	3,218	4,708	3,627	4,084	7,711
18. Sikkim	24	29	53	37	105	142	30	97	127	31	37	68
19. Tamil Nadu	688	5,058	5,746	694	24,245	24,939	1,197	24,177	24,374	185	5,126	5,311
20. Tripura	75	266	341	46	308	354	46	226	272	75	348	423
21. Uttar Pradesh	2,089	8,225	9,314	3,961	17,969	21,930	4,074	17,441	21,515	1,976	7,753	9,729
22. West Bengal	10,443	9,424	19,867	11,353	5,490	16,843	9,851	5,425	15,276	11,945	9,489	21,434
UNION TERRITORIES												
1. A.N. Islands	3	6	9	7	14	21	6	13	19	4	7	11
2. Arunachal Pradesh	----------Not received separately----------											
3. Chandigarh	3	562	565	..	409	409	..	549	549	3	422	425
4. Dadra & Nagar Haveli	----------Nil ----------											
5. Delhi	817	3,803	4,620	814	2,875	3,689	718	3,438	4,156	913	3,420	4,153
6. Goa, Daman & Diu	183	430	613	36	164	200	52	155	207	167	439	606
7. Lakshadweep	-	-	-	-	-	-	-	-	-	-	-	-
8. Mizoram	----------Not received separately----------											
9. Pondicherry	6	175	181	6	319	325	4	363	367	8	131	139
TOTAL in the country	70,591	69,543	1,40,134	39,718	1,30,734	1,70,452	36,355	1,27,188	1,63,543	73,954	73,086	14,740

*Pendency of Miscellaneous Cases in Bihar on 31-12-1977 ought to be 4298 instead of 4295

TABLE IX

General result of Trial of cases in Senior/Subordinate Judges Courts on the original side during the year 1977

S. No.	Name of the States/union Territory	Pendency as on 1-1-1977			Institution during 1977			Disposal during 1977			Pendency as on 31-12-77		
		Regular Suits	Misc. cases	Total	Regular Suits	Misc. cases	Total	Regular Suits	Misc. cases	Total	Regular Suits	Misc. cases	Total
	1	2	3	4	5	6	7	8	9	10	11	12	13
1.	Andhra Pradesh	10,114	33,080	43,194	7,877	1,01,103	1,08,980	6,504	98,189	1,04,693	11,487	35,994	47,881
2.	Assam	2,248	489	2,737	1,227	447	1,674	1,138	388	1,526	2,337	548	2,885
3.	Bihar	27,141	13,230	40,371	15,356	7,594	22,950	16,773	7,541	24,314	25,724	13,285	39,009
4.	Gujarat	42,911	12,306	55,217	27,162	12,391	39,553	23,423	11,268	34,691	46,650	13,429	60,079
5.	Haryana	2,856	1,259	4,115	4,956	1,509	6,465	5,376	1,453	6,829	2,436	1,315	3,751
6.	Himachal Pradesh	Not available separately											
7.	Jammu & Kashmir	N.A											
8.	Karnataka	7,953	23,332	31,285	4,660	14,588	19,248	3,183	13,397	16,580	9,430	24,523	33,953
9.	Kerala	6,503	19,008	25,511	5,837	35,899	41,736	5,770	35,626	41,396	6,570	19,281	25,851
10	Madhya Pradesh	8,135	2,642	10,777	8,683	3,524	12,027	7,998	3,421	11,419	8,820	2,743	11,563
11.	Maharashtra	37,310	17,420	54,730	19,743	11,495	31,238	15,849	9,505	25,354	41,204	19,410	60,614
12.	Manipur	151	39	190	179	230	409	154	200	354	176	69	245
13.	Meghalaya	N.A.											
14.	Nagaland	Not available separately											
15.	Orissa	4,554	3,545	8,099	3,461	4,494	7,955	3,628	4,455	8,083	4,387	3,584	7,971
16.	Punjab	1,850	2,843	4,693	4,098	5,302	9,400	3,285	4,407	7,692	2,663	3,778	6401
17.	Rajasthan	4,198	1,072	5,270	2,311	1,005	3,316	2,117	1,024	3,141	4,392	1,053	5445
18.	Sikkim	149	34	183	93	65	158	114	66	180	128	33	161
19.	Tamil Nadu	30,588	39,523	70,111	23,186	1,16,583	1,39,769	20,826	1,15,681	1,36,507	32,948	40,425	73,373
20.	Tripura	378	131	509	136	131	267	151	137	288	363	125	488
21.	Uttar Pradesh	22,726	9,362	32,088	19,281	15,669	4,947	18,868	13,994	32,862	23,139	11,034	34,173
22.	West Bengal	27,119	3,996	31,115	15,446	3,162	18,608	14,582	3,058	17,640	27,983	4,100	32,083
UNION TERRITORIES													
1.	A& NIslands	82	6	88	75	14	89	81	14	95	76	6	82
2.	Arunachal Pradesh	Not available separately											
3.	Chandigarh	177	369	546	165	486	651	84	558	642	258	300	558
4.	Dadra & Nagar Haveli	121	19	140	11	8	19	87	20	107	45	7	52
5.	Delhi	8,475	4,407	23,152	12,781	3,943	16,724	12,121	3,727	15,848	19,405	4,623	24,028
6.	Goa, Daman & Diu	2,590	1,129	3,719	913	423	1,336	801	679	1,480	2,702	873	3575
7.	Lakshadweep	30	41	71	3	98	100	7	70	77	26	68	94
8.	Mizoram	Not available separately											
9.	Pondicherry	428	629	1,057	733	1,708	2,441	662	1,714	2,376	499	623	1,122
	TOTAL	2,59,057	1,89,911	4,48,968	1,78,373	3,41,867	5,20,240	1,63,582	3,30,592	4,94,174	2,73,848	2,01,189	4,75,037

*Pendency of Misc. cases on 31-12-1977 in Bihar ought to be 13283 instead of 13285, in Madhya Pradesh 2745 instead of 2743 and Chandigarh 297 instead of 300. **[Page No. 71]**

TABLE X

General result of Trial of Civil Cases in Munsif Courts on the original side during the year 1977

Name of the States/ Union Territory		Pending as on 1-1-1977			Institution during 1977			Disposal during 1977			Pending as on 31-12-77		
		Regular Suits	Misc. cases	Total	Regular Suits	Misc. cases	Total	Regular Suits	Misc. cases	Total	Regular Suits	Misc. cases	Total
	1	2	3	4	5	6	7	8	9	10	11	12	13
1.	Andhra Pradesh	66,301	92,872	1,59,173	75,860	3,18,917	3,94,777	74,190	3,22,409	3,96,599	67,971	89,380	1,57,351
2.	Assam	9,058	2,011	11,069	6,583	3,553	10,136	7,205	3,233	10,438	8,436	2,331	10,767
3.	Bihar	73,520	9,959	83,479	42,278	7,318	49,596	36,655	6,464	43,119	79,143	10,813	89,956
4.	Gujarat	28,361	10,772	39,133	21,529	11,340	32,869	19,616	10,322	29,938	30,274	11,790	42,064
5.	Haryana	17,839	1,916	19,755	27,999	2,215	30,214	26,495	2,287	2,8782	19,343	1,844	21,187
6.	Jammu & Kashmir	Not available separately.											
7.	Himachal Pradesh												
8.	Karnataka	54,243	90,756	1,44,999	35,777	8,395	44,172	31,222	7,715	38,937	58,798	91,436	1,50,234
9.	Kerala	35,739	21,252	6,991	35,202	80,203	1,15,405	39,613	81,808	1,21,421	31,328	19,647	50,975
10	Madhya Pradesh	59,789	10,212	70,001	48,107	9,816	57,923	44,438	9,462	53,900	63,458	10,566	74,024
11.	Maharashtra	1,24,343	45,386	1,69,729	63,849	26,817	90,666	52,450	25,434	77,884	1,35,742,	46,769	1,82,511
12.	Manipur	190	116	306	209	292	501	229	324	553	170	84	254
13.	Meghalaya	Not available											
14.	Nagaland	Not available											
15.	Orissa	9,224	3,776	13,000	8,544	6,434	14,978	8,960	6,527	15,487	8,808	3,683	12,491
16.	Punjab	31,701	14,100	45,801	44,249	17,568	61,817	43,875	17,678	61,553	32,075	13,990	46,064
17.	Rajasthan	46,810	11,006	57,816	26,084	10,087	36,171	23,438	10,365	33,803	49,456	10,728	60,184
18.	Sikkim	Nil											
19.	Tamil Nadu	55,818	40,678	96,496	43,651	1,93,578	2,37,229	43,188	1,93,182	2,36,370	56,281	41,074	97,355
20.	Tripura	1,708	257	1,965	1,023	180	1,203	1,018	152	1,170	1,713	285	1,998
21.	Uttar Pradesh	1,15,684	35,168	1,50,852	1,25,259	47,721	1,72,980	1,27,887	44,853	1,72,740	1,13,056	38,036	1,51,092
22.	West Bengal	1,04,275	22,215	1,26,490	45,808	10,238	56,046	36,332	8,940	45,272	11,3,751	23,513	1,37,264

UNION TERRITORIES													
1.	A& N Islands	Not available separately											
2.	Arunachal Pradesh												
3.	Chandigarh	642	1,093	1,735	510	1,706	2,216	420	1,541	1,961	732	1,258	1,990
4.	Dadra & Nagar Haveli	Nil											
5.	Delhi	Nil											
6.	Goa, Daman & Diu	1,895	231	2,126	831	163	994	655	168	823	2,071	226	2,297
7.	Lakshadweep	26	16	42	15	237	252	17	220	237	24	33	57
8.	Mizoram	Not available separately											
9.	Pondicherry	805	502	1,307	1,815	1,287	3,102	1,741	1,245	2,985	879	544	1,423
	TOTAL	8,37,971	4,14,294	12,52,265	6,55,182	7,54,065	1,413,247	6,19,644	7,54,329	1,373,973	8,73,509	4,18,030	12,91,539

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TABLE XI

General result of Trial of Civil Cases in Small Cause Courts on the original side during the year 1977

	Name of the States/union Territory	Pendency as on 1-1-1977			Institution during 1977			Disposal during 1977			Pendency as on 31-12-77		
S. No.		Regular Suits	Misc. cases	Total	Regular Suits	Misc. cases	Total	Regular Suits	Misc. cases	Total	Regular Suits	Misc. cases	Total
1		2	3	4	5	6	7	8	9	10	11	12	13
1.	Andhra Pradesh	1,211	3,209	4,420	2,149	10,262	12,411	2,089	9,371	11,460	1,271	4,100	5,371
2.	Assam	Nil											
3.	Bihar	20,917	38	20,955	4,916	59	4,975	8,391	33	8,424	17,442	64	17,506
4.	Gujarat	15,590	4,730	20,320	9,253	7,654	16907	9,195	8,027	17,222	15,648	4,357	2,005
5.	Haryana	Nil											
6.	Himachal Pradesh	Not available separately											
7.	Jammu & Kashmir	Not available											
8.	Karnataka	Nil											
9.	Kerala	Nil											
10	Madhya Pradesh	8,750	1,690	10,260	16,635	2,502	19,137	16,512	2,503	19,015	8,693	1,689	10,382
11.	Maharashtra	51,694	26,023	77,717	22,744	24,986	47,730	22,573	26,219	48,792	51,865	24,790	76,655
12.	Manipur	Nil											
13.	Meghalaya	Not available separately											
14.	Nagaland	Nil											
15.	Orissa	1,038	7	1,045	2,412	31	2,443	2,420	32	2,452	1,030	6	1,036
16.	Punjab	251	47	298	424	27	451	346	35	381	329	39	368
17.	Rajasthan	1,896	144	2,040	1,519	171	1,690	1,633	152	1,765	1,782	163	1,945
18.	Sikkim	Nil											
19.	Tamil Nadu	3,154	..	3,145	5,417	..	5,417	5,083	..	5,083	3,488	..	3,488
20.	Tripura	Nil											
21.	Uttar Pradesh	23,535	3,283	26,818	26,233	7,257	33,490	22,622	5,664	28,286	27,146	4,876	32,022
22.	West Bengal	6,573	207	6,780	2,611	277	2,888	2,990	2,09	3,199	6,194	275	6,469
UNION TERRITORIES													
1.	A& N Islands	Nil											
2.	Arunachal Pradesh	Not available separately											
3.	Chandigarh	Nil											
4.	Dadra & Nagar Haveli	Not available separately											
5.	Delhi	2,391	1,798	4,189	3,187	2,365	5552	3,480	2,418	5,898	2,098	1,745	3,843
6.	Goa, Daman & Diu	Nil											
7.	Lakshadweep	Nil											
8.	Mizoram	Not available separately											
9.	Pondicherry	Nil											
	TOTAL	1,36,820	41,176	1,77,996	97,500	55,591	1,53,091	97,334	54,663	1,51,997	13,6986	42104	1,79,090

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TABLE XII

General Result of Trial of Civil Cases on the appellate side in the Courts functioning at District level in 1977

Name of the State	Pendency on 1-1-1977			Institution during 1977			Disposal during 1977			Pendency on 31-11-77		
	Regular Appeal	Misc. Appeals	Total	Regular Appeals	Misc. Appeals	Total	Regular Appeal	Misc. Appeal	Total	Regular Appeals	Misc. Appeals	Total
1	2	3	4	5	6	7	8	9	10	11	12	13
1. Andhra Pradesh	7,994	4,325	12,319	9,715	5,724	15,439	7,827	6,329	14,156	9,882	3,720	13,602
2. Assam	1,481	389	1,870	923	388	1,311	838	298	1,136	1,566	479	2,045
3. Bihar	11,171	2,834	14,005	8,619	2,378	10,997	8,079	2,490	10,569	11,716*	2,725*	14,441*
4. Gujarat	5,588	1,146	6,734	3,448	1,705	5,153	3,357	1,804	5,161	5,679	1,047	6,726
5. Haryana	4,384	649	5,033	5,469	1,127	6,596	4,503	949	5,452	5,350	827	6,177
6. Himachal Pradesh	752	772	1,524	1,485	680	2,165	717	676	1,393	1,520	776	2,296
7. Jammu and Kashmir	----------Not Available----------											
8. Karnataka	10,819	5,147	15,966	5,258	4,503	9,761	6,228	5,443	11,671	9,849	4,207	14,056
9. Kerala	10,275	2,550	12,825	8,098	3,325	11,423	8,912	3,497	12,409	9,461	2,378	11,839
10. Madhya Pradesh	9761	3439	13,200	10,354	5,147	15,501	10,459	5286	15745	9656	3,300	12,956
11. Maharashtra	17,031	2,561	19,592	7,978	3,213	11,191	7,764	3,056	10,820	17,245	2,718	19,963
12. Manipur	36	9	45	66	10	76	73	14	87	29	5	34
13. Meghalaya	----------Not Available----------											
14. Nagaland	4	..	4	73	45	118	33	16	49	44	29	73
15. Orissa	2,134	706	2,840	2,387	1,089	3,476	2,229	1,076	3,305	2,292	719	3,011
16. Punjab	6,814	1,567	8,381	10,715	2,588	13,303	11,077	2,848	13,925	6,452	1,307	7,759
17. Rajasthan	6,142	1,736	7,878	5,150	2,478	7,628	4,677	2,207	6,884	6,615	2,007	8,622
18. Sikkim	4	2	6	9	2	11	5	2	7	8	2	10
19. Tamil Nadu	10,857	5,087	15,954	12,496	5,987	18,483	13,235	6,513	19,748	10,118	45,71	14,619
20. Tripura	266	59	325	112	86	198	171	83	254	207	62	269
21. Uttar Pradesh	19,753	19,105	38,858	34,831	22,546	57,377	33,195	26,257	59,452	21,389	15,394	36,783
22. West Bengal	6,866	2,443	9,309	7,403	3,673	11,076	7,447	3,895	11,342	6,822	2,221	9,043
UNION TERRITORIES												
1. A & N Islands	2	1	3	2	..	2	2	1	3	2	..	2

2. Arunachal Pradesh	..	..	..	2	4	6	1	4	5	1	..	1
3. Chandigarh	104	125	229	146	232	378	183	248	431	67	109	176
4. Dadra & Nagar Haveli	..	27	27	50	2	52	..	24	24	50	5	55
5. Delhi	1,995	2,476	4,471	1,522	2,570	4,092	1,354	2,260	3,614	2,163	2,786	4,949
6. Goa, Daman & Diu	478	122	600	260	156	416	239	113	352	499	165	664
7. Lakshadweep	14	..	14	8	1	9	7	1	8	15	..	15
8. Mizoram	65	2	67	54	125	179	98	84	182	21	43	64
9. Pondicherry	312	141	453	268	282	550	212	329	541	368	94	462
TOTAL in the Country	1,35,102	57,430	1,92,532	1,36,901	70,066	2,06,967	1,32,922	75,803	2,08,725	1,39,086	51,696	1,90,782

* Pendency on 31-12-1977 in Bihar ought to be 11,711 Regular Appeals and 2,722 Miscellaneous Appeals.

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TABLE XIII

General Result of Trial of Civil Cases in District/Additional District Judges Courts on the appellate side during the year 1977

Name of the State	Pendency on 1-1-1977			Institution during 1977			Disposal during 1977			Pendency on 31-12-77		
	Regular Appeal	Misc. Appeals	Total	Regular Appeals	Misc. Appeals	Total	Regular Appeal	Misc. Appeal	Total	Regular Appeals	Misc. Appeals	Total
1	2	3	4	5	6	7	8	9	10	11	12	13
1. Andhra Pradesh	4,516	848	5,464	6,610	2,190	8,800	6,004	2,094	8,098	5,222	944	6,166
2. Assam	228	120	348	149	105	254	97	78	175	280	147	427
3. Bihar	4,886	1,638	6,524	4,887	1,515	6,402	4,128	1,556	5,684	5,652*	1,596*	7,248*
4. Gujarat	4,677	880	5,557	2,965	1,384	4,349	2,966	1,428	4,394	4,676	836	5,512
5. Haryana	1,862	283	2,145	3,619	509	4,128	2,904	502	3,406	2,577	290	2,867
6. Himachal Pradesh	----------Not Reported Separately----------											
7. Jammu and Kashmir	----------Not Available----------											
8. Karnataka	797	3,452	4,249	484	2,392	2,876	560	3,538	4,098	721	2,306	3,027
9. Kerala	4,377	887	5,264	3,866	1,371	5,237	4,561	1,453	6,014	3,682	805	4,487
10. Madhya Pradesh	9,761	3,439	13,200	10,354	5,147	15,501	10,459	5,286	15,745	9,656	3,300	12,956
11. Maharashtra	17,031	2,560	19,591	7,978	3,213	11,191	7,764	3,055	10,819	17,245	2,718	19,963
12. Manipur	36	9	45	66	10	76	73	14	87	5	29	343
13. Meghalaya	----------Not Available----------											
14. Nagaland	----------Not Reported Separately----------											
15. Orissa	1,129	511	1,640	1,322	684	2,006	1,233	702	1,935	1,218	493	1,711
16. Punjab	3,667	939	4,606	8,289	2,027	10,316	5,551	1,661	7,212	6,405	1,305	7,710
17. Rajasthan	5,092	1,471	6,553	3,809	2,031	5,840	3,892	1,880	5,772	5,009	1,622	6,631
18. Sikkim	4	2	6	9	2	11	5	2	27	8	2	10
19. Tamil Nadu	3,893	1,867	5,760	5,612	2,270	7,882	6,056	2,291	8,347	3,449	1,846	5,295
20. Tripura	97	18	115	74	29	103	73	27	100	98	20	118
21. Uttar Pradesh	13,911	12,539	26,450	27,727	19,463	47,190	26,991	21,896	48,887	14,647	10,106	24,753
22. West Bengal	5,174	2,044	7,218	6,354	3,239	9,593	6,248	3,391	9,639	5,280	1,892	7,172
UNION TERRITORIES												
1. A & N Islands	2	1	3	3	..	2	2	1	3	2	..	2
2. Arunachal Pradesh	----------Not Reported Separately----------											
3. Chandigarh	98	125	223	130	232	362	171	248	419	57	109	166
4. Karnataka	–	27	27	50	2	52	–	24	24	50	5	55
5. Delhi	920	916	2,836	777	2,101	2,878	859	1,847	2706	838	2,170	3,008

6. Goa, Daman & Diu	478	122	600	260	156	416	239	113	352	499	165	664
7. Lakshadweep	----------Not Reported Separately----------											
8. Mizoram												
9. Pondicherry	297	88	385	232	146	378	176	214	390	353	20	373
TOTAL in the Country	83,033	35,785	11,819	95,625	50,218	1,45,843	91,012	53,301	144,313	87,653	32,702	120,355

*Pendency on 31-12-1977 in Bihar ought to be Regular Appeals 5,645 and Miscellaneous Appeals 1597.

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TABLE XIV

General Result of Trial of Civil Cases in Senior Civil Judges/Sub-Judges Courts on the appellate side during the year 1977

Name of the State/ Union Territory	Pendency on 1-1-1977			Institution during 1977			Disposal during 1977			Pendency on 31-12-77		
	Regular Appeal	Misc. Appeals	Total	Regular Appeals	Misc. Appeals	Total	Regular Appeal	Misc. Appeal	Total	Regular Appeals	Misc. Appeals	Total
1	2	3	4	5	6	7	8	9	10	11	12	13
1. Andhra Pradesh	3,378	3,477	6,855	3,105	3,534	6,639	1,823	4,235	6,058	4,660	2,776	7,436
2. Assam	1,253	269	1,522	774	283	1,057	741	220	961	1,286	332	1,617
3. Bihar	6,285	1,196	7,481	3,732	863	4,595	3,951	934	4,885	60,64*	1,129*	7,193*
4. Gujarat	911	266	1,177	483	321	804	391	376	767	1,003	211	1,214
5. Haryana	2,522	366	2,888	1,850	618	2,468	1,599	447	2,046	2,773	537	3,310
6. Himachal Pradesh	----------Not Reported Separately----------											
7. Jammu and Kashmir	----------Not Available----------											
8. Karnataka	10,022	1,695	11,717	4,774	2,111	6,885	5,668	1,905	7,573	1928	1,901	11,029
9. Kerala	5,898	1,663	7,561	4,232	1,954	6,186	4,351	2,044	6,395	5,779	1,573	7,352
10. Madhya Pradesh	----------											
11. Maharashtra	..	1	1	..	Nil	..	..	1	1	..	Nil	..
12. Manipur	----------											
13. Meghalaya	----------Not Available----------											
14. Nagaland	----------Not Reported Separately----------											
15. Orissa	1,005	195	1,200	1,065	405	1,470	996	374	1,370	1,074	226	1,300
16. Punjab	3,147	628	3,775	2,426	561	2,987	5,526	11,87	6,713	47	2	499
17. Rajasthan	1,050	265	1,315	1,341	447	1,788	785	327	1,112	1,606	385	1,991
18. Sikkim	----------											
19. Tamil Nadu	6,964	3,230	10,194	6,884	3,717	10,601	7,179	42,22	11,401	6,669	2,275	9,394
20. Tripura	169	41	210	38	57	95	98	56	154	109	42	151
21. Uttar Pradesh	5,842	6,566	12,408	7,104	3,083	10,187	6,204	10,565	4,361	6,742	5,28	12,030
22. West Bengal	1,692	399	2,091	1,049	434	1,483	1,199	504	1,703	1,542	329	1,871
UNION TERRITORIES												
1. A & N Islands	----------											
2. Arunachal Pradesh	----------Not Available Separately----------											
3. Chandigarh	6	..	6	16	..	16	12	..	12	10	..	10
4. Dadra & Nagar Haveli	----------											
5. Delhi	1,075	560	1,635	745	469	1,214	495	413	908	1,325	616	1,941
6. Goa, Daman & Diu	----------											
7. Lakshadweep	14	..	14	8	1	9	7	1	8	15	..	15

8. Mizoram	----------Not Available Separately----------											
9. Pondicherry	15	53	68	36	136	172	36	115	151	15	74	89
Total in the Country	51,248	20,870	72,118	39,662	18,994	58,656	41,061	21,722	62,783	49,847	18,146	67,993

*Pendency on 31-12-1977 in Bihar ought to be 6,066 Regular 1,125 Miscellaneous Appeals.

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TABLE I

Table showing institution and disposal during the 4th quarter ending December, 1977 and disposal as percentage of institution during the 4th quarter of 1976, 1st, 2nd, 3rd and 4th quarter of 1977 in the Session Courts.

1 Original = 5 Appeals or 5 Revisions

Name of State/ Union Territory	Institution during quarter	Disposal during quarter	Disposal as percentage of institution during				
			4th quarter of 1976	1st quarter of 1977	2nd quarter of 1977	3rd quarter of 1977	4th quarter of 1977
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)
1. Andhra Pradesh	1,042	1,101	99.1	97.2	113.8	98.7	105.7
2. Assam	322	238	75.0	78.3	83.0	82.6	73.9
3. Bihar	2,579	1,613	84.0	85.1	83.6	79.8	62.5
4. Gujarat	605	654	90.3	99.2	128.3	80.7	108.1
5. Haryana	718	729	96.3	58.8	140.7	84.9	101.5
6. Himachal Pradesh	99	102	91.4	65.9	120.8	114.5	103.0
7. Jammu & Kashmir	N.A.	N.A.	91.7	85.5	N.A.	N.A.	N.A.
8. Karnataka	352	377	114.7	98.7	113.9	125.2	107.1
9. Kerala	420	472	101.7	102.6	60.9	114.2	112.4
10. Madhya Pradesh	1,899	1,961	99.5	110.1	102.7	97.2	103.3
11. Maharashtra	1,253	1,259	118.9	101.9	111.9	92.7	100.5
12. Manipur	47	29	74.3	96.5	96.2	104.7	59.6
13. Meghalaya	N.A.	N.A.	57.1	32.0	N.A.	N.A.	N.A.
14. Nagaland	26	70	79.2	120.0	107.4	76.9	169.2
15. Orissa	385	378	100.0	106.9	77.8	89.6	98.2
16. Punjab	1,040	1,002	114.0	113.9	110.9	91.8	96.3
17. Rajasthan	1,320	1,124	86.2	101.7	97.4	78.8	85.2
18. Sikkim	12	13	84.6	91.7	80.0	33.3	108.3
19. Tamil Nadu	851	752	118.3	100.0	68.9	112.7	88.4
20. Uttar Pradesh	13,984	14,377	77.7	88.9	94.6	100.4	102.8
21. Tripura	42	49	92.3	108.0	144.1	135.6	116.7
22. West Bengal	632	731	90.4	97.8	105.2	109.2	115.7
UNION TERRITORIES							
1. A. & N. Islands	5	4	66.7	20.00	100.0	150.0	80.0
2. Arunachal Pradesh	21	8	64.2	63.6	92.3	100.0	38.1
3. Chandigarh	12	15	77.8	68.2	92.3	150.0	125.0
4. Dadra & Nagar Haveli	4	5	300.0	50.0	150.0	133.3	125.0
5. Delhi	315	301	109.4	125.8	147.4	106.5	95.6
6. Goa, Daman & Diu	36	33	100.0	193.3	76.2	120.5	91.7
7. Lakshadweep	..	..	..	..	..	..	..
8. Mizoram	108	25	91.8	200.0	29.5	118.5	23.2
9. Pondicherry	17	17	155.6	90.9	59.3	100.0	100.0
Total in the Country	28,146	27,438	91.9	95.5	97.1	96.8	97.5

TABLE II

Table showing the number of courts available for criminal work in Sessions Courts, disposal in units and average rate of disposal per Court during 4th Quarter of 1976 and 1st, 2nd, 3rd, and 4th Quarters of 1977

Name of the State/ Union Territory		Number of Courts available for criminal work	Disposal in Units during			Average rate of disposal per court during				
			4th quarter of 1976	3rd quarter of 1977	4th quarter of 1977	4th quarter of 1976	1st quarter of 1977	2nd quarter of 1977	3rd quarter of 1977	4th quarter of 1977
1		2	3	4	5	6	7	8	9	10
1.	Andhra Pradesh	32	783	754	1,101	26.1	19.6	18.1	23.6	34.4
2.	Assam	9	228	280	238	32.6	28.9	25.4	31.1	26.4
3.	Bihar	87	1,754	2,657	1,613	18.3	22.3	25.3	25.8	18.5
4.	Gujarat	22	558	613	654	29.4	24.5	28.6	29.2	29.7
5.	Haryana	14	287	231	729	41.0	47.1	70.6	33.0	52.1
6.	Himachal Pradesh	3	170	63	102	48.6	36.7	38.7	21.0	34.0
7.	Jammu & Kashmir	N.A.	110	N.A.	N.A.	15.7	16.0	N.A.	N.A.	N.A.
8.	Karnataka	15	422	477	377	12.4	22.5	20.8	28.1	25.1
9.	Kerala	16	436	491	472	27.3	29.3	17.0	28.9	29.5
10	Madhya Pradesh	73	1,782	2,172	1,961	25.5	31.8	24.6	31.0	26.8
11.	Maharashtra	55	1,530	1,519	1,239	26.8	29.6	21.6	23.0	22.9
12.	Manipur	2	26	45	28	13.0	27.5	25.5	22.5	14.0
13.	Meghalaya	N.A.	116	N.A.	N.A.	8.0	4.0	N.A.	N.A.	N.A.
14.	Nagaland	5	19	30	70	3.2	4.0	4.8	5.0	14.0
15.	Orissa	20	363	395	378	14.0	11.3	8.4	18.8	18.9
16.	Punjab	20	922	983	1,002	57.6	61.8	47.8	49.2	50.1
17.	Rajasthan	30	849	1,189	1,124	30.3	38.0	36.3	45.7	37.5
18.	Sikkim	0.5	33	1	13	66.0	44.0	32.0	2.0	26.0
19.	Tamil Nadu	20	939	978	752	67.1	34.9	30.0	65.2	37.6
20.	Tripura	4	84	80	49	28.0	37.3	21.3	20.0	12.3
21.	Uttar Pradesh	203	4,691	16,127	14,377	24.1	30.4	67.1	84.4	70.8
22.	West Bengal	48	782	1,500	731	19.1	22.6	24.1	28.8	15.2
	UNION TERRITORIES									
1.	A& N Islands	0.5	2	6	4	4.0	2.0	6.0	12.0	8.0
2.	Arunachal Pradesh	3	9	12	8	2.2	1.8	3.0	3.0	2.7
3.	Chandigarh	1	14	12	15	14.0	15.0	12.0	12.0	15.0

4.	Dadra & Nag-ar Haveli	0.5	3	4	5	..	20.0	6.0	8.0	10.0
5.	Delhi	13	420	396	301	30	35.2	30.2	33.0	23.2
6.	Goa, Daman & Diu	1	38	53	33	38.0	87.0	32.0	53.0	33.0
7.	Lakshadweep	1	..	..	..	..	2.0	..	..	..
8.	Mizoram	2	493	32	25	493.0	3.3	4.3	10.7	12.5
9.	Pondicherry	1	14	16	17	14.0	5.0	2.3	8.0	17.0
	TOTAL in the country	701.5	17,777	31,116	27,438	25.3	27.5	35.5	44.0	39.

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TABLE III

Table showing pendency in Sessions Courts on 1-1-1977, 1-10-1977 and 31-12-1977 and rate of increase or decrease during 4th quarter of 1976 and 1st, 2nd, 3rd and 4th quarters of 1977

S. No.	Name of the State/Union Territories	Pendency as on			Rate of increase or decrease in pendency during					%age increase or decrease in pendency in the period from 1-1-77 to 31-12-77
		1-1-77	1-10-77	31-12-77	4th quarter of 1976	1st quarter of 1977	2nd quarter of 1977	3rd quarter of 1977	4th quarter of 1977	
	1	2	3	4	5	6	7	8	9	10
1.	Andhra Pradesh	1,064	934	875	-0.1	-0.1	-10.8	-1.5	-6.3	-17.8
2.	Assam	1,572	1,752	1,836	+5.0	+4.4	+3.2	+3.5	+4.8	+16.8
3.	Bihar	17,275	18,766	19,732	+2.0	+2.3	+2.4	+3.7	+5.1	+14.2
4.	Gujarat	917	892	842	+7.0	-0.6	-19.3	+19.9	-5.6	-8.2
5.	Haryana	1,226	1,355	1,344	+0.8	+18.8	-9.8	+3.1	-0.8	+9.6
6.	Himachal Pradesh	378	407	405	+4.1	+15.1	-4.6	-1.9	-0.5	+7.1
7.	Jammu & Kashmir	NA	NA	NA	NA	NA	NA	NA	NA	NA
8.	Karnataka	798	663	638	-6.3	+0.5	-5.4	-12.6	-3.8	-20.0
9.	Kerala	518	619	567	-1.3	-2.3	+34.4	-9.0	-8.4	+9.5
10	Madhya Pradesh	3,089	2,900	2,837	+3.0	-6.6	-1.6	+2.2	-2.2	-8.2
11.	Maharashtra	3,264	3,192	3,186	-6.9	-0.8	-5.1	+3.9	-0.2	-2.4
12.	Meghalaya	NA	NA	NA	NA	NA	NA	NA	NA	NA
13.	Manipur	45	47	66	+25.0	+2.2	+4.3	-2.1	+40.4	+46.7
14.	Nagaland	82	85	41	+82.2	-4.9	-3.6	+10.5	-51.8	-50.0
15.	Orissa	1,147	1,248	1,255	-0.1	-20.4	+7.9	+3.4	+0.6	+9.4
16.	Punjab	1,669	1,550	1,588	-12.0	-7.6	-5.2	+6.0	+2.5	-4.8
17.	Rajasthan	3,167	3,498	3,695	-10.4	-0.6	+0.9	+10.1	+5.6	+16.7
18.	Sikkim	54	62	60	+10.2	+3.7	+7.1	+3.3	-3.2	+11.1
19.	Tamil Nadu	715	809	908	-16.9	Nil	+28.5	-12.0	+12.2	+27.0
20.	Tripura	216	158	151	+3.8	-5.6	-12.7	-11.2	-4.4	-30.1
21.	Uttar Pradesh	32,924	36,341	35,948	+4.2	+2.1	+1.3	-0.2	-1.1	+9.2
22.	West Bengal	3,315	3,148	3,049	+2.6	+0.8	-1.9	-3.9	-3.1	-7.8
UNION TERRITORIES										
1.	A& N Islands	4	6	6	Nil	+75.0	+14.3	-25.0	..	+50.0
2.	Arunachal Pradesh	37	41	55	..	+10.8	..	..	+34.	+48.7
3.	Chandigarh	19	23	20	+18.8	+36.8	+3.8	-14.8	13.	+5.3
4.	Dadra & Nagar Haveli	7	7	6	-22.2	+28.6	-11.1	-12.5	-14.3	-14.3
5.	Delhi	1,082	830	844	-3.2	-9.3	-12.9	-2.8	+1.7	-22.0

6.	Goa, Daman & Diu	165	124	127	Nil	-25.5	+8.1	-6.8	+2.4	-23.0
7.	Lakshadweep	..	..	..	..	..	..	..	..	..
8.	Mizoram	177	198	281	+22.6	-2.8	+18.0	-2.5	+	+58.8
9.	Pondicherry	14	21	21	-26.3	+14.3	+31.3	..	..	+50.0
	TOTAL in the Country	74,941	79,676	80,383	+1.3	+1.1	+0.9	+1.3	+0.9	+7.3

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TABLE IV

Table showing institution and disposal of cases during the 4th Quarter of 1977 in the Magisterial Courts and disposal as percentage of institution during 4th Quarter of 1976 and 1st, 2nd, 3rd and 4th Quarters of 1977

Name of the State/ Union Territory		Institution during the 4th quarter of 1977			Disposal during the 4th quarter of 1977			Disposal as percentage of institution during				
		Police Challans	Complaint cases	Total	Police Challans	Complaint cases	Total	4th quarter of 1976	I st quarter of 1977	2 nd quarter of 1977	3 rd quarter of 1977	4 th quarter of 1977
	1	2	3	4	5	6	7	8	9	10	11	12
1.	Andhra Pradesh	63,627	27,545	91172	65,499	28,153	93,652	103.9	99.8	94.8	101.9	102.7
2.	Assam	12,228	12,849	25,077	7,290	10,590	17880	91.1	77.1	88.1	89.7	77.3
3.	Bihar	33,523	19,450	52,973	28,113	17743	45,856	81.3	155.5	107.0	100.1	86.6
4.	Gujarat	91,738	1,41,427	2,33,165	88,860	178,665	2,67,525	90.5	87.6	113.8	92.7	114.7
5.	Haryana	9,775	2,470	12,245	10,179	2,199	12,378	95.7	101.3	98.7	94.0	101.1
6.	Himachal Pradesh	2,315	1,799	4,114	1,905	2,028	3,933	92.8	98.5	82.0	100.6	95.6
7.	Jammu &Kashmir	..	..	..	..	..	..	98.4	85.0	N.A.	N.A.	N.A.
8.	Karnataka	56,040	7978	64,018	51,646	7544	59,190	97.4	95.5	92.5	99.7	92.5
9.	Kerala	38,900	12,090	50,990	36,111	12,283	48,394	104.4	106.5	100.2	97.9	94.9
10	Madhya Pradesh	84,441	12,941	97,382	72,275	11,942	84,217	103.4	143.7	91.3	96.6	86.5
11.	Maharashtra	1,80,046	57,180	2,37,226	1,73,295	56,670	29,965	96.3	107.4	111.6	121.2	96.9
12.	Manipur	242	796	1,038	479	381	860	142.8	21.6	69.8	120.8	82.9
13.	Meghalaya	N.A.	N.A.	N.A.	N.A.	N.A.	N.A.	66.0	122.0	N.A.	N.A.	N.A.
14.	Nagaland	272	17	289	294	14	308	101.2	64.3	63.1	108.9	106.6
15.	Orissa	16,789	10,849	27,638	13,805	8,657	22,462	80.2	263.5	78.6	180.9	81.3
16.	Punjab	17,592	3,446	21,038	16,554	3,766	20320	83.0	101.4	76.8	96.1	96.6
17.	Rajasthan	27,856	18,987	46,843	24,691	20,110	44,801	88.4	94.1	101.8	89.2	95.6
18.	Sikkim	417	39	456	1,077	39	1,116	193.5	82.0	86.2	101.3	242.7
19.	Tamil Nadu	1,98,669	36,432	2,35,101	2,09,343	42,342	251685	106.7	90.5	96.7	103.7	107.1
20.	Tripura	3,305	971	4,276	11,208	910	12,118	157.9	102.8	116.7	124.6	283.4
21.	Uttar Pradesh	1,00,813	71532	1,72345	1,04,540	75,426	1,79,966	88.8	91.9	96.2	97.3	104.4
22.	West Bengal	88,340	23,691	1,12,031	84,501	26,319	1,10,820	85.9	97.3	117.2	72.8	98.9
UNION TERRITORIES												
1.	A& N Islands	1,383	67	1,450	1,538	66	1,604	96.1	111.7	135.2	161.0	110.65
2.	Arunachal Pradesh	148	51	199	133	26	159	94.8	88.4	135.0	67.3	79.9
3.	Chandigarh	204	81	285	182	100	292	89.0	103.0	84.8	85.0	102.5
4.	Dadra & Nagar Haveli	90	4	94	123	5	128	71.9	190.0	123.8	196.3	136.2
5.	Delhi	1,09,413	32,322	1,41735	98,674	20,267	1,18,941	78.9	71.7	115.6	132.5	83.5

6.	Goa, Daman & Diu	915	205	1,120	1,070	170	1,240	3746.2	992.8	335.6	311.9	110.7
7.	Lakshadweep	11	2	13	5	..	5	566.7	85.7	50.0	66.7	38.9
8.	Mizoram	197	18	215	149	19	168	38.6	35.7	175.2	129.7	78.1
9.	Pondicherry	3,811	87	3,898	4,062	91	4,153	128.0	104.8	106.1	95.7	106.5
	Total in the country	11,43,100	4,59,326	16,38,426	11,07,611	5,26,525	16,34,136	96.4	100.6	103.3	100.2	99.7

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TABLE V

Table showing number of Magisterial Courts functioning during 4th Quarter of 1977 and average rate of disposal per Court in units on the basis of time devoted by Courts to criminal work during 4th quarter of 1976 and 1st, 2nd, 3rd, and 4th, Quarters of 1977 in Magisterial Courts.

Disposal of-

(i) One Police Challan or complaint cases after full trail. . . . . --1 unit

(ii) 20 Police Challan cases by receiving and accepting FR/FF, Compounding or withdrawal. . . . . --1 unit

(iii) 20 Complaint cases by dismissal, absence of complaint, compounding or withdrawal. . . . . --1 unit

(iv) 10 Police Chalan or Complaint cases by committal to Sessions Courts. . . . . --1 unit

(v) 50 Uncontested Police Chalan or complaint cases. . . . . --1 unit

Name of the State/Union Territories		No. of courts available for criminal work	Disposal in units during					Average rate of disposal per court in				
			4th quarter of 1976	1st quarter of 1977	2nd quarter of 1977	3rd quarter of 1977	4th quarter of 1976	4th quarter of 1977	1st quarter of 1977	2nd quarter of 1977	3rd quarter of 1977	4th quarter of 1977
1		2	3	4	5	6	7	8	9	10	11	12
1.	Andhra Pradesh	184	13,157	11,428	12,182	14,015	12,145	74.3	62.4	61.8	72.6	66
2.	Assam	53	2,984	2,748	3,335	3,502	2,423	50.6	50.0	59.6	67.4	45.7
3.	Bihar	410	8,759	16,879	13,452	15,952	9,465	22.5	43.2	34.5	42.0	23.1
4.	Gujarat	118	30,422	23,674	23,303	25,032	21,852	257.8	217.2	173.9	218.0	185.2
5.	Haryana	41	3,309	3,305	2,880	3,124	3,881	103.4	106.6	87.3	82.2	94.7
6.	Himachal Pradesh	18	756	1,063	790	781	701	42.0	59.1	43.9	43.3	58.9
7.	Jammu & Kashmir	N.A.	7,121	5,714	N.A.	N.A.	N.A.	192.5	154.4	N.A.	N.A.	N.A.
8.	Karnataka	88	7,609	6,798	6,752	7,742	7,148	65.0	70.1	69.5	88.0	81.2
9.	Kerala	107	13,662	12,720	12,625	11,137	13,157	131.4	123.5	123.8	111.4	123.0
10	Madhya Pradesh	221	17,782	20,452	13,730	16,335	13,765	91.7	146.1	92.8	111.1	62.3
11.	Maharashtra	330	33,065	34,600	33,769	37,369	24,780	114.4	125.8	102.0	121.3	82.6
12.	Manipur	4	180	94	121	176	142	36.0	47.0	30.3	44.0	35.3
13.	Meghalaya	N.A.	115	71	N.A.	N.A.	N.A.	61.0	10.1	N.A.	N.A.	N.A.
14.	Nagaland	15	377	88	113	140	93	15.1	4.2	5.4	6.7	6.2
15.	Orissa	120	5,580	14,153	6,241	7,166	5992	67.2	132.3	50.7	49.4	49.9
16.	Punjab	76	5,498	5,484	4,246	6,173	6,409	100.0	96.2	66.3	63.4	84.3
17.	Rajasthan	192	9,300	8,239	8,182	9,072	7,802	65.2	58.4	54.9	52.7	4.6
18.	Sikkim	4.5	38	43	140	50	46	8.4	9.6	31.1	11.1	10.8
19.	Tamil Nadu	221	35,864	23,784	27,208	34,123	34,217	169.2	112.7	126.0	155.1	154.8
20.	Tripura	25	549	611	518	665	1,281	25.2	27.8	21.6	26.6	51.2
21.	Uttar Pradesh	619	38,729	37,502	42,531	47,039	39,623	79.4	70.4	68.6	75.1	64.0
22.	West Bengal	172	8,721	9,183	9,139	25,905	8,607	52.2	54.7	53.8	154.2	50.0

UNION TERRITORIES												
1.	A& N Islands	3	147	172	194	177	185	49.0	57.3	64.7	59.0	61.7
2.	Arunachal Pradesh	5	17	223	24	20	31	1.2	2.6	2.7	6.7	6.2
3.	Chandigarh	2	112	97	70	83	94	56.0	48.5	35.0	41.5	47.0
4.	Dadra & Nagar Haveli	0.5	6	10	12	22	25	60.0	100	120.0	220.0	50.0
5.	Delhi	48	4,560	5,962	4,678	5,866	5,127	108.6	145.4	95.3	119.7	106.8
6.	Goa, Daman & Diu	7.5	1,118	540	336	363	318	159.7	72.0	44.8	48.4	42.4
7.	Lakshadweep	1	4	1	1	2	1	4.0	1.0	1.0	2.0	1.0
8.	Mizoram	8	90	7	102	127	55	45.0	0.9	12.8	15.9	6.0
9.	Pondicherry	6	391	239	354	401	323	65.2	34.1	50.6	66.8	53.8
	TOTAL.	3,069,5	2,50022	2,45,684	226342	2,72,559	2,19,668	88.2	88.0	76.0	91.5	716

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TABLE VI

Table showing pendency of Police Challan and Complaint cases in Magisterial Courts as on 1-1-1977, 1-10-1977 and 31-12-1977 and rate of increase or decrease in pendency during 4th quarter of 1976 and 1st, 2nd, 3rd and 4th quarters of 1977

Name of the State/Union Territories		Pendency as on			Rate of increase or decrease in pendency during					Increase or decrease in pendency in a period of 1-1-77 to 31-12-77
		1-1-77	1-10-77	31-12-77	4th quarter of 1976	1st quarter of 1977	2Nd quarter of 1977	3rd quarter of 1977	4th quarter of 1977	
	1	2	3	4	5	6	7	8	9	10
1.	Andhra Pradesh	69,430	72,840	70,360	-5.3	+0.3	+7.4	-2.6	-3.4	+1.3
2.	Assam	95,856	106,899	114,096	+2.3	+5.6	+3.0	+2.6	+6.7	+19.0
3.	Bihar	504,283	472,737	479,854	+2.1	-5.5	-0.8	..	+1.5	-4.8
4.	Gujarat	425,260	450,516	416,156	+8.0	+9.3	-8.0	+5.3	-7.6	-2.1
5.	Haryana	35,286	35,963	35,830	+1.3	-0.3	+0.4	+1.9	-0.4	+1.5
6.	Himachal Pradesh	14,895	15,732	15,913	+2.7	+0.4	+5.3	-0.2	+1.2	+6.8
7.	Jammu & Kashmir	Not applicable								
8.	Karnataka	61,983	70,817	75,643	+3.1	+5.7	+7.8	+0.3	+6.8	+22.0
9.	Kerala	60,119	57,984	60,580	-3.5	-5.2	-0.2	+1.9	+4.5	+0.8
10	Madhya Pradesh	281,660	257,542	270,707	-1.3	-12.2	+2.8	+1.3	+5.1	-3.9
11.	Maharashtra	721,861	605,829	613,090	+1.7	-3.0	-4.5	-9.4	+1.2	-15.1
12.	Manipur	18,243	20,778	20,956	-4.4	+13.2	+2.1	-1.4	+0.9	+14.9
13.	Meghalaya	Not applicable								
14.	Nagaland	867	1,204	1,185	+5.5	+19.7	+20.4	-3.7	-1.6	+36.7
15.	Orissa	184,475	144,060	149,164	+4.1	-28.5	+4.6	+4.4	+3.5	-19.1
16.	Punjab	46,570	51,315	52,033	+7.0	-0.4	+9.0	+1.5	+1.4	+11.7
17.	Rajasthan	245,556	253,602	255,644	+3.3	+1.2	-0.3	+2.4	+0.8	+4.1
18.	Sikkim	1,874	2,087	1,427	-10.3	+5.7	+5.9	-0.4	-31.6	-23.8
19.	Tamil Nadu	81,518	111,062	94,478	-21.6	+33.8	+11.3	-8.5	-14.9	+15.9
20.	Tripura	17,396	15,769	7,927	-15.5	-0.7	-2.8	-5.5	-49.7	-54.4
21.	Uttar Pradesh	533,591	592,157	584,536	+4.7	+3.3	+1.3	+1.1	-1.3	+9.5
22.	West Bengal	712,112	755,607	756,818	+3.4	+0.6	-3.0	+3.8	+0.2	+6.3
	UNION TERRITORIES									
1.	A& N Islands	3,832	2,310	2,156	+2.5	-7.8	-11.9	-26.1	-6.7	-43.7
2.	Arunachal Pradesh	223	189	229	-1.8	+5.8	-15.3	+17.0	+21.2	+2.7
3.	Chandigarh	1,715	1,822	1,815	+2.6	-0.7	+3.3	+3.5	-0.4	+5.8
4.	Dadra & Nag-ar Haveli	400	209	175	+13.0	-22.0	-7.7	-27.4	-16.3	-56.2
5.	Delhi	260,454	245,167	267,961	+9.7	+12.2	-4.4	-12.3	+2.9	+2.9
6.	Goa, Daman & Diu	18,164	4,073	3,953	-66.9	-51.9	-28.1	-35.2	-2.9	-78.2
7.	Lakshadweep	15	25	33	-48.3	+6.7	+37.5	+13.6	+32.0	+120.0
8.	Mizoram	716	701	748	+84.0	+21.6	-13.5	-6.9	+6.7	+4.5
9.	Pondicherry	1,804	1,576	1,321	-41.3	-9.8	-13.9	+12.5	-16.2	-26.8
	TOTAL	44,00,158	43,50,572	43,54,790	+1.7	-0.2	-1.3	-0.1	+0.1	-1.1

TABLE VII

Table showing number of Police Challan cases pending for want of FF/FR or charge sheet at the end of 4th quarter of 1977 alongwith percentage thereof during the 1st, 2nd, 3rd and 4th quarters of 1977 and number of cases increased or decreased in the period from 31-12-76 and 31-12-77 and percentage thereof :-

Name of the State/Union Territory		Police challan cases pending on 31-12-77			Police challan cases pending for want of FR/FF or Charge-sheet as percentage of total Police Challan cases at the end of				No. of Police challan cases pending for want of FR/FF or Charge-sheet		No. of cases increase or decrease in the period from 31-12-76 to 31-12-77	%age decrease in the period from 31-12-76 to 31-12-77
		For want of FR/FF or charge-sheet	Otherwise	Total	1st quarter of 1977	2nd quarter of 1977	3rd quarter of 1977	4th quarter of 1977	On 31-12-76	on 31-12-77		
	1	2	3	4	5	6	7	8	9	10	11	12
1.	Andhra Pradesh	27,225	29,089	56,314	45.2	46.4	49.0	48.3	26,662	27,225	+563	+2.1
2.	Assam	24,505	38,638	63,143	30.6	29.2	30.8	38.8	13,922	24,505	+10583	+76.0
3.	Bihar	90,414	1,82,848	2,73,262	30.6	31.8	32.0	33.1	89,186	90,414	+1228	+1.4
4.	Gujarat	630	73,594	74,224	4.5	4.5	1.1	0.8	5,717	630	-5087	-89.0
5.	Haryana	2,505	26,850	29,355	14.4	8.7	9.8	8.5	4,608	2,505	-2103	-45.6
6.	Himachal Pradesh	1,167	9,020	10,187	13.2	11.3	12.7	11.5	1,280	1,167	-113	-8.8
7.	Jammu & Kashmir	Not applicable										
8.	Karnataka	12,677	51,338	64,015	18.2	15.0	16.0	19.8	9,124	12,677	+3553	+38.9
9.	Kerala	20,293	24,923	45,216	42.4	43.4	44.0	44.9	20,829	20,293	-536	-2.9
10	Madhya Pradesh	1,545	2,30,648	2,32,193	0.9	0.7	0.6	0.7	2,282	1,545	-737	-32.3
11.	Maharashtra	6,745	4,63,168	4,69,913	0.9	1.0	1.2	1.4	4,484	6,745	+2261	+50.4
12.	Manipur	2,804	4,906	7,710	44.1	56.6	38.0	36.4	2,454	2,804	+350	+14.3
13.	Meghalaya	Not applicable										
14.	Nagaland	67	1,083	1,150	2.3	1.0	25.7	5.8	127	67	-60	-47.2
15.	Orissa	9,710	80,104	89,814	8.7	8.8	9.4	10.8	10,178	9,710	-468	-4.6
16.	Punjab	1,599	41,571	43,170	6.0	2.3	2.4	3.7	1,776	1,599	-177	-10.0
17.	Rajasthan	34,995	1,34,880	1,69,875	20.4	19.5	21.1	20.6	31,736	34,995	+3259	+10.3
18.	Sikkim	..	1,297	1,297	0.3	..	..	..	9	..	-9	-100.0
19.	Tamil Nadu	13,664	66,161	79,825	12.2	11.5	10.2	17.1	9,821	13,664	+3843	+39.1

20.	Tripura	1,235	4,521	5,756	9.3	11.9	13.9	21.5	1,199	1,235	+36	+3.0
21.	Uttar Pradesh	17,699	3,68,311	3,86,010	4.6	5.1	5.0	4.6	24,977	17,699	-7278	-29.1
22.	West Bengal	42,063	2,54,239	2,96,302	11.4	13.7	14.1	14.2	44,486	42,063	-2423	-5.4
UNION TERRITORIES												
1.	A& N Islands	799	1,198	1,997	17.1	25.0	30.7	40.0	631	799	+168	+26.6
2.	Arunachal Pradesh	23	147	170	14.8	12.2	6.8	13.5	49	23	-26	-46.4
3.	Chandigarh	..	834	834	..	..	..	..	..	..	..	..
4.	Dadra & Nag-ar Haveli	..	163	163	..	..	..	..	..	..	..	..
5.	Delhi	974	1,68,494	1,69,468	0.4	0.2	0.1	0.6	2,207	974	-1233	-55.9
6.	Goa, Daman & Diu	..	2,466	2,466	0.1	..	..	..	..	..	..	..
7.	Lakshadweep	19	3	22	27.3	55.6	93.8	86.4	9	19	+10	+111.1
8.	Mizoram	82	649	731	13.7	9.0	10.7	11.2	91	82	-9	-9.9
9.	Pondicherry	941	292	1,233	63.3	76.5	79.7	76.3	1,174	941	-233	-19.8
	TOTAL	3,14,380	22,61,435	25,75,815	10.5	11.0	11.6	12.2	3,09,018	3,14,380	+5362	+1.7

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TABLE VIII

Table showing number of complaint cases pending on account of enquiries not completed u/s 202 Cr.P.C. at the end of 4th quarter of 1977 along with percentage thereof during 1st, 2nd, 3rd and 4th quarters of 1977 and number of cases increased or decreased in the period from 31-12-1976 to 31-12-1977 and percentage thereof :-

	Name of the State/Union Territory	Complaint cases pending on 31-12-1977			Complaint cases pending on account of enquiries not completed u/s 202 Cr.P.C. percentage of total complaint cases				No. of complaint cases pending on account of enquiries not completed u/s 202 Cr.P.C.		No. of cases increase or decrease in the period from 31-12-76 to 31-12-77	%age increase or decrease in the period from 31-12-76 to 31-12-77
		On account of enquiries not completed u/s 202 Cr.P.C.	Other wise	Total	1st quarter of 1977	2nd quarter of 1977	3rd quarter of 1977	4th quarter of 1977	On 31-12-76	on 31-12-77		
	1	2	3	4	5	6	7	8	9	10	11	12
1.	Andhra Pradesh	170	13,876	14,046	0.2	0.5	0.2	1.2	18	170	+152	+844.4
2.	Assam	126	50,827	50,953	0.1	0.2	0.1	0.2	66	126	+60	+90.9
3.	Bihar	27,304	1,79,288	2,06,592	10.7	10.2	14.9	13.2	23,914	27,304	+3390	+14.2
4.	Gujarat	374	3,41,558	3,41,932	0.1	0.1	0.1	0.1	501	374	-127	-25.3
5.	Haryana	190	6,285	6,475	8.8	0.8	4.4	2.9	363	190	-173	-47.7
6.	Himachal Pradesh	47	5,679	5,726	1.6	0.8	0.7	0.8	85	47	-38	-44.7
7.	Jammu & Kashmir	Not applicable.										
8.	Karnataka	432	11,198	11,630	5.5	5.8	5.1	3.7	537	432	-105	-19.6
9.	Kerala	11	15,353	15,364	0.1	0.1	0.7	0.1	13	11	-2	-15.4
10	Madhya Pradesh	1,386	37,128	38,514	4.4	3.8	3.8	3.6	1,299	1,386	+87	+6.7
11.	Maharashtra	1,238	1,41,939	1,43,177	0.8	1.0	0.8	0.9	1,197	1,238	+41	+3.4
12.	Manipur	..	13,246	13,246	..	..	..	..	..	..	..	..
13.	Meghalaya	Not applicable.										
14.	Nagaland	..	35	35	6.3	14.3	12.5	..	...	...	..	..
15.	Orissa	464	58,886	59,350	0.5	0.6	0.5	0.8	444	464	+20	+4.5
16.	Punjab	164	8,699	8,863	2.4	1.6	1.2	1.9	162	164	+2	+1.2
17.	Rajasthan	11,881	73,888	85,769	6.1	5.9	13.0	13.8	4,980	11,881	+6901	+138.6
18.	Sikkim	..	130	130	10.1	57.1	..	..	25	..	-25	-100.0
19.	Tamil Nadu	128	14,525	14,653	0.2	0.1	0.2	0.9	44	128	+84	190.9
20.	Tripura	4	2,167	2,171	0.3	0.4	0.3	0.2	14	4	-10	-71.4

21.	Uttar Pradesh	14,341	1,84,185	1,98,526	7.3	7.7	6.8	7.2	12,147	14,341	+2194	+18.1
22.	West Bengal	4,547	4,55,969	4,60,516	0.6	0.6	1.2	1.0	2,300	4,547	+2247	+97.7
UNION TERRITORIES												
1.	A& N Islands	8	151	159	10.7	8.2	3.8	5.0	21	8	-13	-61.9
2.	Arunachal Pradesh	..	59	59	40.0	25.0	7.4	..	1	..	-1	-100.0
3.	Chandigarh	..	981	981	..	..	..	..	..	..	..	..
4.	Dadra & Nag-ar Haveli	..	12	12	6.7	..	..	..	..	..	..	..
5.	Delhi	195	98,298	98,493	0.4	0.1	0.2	0.2	434	195	-239	-55.1
6.	Goa, Daman & Diu	26	1,467	1,487	2.0	1.6	1.2	1.7	24	26	+2	+8.3
7.	Lakshadweep	..	11	11	40.0	..	55.6	..	..	..	..	..
8.	Mizoram	..	17	17	..	5.9	..	..	..	..	..	..
9.	Pondicherry	5	83	88	5.2	..	4.4	5.7	3	5	+2	+66.7
	TOTAL	63,041	17,95,134	17,77,815	2.9	2.8	3.6	4.5	48,592	63,041	+1449	+297

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TABLE IX

Statement of work done in the Session Courts during the year 1977

Name of the States/union Territory		Pendency as on 1-1-1977			Institution during the year			Disposal during the year			Pendency as on 31-12-1977		
		Original	Revis-sion	Appeals	Original	Revi-sion	Appeals	Original	Revi-sion	Appeals	Original	Revi-sion	Appeals
1		2	3	4	5	6	7	8	9	10	11	12	13
1.	Andhra Pradesh	722	312	1,399	2,796	1,276	5,936	2,945	1,308	6,103	573	280	1,232
2.	Assam	1,297	514	863	1,046	648	527	783	564	610	1,560	598	780
3.	Bihar	13,764	4,941	12,616	8,716	5,017	7,148	6,291	4,790	7,218	16,189	5,168	12,546
4.	Gujarat	725	380	582	1,869	1,576	1,991	1,994	1,354	1,964	600	602	609
5.	Haryana	953	349	1,017	1,283	814	2,283	1,172	758	2,307	1,064	405	993
6.	Himachal Pradesh	301	175	212	325	162	297	299	204	253	327	133	256
7.	Jammu & Kashmir	Not applicable.											
8.	Karnataka	521	433	951	1,010	701	1,403	1,095	728	1,750	436	406	604
9.	Kerala*	255	556	759	973	1,468	2,428	944	1,356	2,441	284	649	765
10	Madhya Pradesh	1,840	2,294	3,953	5,470	3,901	8,268	5,561	4,116	8,858	1,749	2,079	3363
11.	Maharashtra	2,557	1,485	2,049	3,718	4,796	5,132	3,953	4,415	4,725	2,322	1,866	2,456
12.	Manipur	32	50	14	157	174	40	139	166	33	50	58	21
13.	Meghalaya	Not applicable.											
14.	Nagaland	77	12	15	110	2	6	150	3	14	37	11	7
15.	Orissa*	587	705	2,097	1,020	693	2,341	986	722	1,938	622	676	2,490
16.	Punjab	929	1,000	2,702	2,506	1,589	4,713	2,500	1,830	4,909	935	759	2,506
17.	Rajasthan	1952	1,586	4,491	3,118	2,416	7,164	2,890	2,529	5,555	2,180	1473	6,100
18.	Sikkim	54	..	2	56	6	6	52	2	3	58	4	5
19.	Tamil Nadu	423	261	1,199	1,387	1,230	7,694	1,299	1,013	7,394	511	478	1,499
20.	Tripura	166	145	103	226	247	117	288	236	141	104	156	79
21.	Uttar Pradesh*	31,272	2,922	5,336	51,813	7,882	11,111	50,955	7,550	11,995	34,398	3,282	4,467
22.	West Bengal	3,163	468	290	3,861	1,509	1,172	4,134	1,541	1,102	2,890	436	360
UNION TERRITORIES													
1.	A & N Islands	4	..	1	13	6	14	12	4	11	5	2	4
2.	Arunachal Pradesh	36	1	2	57	..	2	39	1	1	54	..	3
3.	Chandig-arh	11	11	31	28	44	87	30	32	85	9	23	33
4.	Dadra & Nagar Haveli	7	..	1	11	2	8	13	2	6	5	..	3
5.	Delhi	857	206	921	922	502	1,609	1,116	505	1,830	663	203	700
6.	Goa, Daman &	113	84	177	67	146	353	101	149	371	79	81	159

	Diu												
7.	Lakshadweep	1	..	..	..	2	..	1	..	..	..	2	..
8.	Mizoram	177	..	..	184	2	..	80	..	..	281	2	..
9.	Pondicherry	2	14	47	21	37	140	16	42	124	7	9	63
	TOTAL	62,79	18,904	41,830	92,763	36,848	71,990	89,838	35,920	71,741	67,992	19,841	42,103

*The figures of Kerala, Orissa and Uttar Pradesh do not tally as the revised figures were submitted by those States/High Courts.

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TABLE X

Statement of work done in the Magisterial Courts during the year 1977

Name of the State/Union Territory		Police Challan Cases				Complaint Cases			
		Pendency as on 1-1-77	Institution during the year	Disposal during the year	Pendency as on 31-12-77	Pendency as on 1-1-77	Institution during the year	Disposal during the year	Pendency as on 31-12-77
1		2	3	4	5	6	7	8	9
1.	Andhra Pradesh	56,797	2,69,036	2,69,519	56,314	12,633	1,08,727	1,07,314	14,046
2.	Assam	51,120	45,226	33,203	63,143	44,736	54,386	48,169	50,853
3.	Bihar	2,74,335	1,35,612	1,36,685	2,73,262	2,29,948	83,666	1,07,022	2,06,592
4.	Gujarat	84,715	4,15,545	4,26,036	74,224	3,40,545	7,15,837	7,14,450	3,41,932
5.	Haryana	29,159	35,287	35,091	29,355	6,127	7,401	7,053	6,457
6.	Himachal Pradesh	9,431	8,965	8,209	10,187	5,464	8,130	7,868	5,726
7.	Jammu & Kashmir	Not available.							
8.	Karnataka	52,486	2,50,285	2,38,756	64,015	9,497	30,747	28,614	11,630
9.	Kerala*	45,502	1,35,240	1,35,626	45,216	14,617	56,892	56,145	15,364
10	Madhya Pradesh	2,44,568	3,05,198	3,17,573	2,32,193	37,092	44,959	43,537	38,514
11.	Maharashtra	5,64,475	8,11,720	9,06,282	4,69,913	1,57,386	2,87,904	3,02,113	1,43,177
12.	Manipur	5,910	3,668	1,868	7,71	12,333	3,247	2,334	13,246
13.	Meghalaya	Not available.							
14.	Nagaland	804	1,557	1,211	1,150	63	300	328	35
15.	Orissa*	1,11,933	69,474	91,065	89,814	72,542	49,273	63,223	59,350
16.	Punjab	37,173	59,901	53,904	43,170	9,397	13,301	13,835	8,863
17.	Rajasthan	1,60,571	1,06,720	97,416	1,69,875	84,985	88,169	87,385	85,769
18.	Sikkim	1,719	2,242	2,664	1,297	155	314	339	130
19.	Tamil Nadu	66,926	1,05,586	9,92,686	79,825	14,593	1,69,747	1,69,687	14,653
20.	Tripura	14,563	11,243	20,050	5,756	2,833	3,745	4,407	2,171
21.	Uttar Pradesh*	3,60,456	4,87,574	4,87,562	3,86,010	1,73,135	3,36,379	3,08,657	1,98,526
22.	West Bengal	3,11,815	4,33,076	4,48,589	2,96,302	4,00,297	1,83,653	1,23,434	4,60,516
UNION TERRITORIES									
1.	A& N Islands*	3,683	6,276	7,977	1,997	149	264	254	159
2.	Arunachal Pradesh*	204	400	382	170	19	118	85	59
3.	Chandigarh	855	1,000	1,021	834	860	477	356	981
4.	Dadra & Nag-ar Haveli	384	354	575	163	16	20	24	12
5.	Delhi	1,69,746	3,35,119	3,35,397	1,69,468	90,708	1,07,122	99,337	98,493

6.	Goa, Daman & Diu	16,816	3,436	17,786	2,466	1,348	894	755	1,487
7.	Lakshadweep	12	26	16	22	3	15	7	11
8.	Mizoram	714	659	642	731	2	129	114	17
9.	Pondicherry	1,740	14,863	15,370	1,253	64	431	407	88
	TOTAL	26,78,611	49,55,288	50,83,161	25,75,815	17,21,547	23,56,947	22,97,253	17,78,975

*The figures of Orissa, U.P., Kerala, A & N Islands and Arunachal Pradesh do not tally.

[Page No. 86]

Appendix-G

SEVENTY – EIGHTH REPORT

OF

LAW COMMISSION OF INDIA

ON

CONGESTION OF UNDER-TRIAL

PRISONERS IN JAILS

FEBRUARY, 1979

II. MAGNITUDE OF THE PROBLEM

High percentage of undertrial prisoners

1.5. Figures made available to us [6]reveal not only that the number of under-trial prisoners in Indian jails is large, but also that their percentage is high enough. Thus, on 1st January, 1975, the total population of prisoners in Indian Jails was 2,20,146 as against a total capacity of 1,83,369. Out of these 2,20,146 the number of under trial prisoners was 1,26,772. This represents a percentage of 57.58.

Figures as on 1-4-1977 in the jails are as follows[7] :

Undertrials ….....1,01,083

Convicted ….....83,086

Total ….....1,84,169

[Undertrials thus constitute 54.9 percent of the total jail population on 1st April, 1977]

[Para No. 1.5, Page No. 1]

Strengthening the subordinate judiciary

3.3. We may first mention the recommendations made for strengthening the subordinate judiciary. These are :-

(a) Long delays in filling up vacancies of judicial officers should be avoided.[2]

(b) Every recommendation of the High Court for increase in judicial strength should receive prompt consideration from the State Government and in the absence of some compelling reasons, should not be turned down.[3]

(c) To clear the heavy backlog, the services of retired judicial officers known for their integrity, efficiency and quick disposal should be utilised the appointment being made only on the recommendation of the High Court.[4]

(d) In addition, some special recruitment may have to be made from

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6 Figures contained in the papers forwarded by the Ministry of Home Affairs filen No. 20012/3/78-GAP-IV

7 Information obtained from the National Institute of Social Defence, New Delhi, on 8-1-1979.

2 77th Report, para 9.11

3 77th Report, para 9.12

4 77th Report, para 9.13 to 9.15

bright young members of the Bar who have practised for at least seven years, for the disposal of old cases. They should be given a higher start and, on satisfactory performance, be ultimately absorbed in service as District and Sessions Judges or Additional District and Sessions Judges.[5]

(e) Some of the serving judicial officers can also be asked to deal exclusively with old cases.[6]

(f) The number of additional courts should be such as to make it possible that all arrears are cleared within a period of about three years.[7]

We may state that these recommendations do not require elaborate changes in legislation and it should be possible to implement them by suitable administrative measures.

[Para No. 3.3, Page No. 12]

5 77th Report, para 9.16
6 77th Report, para 9.17
7 77th Report, para 9.18

Appendix-H

LAW COMMISSION OF INDIA

SEVENTY-NINTH REPORT

ON

DELAY AND ARREARS IN HIGH COURTS

AND

OTHER APPELLATE COURTS

MAY 10, 1979

VIII. NATURE AND MAGNITUDE – STATISTICS

Comparison of pendency at the end of 1977 with pendency at end of 1972

1.39. The nature and magnitude of the problem will be further appreciated if the position regarding arrears in the High Courts in 1977 is noted. It would appear that in the country as a whole[2], the pendency of cases in the High Courts at the end of 1977 was much higher than the pendency at the end of 1972. High Court-wise also, when one contrasts the pendency at the end of 1977 with pendency at the end of 1972, the trend is found to be upward excepting in four High Courts, namely, Andhra Pradesh (18.6% decline), Gujarat (6.7% decline), Calcutta (8.10% decline) and Orissa (6.6% decline). The percentage mentioned for these four high Courts represents a decline, and not an increase.

Quantum of Increase in pendency

1.40. The increase of pendency at the end of 1977 over the pendency at the end of 1972 is –

(a) more than 50% in the case of nine High Courts and

(b) less than 50% but more than 20% in the case of three High Courts. The exact percentages are given below alphabetically :[34]

Comparison of pending cases in the High Courts on 31-12-77 with those pending on 31-12-72

S.No.	Name of the High Court	Pending on 31-12-1972	Pending on 31-12-1977	Percentage of increase or decrease
1	Allahabad	78,617	1,32,749	+68.9
2	Andhra Pradesh	19,527	15,887	-18.6
3	Bombay	41,442	52,592	+26.9
4	Calcutta	78,820	72,448	-8.1
5	Delhi	16,561	26,587	+60.5
6	Gauhati	5,796	6,548	+12.9
7	Gujarat	12,560	11,722	-6.7
8	Himachal Pradesh	1,564	5,019	+220.9
9	Jammu & Kashmir	1,726	4,677	+171.0
10	Kerala	29,353	42,739	+45.6
11	Karnataka	10,727	36,449	+229.7
12	Madhya Pradesh	20,653	46,613	+225.7

2 Department of Justice figures.
3 Figures of Sikkim High Court are not given in this case.
4 Based on figures given in Department of Justice letter No. 36/1/78-Jus(M), dated 2-6-78, Table XII.

13	Madras	32,678	51,763	+58.4
14	Orissa	6,470	6,042	-6.6
15	Patna	23,704	29,435	+24.2
16	Punjab & Haryana	25,150	46,069	+83.2
17	Rajasthan	13,359	10,558	+53.9
18	Sikkim	-	21	-
Total in the country		4,10,707	6,07,918	+48.0

[Para Nos. 1.39 & 1.40, Page Nos. 10, 11]

Three principal characteristics of arrears

1.45. From the above sample figures about arrears, three characteristics of arrears stand out. In the first place, speaking chronologically, arrears, in the sense of increased pendency at the end of the year, has been continuous for the years represented by 1973-1977[4]**.....**

[Para No. 1.45, Page No. 12]

II. INCREASE IN JUDGE STRENGTH

Disposal less than institution

3.6. A close scrutiny of the figures reproduced above would show that the number of cases disposed of by the High Courts in the country as a whole was less than the number of cases instituted during the year 1977. This resulted—as it must—in further piling up of the huge backlog of arrears. Any scheme which aims at clearing of the backlog of arrears and eliminating delay in the disposal of cases must take into account the imperative need to achieve two objectives, namely: (i) the disposal of cases in the High Courts in the country must not be less than the institution during the year, and (ii) effective steps must be taken to reduce and lighten the heavy backlog of arrears.

To attain the above objectives, increase in the judge strength of the High Courts cannot be avoided. It has to be borne in mind that the disposal of cases, whether pending in the High Court or in any other court, needs the observance of certain procedural requirements. In the absence of such observance, any attempt to accelerate the disposal of cases would be only at the cost of rules of fair play and natural justice. Such an attempt would thus be substituting a much worse evil, compared with the evil manifested by delay in the disposal of cases. We are, therefore,

4 Para No. 1.42, *Supra*

opposed to attempts at expediting the disposal of cases at the cost of the requirements of fair play and substantial justice.

Recommendation as to Judge strength

3.7 ….....We recommend that the judge strength of the High Courts should be kept at that level as ensures--

(a) that the disposal in the year is not less than the institution,[1] and

(b) also that one-quarter of the backlog of old cases may be cleared[2] in a period of one year.

[Para Nos. 3.6-3.7, Page No. 19]

Fixation of Permanent strength

3.8. So far as the permanent strength of each High Court is concerned, we are of the opinion that it should be fixed keeping in view the average institution during the preceding three years. As and when necessary, the permanent strength may be reviewed. The permanent strength would thus be in a position to cope with the fresh institution[1] and prevent any further accumulation in the heavy backlog of cases.

Additional and Ad-hoc judges

3.9. As regards[2] the clearance of arrears of old cases, it would plainly be not necessary to increase the permanent strength of the judges in a High Court on that account. For this purpose, we would necessarily have to take recourse to appointing additional judges and ad hoc judges.[3]

We have considered the alternative of appointing *only* additional judges for clearing the arrears but, on further reflection, we have arrived at the conclusion that it would not be advisable to have *only* additional judges for this purpose. The reason which has prevailed with us in arriving at this conclusion is the necessity of adhering to a rule that ordinarily, and, in the absence of any special reason, persons appointed additional judges from amongst the members of the Bar practising in court and the District Judges should not be sent back to the profession to practise in that court or reverted to their substantive post **.....**

1 See para 3.8, infra
2 See para 3.9, infra
1 Para 3.7 (a), supra.
2 Para 3.7 (b), supra.
3 Para 3.13, infra.

Filling of vacancies

3.10....though the sanctioned judge strength of the High Courts in the country during the year 1977 was 352, only 287 judges on an average were in position. Like wise, in the year 1976, even though the sanctioned strength was 351, only 292 judges were in position. Leaving aside the judges who were entrusted with work outside their normal duties, the fact remains that the number of judges in position in both the years was less than the sanctioned strength. This disparity between the sanctioned strength and the number of judges in position was apparently due to the fact that vacancies in the posts were not filled in as soon as they occurred. It is our considered opinion that delay in filling in the vacancies is one of the major contributing factors responsible for the piling accumulation of arrears. In our opinion, when a vacancy is expected to arise out of the retirement of a judge, steps for filling in the vacancy should be initiated six months in advance. The date on which such a vacancy will normally arise is always known to the Chief Justice of the High Court and also to others concerned. It should be ensured that necessary formalities for the appointment of a Judge to fill the vacancy are completed by the date on which the vacancy occurs.

[Para Nos. 3.8 to 3.10, Page Nos. 19-20]

Appendix-I

SATISH CHANDRA COMMITTEE REPORT

C H A P T E R – II

****

CAUSES FOR THE ACCUMULATION OF ARREARS IN THE HIGH COURTS

1. Inevitably one must first diagnose the disease before prescribing the remedy therefor. Undoubtedly, there has been an unprecedented rise in the accumulation of arrears in all the High Courts over the last 30 years. This is evident from the factual matrix that whilst in 1956 the total pendency in all the High Courts was 1,91,972, it rose to 3,79,593 by the year 1970 and has spiralled and crossed the one million mark to peak at the figure of 12,37,566 cases as on 31st December, 1984. There has been thus a six fold rise in the pendency in the High Courts. This stems from a wide variety of causes of which only the salient ones deserve notice.

The Litigation Explosion:

2. Necessarily litigation is linked and related to the Country's population. According to the 1961 census, the population of India was 43,97,26,000. In the following decade by the year 1971, the total population of the Country increased to 54,64,56,000. The last census of 1981 again exhibited a consistent rise to, at the average rise of 2% to 3% per year, this figure would have been further added to by 15% at the end of 1985. It is but natural that the increase in the population would give rise to at least a proportionate increase in the number of disputes to be settled, civil claims to be decided and the criminal cases to be tried and determined. In turn, these matters have necessarily to come up to the High Courts.

More than this, is perhaps the greater awareness of the citizens now about their leal rights. What may have earlier gone unchallenged is now contested right upto the final Court. The Population explosion in India has, in fact been out-distanced by the litigation explosion stemming therefrom.

Radical change in the pattern of Litigation:

3. The conventional civil litigation earlier in India arose primarily from disputes relating to partition, adoptions, mortgage suits, money claims, rent suits and similar claims. Whilst these have now comparatively declined, there has occurred a sea-change in the pattern of litigation, since the commencement of the

Constitution. In the wake of fundamental change in the concept of State functions resulting in control over economic activity, restriction on money lending, agrarian reforms, control on industrial enterprises, legislation to improve the labour conditions, broad-based taxation aimed at preventing the concentration of wealth, and changes in the personal and matrimonial laws, have generated an altogether different class of litigation from the traditional one which had earlier occupied the times the High Courts a few decades ago.

4. With the advent of Independence, the State launched a vast programme of social and economic reforms which were effectuated by legislative processes both by Parliament and State Legislatures, inevitably accompanied by delegated legislative powers in the shape of rules, regulations orders and bye-laws. The result has been a tremendous increase in the output of the laws which as a rule rather than exception are indicative of inefficient draftsmanship. These laws inevitably affect the rights of Corporations, individuals, and groups of individuals. The execution of the laws is now invariably challenged in the High Courts. This gives rise to complicated questions of the validity of the statutes, of the permissible limits of delegated legislation and of the exercise of the executive powers.

5. Article 12 of the Constitution enlarges the concept of the State and it has now become the most important single litigant in the High Court. The State activity, legislative, executive and quasi-judicial, is challenged in the largest number of matters coming before the High Courts by Writ Petitions. The Constitution has also guarantees certain fundamental rights by Part III and on a plea of infringement thereof, a vast group of cases is instituted in which the validity of rules and notifications, circulars and executive orders, relating even to the Public Sectors are challenged. The Reorganisation of States, the nationalisation of industry, and elections to the local bodies, as also the validity of the actions of the tax custom and excise authorities, have all become a very fruitful source of litigation in the High Courts.

6. The steepest rise of litigation in the High Courts has been in the number of petitions for the issue of writs. In this category, perhaps the Service matters have

taken the pride of place. We would wish to reiterate the view expressed by the Law Commission, that no case is made out for restricting the justifiable writ jurisdiction of the High Courts. Nevertheless, criticism has come to be voiced that there is now an intrusion by the Courts into the fields which are purely and primarily administrative. In the recent Joint Conference of the Chief Justices and the Chief Ministers, the misuse and the abuse of the writ jurisdiction was strongly highlighted on behalf of the Executive. In particular, what has been labelled as merely the stay litigation arising, as it does from the gross delay in the final adjudication of the writ matters had come in for strong criticism.

Increase in Legislative activity

7. A significant cause for the rise in the number of cases instituted in the various High Courts is the exceptional increase in Parliamentary, State, delegated and Subordinate Legislation. Even in the period from 1955 to 1970, nerely 1,000 Acts were passed by the Parliament, and 6,358 statutes were passed by the State Legislatures. Though the latest figures are not available, it would appear that there has been a continued proportionate rise in such legislation. Interpretation of the various provisions of the statutes and equally the challenge to their very constitutionality now occupies a great deal of time of the High Courts. Inevitably, the increase in Parliamentary and State Acts has led to a corresponding increase in orders, rules, bye-laws and regulations which themselves call for interpretation. The Constitution being Federal in nature, the very competence of the respective Parliamentary or State Legislation is also frequently put in issue.

Election Petitions

8. The amendments made in the Representation of the Peoples Act in 1966 have added to the file of the High Courts, another form of litigation which from their very nature involve a long drawn out and hotly contested trials. In the wake of every Parliamentary election and those to the State Legislatures, a spate of election petitions for setting aside the elections now invariably follows. They have to be tried by the High Courts as a Court of Original Jurisdiction and by the mandates of Section of the Representation of Peoples Act have to be disposed of speedily by 6 months. The High Courts, constituted as they are at present, seem to be ill-equipped to carry this additional burden of trial of a large number of election petitions, in which there is rarely a settlement and which are invariably

fought out to the bitter end. Cases are not lacking where the parties have sought to examine as many as 1,000 witnesses in a single election petition apart from a mass of documentary evidence brought on the record. Where allegations of corrupt practices are levelled, even the dissolution of the House does not necessarily abate such election petitions. These undoubtedly have contributed in no small degree to the alarming accumulation of arrears in the High Courts.

Clogging of First Appeals:-

9. In all the High Courts, there is a huge backlog of First Appeals going back sometime beyond even two decades. This, in a way, stems from the continuing erosion in the value of the rupee. The purchasing power of the rupee is but a fration of what it was a few decades ago. Very recently, it was calculated that in economic terms, the present rupee is only worth paise 17 of yester times. Consequently, on this account there has been not only a corresponding increases, but geomatrical rise in the value of immovable properties and commodities. Disputes concerning transactions of immovable properties and commodities are being brought before the High Courts by way of First Appeals which did not reach it in the earlier decades because of lower monetary values. The pecuniary jurisdiction of the High Courts in the First Appeals has not kept pace with the rapid economic changes and the inflationary spiral.

Continuance of the Ordinary Original Civil Jurisdiction in Some High Courts :-

10. The ordinary original civil jurisdiction of the High Courts is a legacy of history, which is somewhat anachronistic in the context of the present pressure on High Courts. At present as many as six High Courts exercise such a jurisdiction within certain specified areas. Consequently, these High Courts are burdened with considerable and indeed impossible load of original trials which today cannot possibly carry. The luxury of trial work being conducted by the superior courts is a one which a country of India's dimension and population can no longer possibly afford. We have adverted to this specialised aspect in some detail, in Chapter 13.

Inadequacy of Judge strength :-

11. The inability of the High Courts to cope with the burden of the litigation explosion therein is largely attributable to the denial of the necessary Judge strength to the High Court at the appropriate time. It is plain that the steep rise in the work of the High Courts could not conceivably be met with the existing Judge strength of the High Courts fixed many decades ago. Till the other day, there was no matching readjustment of the sanctioned Judge strength and the High Courts were compelled to attend to a disproportionately larger quantity of work than they were originally equipped to cope with. Even the sanctioned Judge strength comes to be considerably depleted by deputing Judges to Commissions and Committees for holding judicial, quasi-judicial and sometimes political inquiries and also to various Tribunals set up from time to time. This has contributed in no small measure to the accumulation of the undisposed cases. The fixation of the Judge strength of the High Courts on the basis of pendency of 650 main cases per Judge, per year is also somewhat unrealistic. It does not seem to take into account the deputation of Judges for Commissions, the spate of election petitions that invariably come in after the general elections and the bye-elections as also that the Judges have to go out for inspection of Subordinate Courts once in a year involving loss of judicial time from a week to a fortnight, and equally the factor of Judges going on earned or medical leave.

Delays in filling vacancies on the High Court Bench:

12. The largest single factor for the accumulation of arrears is the gross delay in making appointments to the vacancies arising on the Bench in due course. There is impeccable data to show that the enormous loss of Judge days caused thereby has primarily contributed to the present alarming situation of arrears**.....**

[Para Nos. 1 to 12, Page No. 35-42]

CHAPTER-III

GROSS DELAYS IN FILLING UP VACANCIES ON THE HIGH COURT BENCH

2……. It has to be regretfully noticed that from the dawn of Independence, this malady of delays in making appointments commenced and vacancies remained unfilled for months. Thereafter, there has been a progressive deterioration in that situation, and of late gravest delays have taken place in making the appointment for not only years, but sometimes going into nearly a decade. There has, thus been an irremediable and enormous loss of Judge-days inevitably resulting in the huge accumulation arrears. Way back in 1958, the Law Commission, in its 14th Report, noticed the disturbing trend in the following words :-

> " It appears that the delay in filling vacancies in the Court has been responsible in a considerable measure for the accumulation of arrears in these courts. It used to be the practice in the past to select persons appointed to fill vacancies well ahead of the expected vacancy, so that the successor would take his seat immediately on the retirement of his predecessor. Of late, however, vacancies have remained unfilled for months. We set out below a few instances of the delays that have taken place between the occurrence of the vacancy and its being filled up.
>
> Naturally, such delays have resulted in a considerable loss of Judge-days in the working of the High Courts, with the necessary consequence of a rise in the volume of accumulated work."

3. The aforesaid opinion was rested on the following impeccable data provided by the delays in filling up the vacancies of three sample High Courts of Allahabad, Punjab and Patna :-

[Para Nos. 2 & 3, Page Nos. 58-59]

(1) **ALLAHABAD**

Date on which vacancy occurred	Date of Appointment	Period for which there was no Judge
(1)	(2)	(3)
28.12.1950	01.06.1951	5 months
26.01.1951	01.06.1951	4 months
03.07.1951	08.08.1952	13 months
21.10.1951*	14.11.1952	13 months
20.05.1952	23.12.1952	7 months
15.10.1952	06.04.1953	6 months
04.11.1952	06.04.1953	5 months
24.12.1952	14.12.1953	12 months
09.02.1953	06.05.1954	15 months
20.02.1953	23.08.1954	18 months
31.03.1953	23.08.1954	17 months
12.02.1954	11.11.1954	9 months
24.03.1954	11.11.1954	8 months
15.09.1954	31.03.1955	7 months
11.01.1955	31.03.1955	3 months
14.03.1955*	31.03.1955	2 weeks
	TOTAL :	142 months

* Additional posts sanctioned.

(2) PUNJAB

Date on which vacancy occurred	Date of Appointment	Period for which there was no Judge
(1)	(2)	(3)
8.12.1952	13.3.1953	3 months 5 days
28-10-1953	24-5-1954	6 months 26 days
01-04-1956	14-1-1957	9 months 13 days
14-1-1957	05-08-1957	6 months 21 days
19-3-1957*	05-08-1957	4 months 17 days
	TOTAL :	26 months 1 day

(3) PATNA

Date on which vacancy occurred	Date of Appointment	Period for which there was no Judge
(1)	(2)	(3)
19.02.1951	13.04.1951	2 months 4 days
01.06.1952	11.12.1952	6 months 10 days
September, 1952$	12.12.1952	2 months 11 days
09.01.1953	04.04.1953	2 months 25 days
03.02.1953	13.4.1953	5 months 10 days
03.09.1953	29.08.1954	11 months 26 days
01.12.1954	12.05.1955	5 months 11 days
10.01.1955	13.05.1955	4 months 3 days
30.04.1956	03.09.1956	4 months 3 days
20.01.1956 $	03.09.1956	7 months 14 days
17.05.1957	20.10.1957	5 months 13 days
03.02.1952	08.01.1953	(None appointed in vacancy on leave preparatory to retirement) 11 months 5 days
	TOTAL :	5 years, 8 months, 15 days

[Para No. 3, Page No. 60-61]

* Recommended for two additional posts, but only one Additional Judge sanctioned.
$ Additional posts sanctioned.

4. It would appear that despite the highlighting of the problem by the Commission in its 14th Report and the recommendations to eliminate the same, the situation far from improving has continued to grow worse. The High court Arrears Committee of 1972 again based its opinion on the authoritative data with regard to five years period from 1965 to 1970 for all the High Courts, which is as under :-

Name of the High Court	1965	1966	1967	1968	1969	1970	Average in six years
Allahabad	-	120	267	31	142	100	110
Andhra Pradesh	199	443	325	NIL	27	153	191
Assam & Nagaland	NIL	NIL	92	NIL	NIL	330	70
Bombay	368	214	958	254	127	807	454-1/2
Calcutta	554	653	171	603	82	280	390
Delhi	NIL	28	317	869	829	208	450
Gujarat	NIL	65	9	NIL	101	38	35-1/2
Jammu & Kashmir	NIL	NIL	NIL	129	NIL	NIL	21-1/2
Kerala	100	76	350	366	106	61	176-1/2
Madhya Pradesh	299	NIL	226	132	NIL	145	133-1/2
Madras	75	220	169	51	144	569	204-1/2
Mysore	74	42	16	NIL	89	235	76
Orissa	NIL	NIL	82	61	20	NIL	27
Patna	547	503	473	218	1256	901	649-1/2
Punjab & Haryana	399	889	1491	621	915	478	799
Rajasthan	NIL	NIL	123	134	83	237	96

5. The aforesaid figures evidently display a dismal picture and, on its basis, the Committee had rightly opined as follows :-

> " We may refer to the statistics which we have quoted in relation to the delay in appointment of Judges. A perusal of the statement is disturbing. In each High Court, many Judge days are lost, because of failure of appointment of Judges in time. In the old days, it was customary for recommendation to be made for appointment of Judges well in advance of the date of retirement of the incumbent and appointments were invariably made so as to enable the new appointed

Judge to take office immediately on the retirement of the incumbents. It is unfortunate, that this convention has fallen into disuse. This convention should again be resuscitated and the appointment should be made by the Government, so that there is no time gap between the retirement of the Judge and the new appointee taking the office."

Despite the aforesaid exhortation, no change for the better has followed in the decade and a half thereafter. The sanctioned strength of both permanent and additional Judges in the whole of the Country was 352 in the year 1977. However, out of this sanctioned strength, only 287 Judges on an average were in position. A further inroad into this was made by as many as 7 Judges on an average being entrusted with work outside their normal duties like Commissions, etc., during the year 1977. Thus, the effective strength for the purpose of Court work in 1977 was 280 only. There was, thus, as many as 72 vacancies in the whole country in the year 1977**.....**

Despite the passage of 7 years, since the aforesaid observations were made, the situation in this context far from improving had on one stage, arisen to the alarming level of nearly 97 vacancies all over the Country on the High Court Benches**.....**

It must be regretfully observed that no meaningful change in the situation is still visible**.....**

6**.....**On the data collected, the said committee came to the conclusion that as many as 19, 735 Judge days had been lost by delay in making appointments in that High Court against the existing vacancies. It came to the conclusion that there would have been no arrears whatsoever in the High Court, if merely the vacancies arising in the normal course by the retirement of the Judges had been duly filled in time**.....**

That it is, so is made apparent again by a reference to the chart Annexure-I, which shown that when calculated from 1-1-1950 to December 1984, there has been 19, 735 Judges days loss. The average disposal for all these years comes to 4 cases per Judge per day. The figure of 78, 940 which represents the number of cases which could have been additionally decided by this Court, if actual strength of the Bench had been equal to its sanctioned strength**.....**

7. …....from the under mentioned figures, it would appear that as many as 11, 500 days were lost due to this factor alone between the years 1975 and 1984 :-

PERIOD	SANCTIONED STRENGTH OF JUDGES	ACTUAL STRENGTH OF JUDGES	JUDGES DAYS LOST DUE TO DELAY IN APPOINTMENT	YEAR WISE LOSS OF DAYS
(1)	(2)	(3)	(4)	(5)
01-01-1975 to 20-10-1975	24	22	340	1975 -------- 580
21-10-1975 to 31-12-1975	27	21	240	
01-01-1976 to 30-06-1976	27	21	600	1976 -------- 930
01-07-1976 to 31-12-1976	27	24	330	
01-01-1977 to 17-06-1977	27	25	192	1977 ------- 755
18-06-1977 to 30-06-1977	30	25	20	
01-07-1977 to 31-10-1977	30	25	375	
01-11-1977 to 22-11-1977	30	24	78	
23-11-1977 to 24-11-1977	30	25	10	
25-11-1977 to 31-12-1977	30	26	80	
01-01-1978 to 30-04-1978	30	26	328	1978 ------ 823
01-05-1978 to 26-05-1978	30	25	75	
27-05-1978 to 29-05-1978	30	24	NIL	
30-05-1978 to 26-06-1978	30	26	4	
27-06-1978 to 15-10-1978	30	27	216	
16-10-1978 to 22-10-1978	30	26	NIL	
23-10-1978 to 31-12-1978	30	25	200	
01-01-1979 to 31-01-1979	30	24	138	

01-02-1979 to 07-03-1979	30	23	175	1979 ------ 1071
08-03-1979 to 30-06-1979	30	26	208	
01-07-1979 to 31-12-1979	30	25	550	
01-01-1980 to 05-05-1980	30	26	348	1980 ------- 1455
06-05-1980 to 31-12-1980	35	26	1107	
01-01-1981 to 14-06-1981	35	24	1100	1981 ------ 2466
15-06-1981 to 31-08-1981	35	23	540	
01-09-1981 to 31-10-1981	35	22	364	
01-11-1981 to 03-12-1981	35	21	322	
04-12-1981 to 31-12-1981	35	25	140	
01-01-1982 to 19-02-1982	35	24	374	1982 ------ 2439
20-02-1982 to 12-03-1982	35	23	132	
13-03-1982 to 10-07-1982	35	22	760	
11-07-1982 to 17-11-1982	35	21	1092	
18-11-1982 to 31-12-1982	35	32	81	
01-01-1983 to 27-05-1983	35	32	285	1983 ------- 737
28-05-1983 to 31-08-1983	35	31	284	
01-09-1983 to 09-10-1983	35	32	84	
10-10-1983 to 06-11-1983	35	32	18	
07-11-1983 to 28-11-1983	35	32	28	
29-11-1983 to 31-12-1983	35	33	38	
01-01-1984 to 14-02-1984	35	33	62	

15-02-1984 to 12-08-1984	35	34	101	1984 ------ 238
13-08-1984 to 08-09-1984	35	35	NIL	
09-09-1984 to 09-10-1984	35	34	15	
10-10-1984 to 06-11-1984	35	34	11	
07-11-1984 to 27-11-1984	35	34	15	
28-11-1984 to 31-12-1984	35	33	34	

T O T A L : 11,494 11,494

NOTE : (I) Number of Cases that could have been disposed of at the standard rate : 34,482

(II) Pending cases excluding Miscellaneous cases as on 31.12.1984 : 46,048

Even at the average disposal of three cases by a Judge per day, the aforesaid figures when multiplied by three would come to 34.482. This minimally represents the number of cases which would have been decided by the Patna High Court in a period of only 9 years from 1975 to 1984, if the actual strength of the Bench had continued to be equal to its sanctioned strength. The total pendency in the Patna High Court upto December, 1984 excluding the Miscellaneous cases is 46, 048. This would mean that if there had been no depletion of the Bench by reason of such vacancies even for a period of 10 years only, then indeed there would have been actually no arrears at all in the said Court now.

7. We have in some detail referred to the two High Courts in the east and the west and there is no manner of doubt on the basis of the available data that the situation in all the

other High Courts in the Country is identical if indeed not worse than the picture that emerges above.....

8.....A feeling grows in the Bench that the Executive is not interested in the quick disposal of cases and efficient working of the administration of justice, and therefore, their arduous labours are lost in a void.
….....The bunch appointments of Judges prevents any such possibility and at the very threshold affects the quality and the future traditions of the High Courts. The proverbial delays in appointments have now started inhibiting the promising members of the Bar from coming forward to be considered for Judgeship.....

9. ….....However, experience over the last four decades has shown that despite exhortations from the highest authorities the position far from improving has indeed deteriorated in this context. ….....

10. …..... there can be no hope whatsoever of meeting the challenge of the arrear.....

11. We would consequently recommend :-

(i) that on principle, there should exist no vacancy on the Sanctioned Strength of a High Court and there should be no time gap between the retirement of a Judge and the swearing-in of his successor;

(ii) that the Chief Justice under Article 224A of the Constitution may, at the time of making the recommendation against a vacancy, also recommend that the retiring Judge may be appointed as an ad hoc Judge in the event of his successor's name not being finalised by the actual date of retirement; and

(iii) that in the event of the successor Judge being not appointed on the date of the retirement, the incumbent, if recommended by the Chief Justice, should automatically continue as an ad hoc Judge of the Court upto the date his successor on the bench is sworn in.

[Para Nos. 4-11, Page Nos. 62-74]

Appendix-J

LAW COMMISSION OF INDIA

ONE HUNDRED TWENTIETH REPORT

ON

MANPOWER PLANNING IN JUDICIARY : A BLUEPRINT

JULY 1987

8. **.....**First, we may try to correlate the general increase in population rate with the question of the number of Judges in all cadres. In regard to political representation in Parliament, the demographic factor has been frozen to the levels of population as at 1971 [See article 81 (3)]. India has today only 10.5 Judges per million population; Australia, which had roughly ten million population in 1975, had 577 Judges giving an average of 41.6 Judges per million population; Canada with her 1,812 Judges with a population of roughly 25 million as of 1973, had the rate of 75.2 Judges per million population; England with 2,504 Judges for roughly 50 million people in 1973 had the rate of 50.9 Judges per million population and the United States with three times less population than India has 25,087 Judges as at 1981 giving an average of 107 Judges per million of population. [4] This information filed by the Union of India expert Prof. Marc Gallanter has been endorsed by the Union of India. Clearly the total Judge strength of 7,675 is grossly inadequate for India.

9. Given the overall resource constraints, it is not possible for us even to suggest that we immediately rise to a total Judge strength of 25,087 which the U.S. commanded as of 1981. But certainly there is strong justification for the recommendation that we increases immediately the present ratio from 10.5 Judges per million of Indian population to at least 50 Judges per million of Indian population. We recommend accordingly.

10. It is difficult to envisage that the Judge strength can be raised five-fold within a short span. The process will have to be spread over a period of five years but in any case it should not exceed ten years**.....**

11. This would, of course, raise the question of the ultimate optimum number of Judges. The Commission recommends that by the year 2,000, India should command at least the ratio that the U.S. commanded in 1981, i.e. 107 Judges per million of Indian population. The inter se distribution of the enhanced number among various cadres State-wise would ordinarily proceed on the basis of population in each State and the institution of cases.

[Para Nos. 8-11, Page Nos. 2-3]

15. As to the possible accusation that the working out of the ratio of Judges strength per million of Indian population is a gross measure, the Commission wishes to say that this is one clear criterion of manpower planning. If, legislative representation

4 Supra note 2 at 208.

can be worked out, as pointed out earlier, on the basis of population and if other services of the State—bureaucracy, police, etc.-can also be similarly planned, there is no reason at all for the non-extension of this principle to the judicial services. It must also be frankly stated that while population may be a demographic unit, it is also a democratic unit. In other words, we are talking of citizens with democratic rights including the right to access to justice which it is the duty of the State to provide.

[Para No. 15, Page No. 4]

Appendix-K

LAW COMMISSION OF INDIA
ONE HUNDRED TWENTY-FIRST REPORT
ON
A NEW FORUM FOR JUDICIAL APPOINTMENTS

JULY 1987

3.5 If the assumption was that the system is sound and peripheral changes would make it resilient, effective and functional, it is in the fitness of things to find out, what is the present factual situation nearly eight years after the report was submitted. The statement extracted hereunder tells its own tale :-

I. STATEMENT SHOWING THE STRENGTH AND VACANCIES IN VARIOUS HIGH COURTS AS ON 30.6.86[1]

Sl. No.	High Court	Sanctioned Strength		Total	Actual strength		Total	Vacancies		Total
		Pmt. Judges	Addl. Judges		Pmt. Judges	Addl. Judges		Pmt. Judges	Addl. Judges	
1	Allahabad	54	6	60	45	-	45	9	6	15
2	Andhra Pradesh	24	2	26	18	-	18	6	2	8
3	Bombay	40	3	43	38	1	39	2	2	4
4	Calcutta	41	-	41	38	-	38	3	-	3
5	Delhi	25	2	27	22	-	22	3	2	5
6	Gauhati	8	1	9	8	-	8	-	1	1
7	Gujarat	18	3	21	17	-	17	1	3	4
8	Himachal Pradesh	5	1	6	5	1	6	-	-	-
9	Jammu & Kashmir	5	2	7	5	2	7	-	-	-
10	Karnataka	24	-	24	21	-	21	3	-	3
11	Kerala	15	3	18	15	3	18	-	-	-
12	Madhya Pradesh	23	6	29	22	4	26	1	2	3
13	Madras	25	-	25	21	-	21	4	-	4
14	Orissa	11	1	12	9	-	9	2	1	3
15	Patna	35	-	35	29	-	29	6	-	6
16	Punjab & Haryana	23	-	23	16	-	16	7	-	7
17	Rajasthan	21	1	22	19	1	20	2	-	2
18	Sikkim	3	-	3	2	-	2	1	-	1
		400	31	431	350	12	362	50	19	69

Against the sanctioned strength of 431,362 judges were in position, leaving 69 vacancies unfilled.....

1 Source : Report of the Ministry of Law & Justice.

Even though Judges strove hard to keep abreast of the rising tide of inflow of work by almost doubling the output yet the court dockets remained unmanageable as would be evident from the figures herein quoted. The disposal per Judge in 1977 was 742.5 which rose to 1221.1 in 1978 and mildly tapered down to 1130.0 in 1979, yet during these very years, the arrears almost doubled[2] …....

One can say at a glance that during this period there was a rising crescendo in the backlog of cases, a substantial part of which can be attributed to the delay in filling in vacancies[3]**.....**

3.6 Even though there was an unexplained failure on the front of filling in vacancies, the Government realising that the sanctioned strength of the Judges of the Supreme Court and the High Courts is inadequate, raised the sanctioned strength of the Supreme Court of India from 1+17 to 1+25[1] and of the High Courts by sanctioning 81 additional posts raising the permanent strength of Judges as well as sanctioning additional posts. The Table hereunder sets out increase in the strength of permanent and additional Judges by the Government of India with the position as on 20th March, 1987.

DECISIONS TO CREATE POSTS

Position as on 20.3.87

S. No.	High Court	Permanent Judges	Additional Judges	Total
1	Allahabad	-	2	2
2	Andhra Pradesh	6	4	10
3	Bombay	2	10	12
4	Calcutta	3	5	8
5	Delhi	-	6	6
6	Gauhati	-	1	1
7	Gujarat	5	4	9
8	Himachal Pradesh	-	1	1
9	Jammu & Kashmir	1	3	4
10	Karnataka	4	2	6
11	Kerala	-	7	7
12	Madhya Pradesh	-	2	2
13	Patna	4	-	4
14	Punjab and Haryana	-	3	3
15	Rajasthan	-	6	6
	Total	**25**	**56**	**81**

2 R. Dhawan, *Litigation Explosion in India, 60, (1986)*
3 *31st Report, Estimates Committee, 18.*
1 The Supreme Court (Number of Judges) Amendment Act, 1986, came into effect from 9-5-1986

3.7 At this stage certain peculiar features of the mechanics employed in filling in vacancies must be unravelled. To start with, in the year 1980, five Judges of the Supreme Court retired in quick succession. The first vacancy in that year occurred on 1-8-1980, that followed by the next one on 12-9-1980, the third on 15-10-1980, the fourth on 15-11-1980 and the fifth soon after on 16-1-1981. None was filled in till January 1981. Similarly, in the year 1985, five vacancies occurred in quick succession. The first occurred on 9th May, 1985, the second on 12th July, 1985, the third on 16th August, 1985, the fourth on 1st October, 1985, and the last on 22nd December, 1985. The sanctioned strength of the Judges of the Supreme Corut has been raised from 18 to 26 Judges, including the Chief Justice of India, with effect from 9-5-1986[2]. Analysing the position of the vacancies, there were 12 vacancies as on 31-3-1986. It may be stated that two vacancies have been filled in May 1987. However, it may be recalled that two Judges are to retire during vacation in June 1987 and two sitting Judges are busy with a Commission leaving the effective working strength at 12 i.e. half of the sanctioned strength.

3.8 In order to substantiate the inescapable conclusion that there is long unexplained delay in the matter of filling in vacancies in the Supreme Court and High Courts, two separate tables are compiled showing the date on which vacancy occurred and the date on which it is filled in, covering the period 1981-86 in the Supreme Court and 1980-85 in the High Courts. Tables are set out in Annexures II and III, respectively.

Applying the law of averages, the delay in filling in vacancies in the Supreme Court on an average comes to 3 months approx. as per the information supplied (Annexure II). Similarly, delay in the matter of appointment in various High Courts is tabulated on the information supplied by the High Courts and the average is worked out for each High Court in respect of which the information was made available :-

2 The Supreme Court (Number of Judges) Amendment Act, 1986, came into effect from 9-5-1986

1. Andhra Pradesh	- 3 years
2. Delhi	- 6 months
3. Gujarat	- Average can't be worked out
4. Himachal Pradesh	- 5 years 4 months 11 days
5. Jammu and Kashmir	- 2 years
6. Karnataka	- 1 year 6 months
7. Kerala	- 1 year 3 months
8. Madhya Pradesh	- 1 year 6 months
9. Orissa	- 9 months
10. Patna	- 2 years
11. Punjab & Haryana	- Average can't be worked out

3.10 Leaving aside any other considerations, there is a minimum requirement of 650 regular cases to be disposed of per Judge per year. It is not necessary to set out how this figure is arrived at save saying a committee of three senior most Chief Justices have compiled the same[1]. Applying the yardstick, apart from any other cause, the failure on the front of filling in vacancies within a reasonable time has affected disposal in the manner set out in the Annexure IV, for the Supreme Court and in Annexure V for the High Courts.

[Para Nos. 3.5 to 3.8 & 3.10, Page Nos. 15-18]

3.14 Recalling that mechanism for processing a proposal for appointment of a person as a Judge of a High Court is complex and complicated and involves nearly six constitutional functionaries, the delay is inherent in it **.....**

3.15 Failure to fill in the vacancy is failure to perform a constitutional duty. It is the responsibility of the State not only to set up adequate number of courts but to provide manpower for its functioning. It is the duty cast by the Constitution and failure to perform the same can surely be styled as failure to perform the said constitutional duty. Disposal of cases amongst other things, is directly proportionate to the number of the Judges in position. Unfilled vacancies is one of the prime causes for mounting arrears. Schedules at Annexures IV & V would show the delay in filling in vacancies in the

1 Quoted in Conference of Chief Justices of High Courts and Chief Ministers and Law Ministers of the States.

Supreme Court and the High Courts and its impact on the disposal of cases and the mounting graph of arrears.

3.17 Therefore, the conclusion is inescapable that the mechanics, as devised in the constitutional provisions for making appointment to the superior judiciary, appear to be inadequate and incapable of providing the manpower inputs within a reasonable time. This experience would make it difficult to continue to subscribe to the view that the present constitutional scheme as to the method of appointment of Judges is basically sound or that it has on the whole worked satisfactorily and does not call for any radical change. A new approach has become inevitable otherwise the system is likely to be crushed under the weight of its own debris.

[Para Nos. 3.14, 3.15 & 3.17, Page Nos. 19-20]

4.8 After working of the mechanism for four decades, the situation on this front is depressing and has reached such a critical stage which provoked a former Chief Justice of India to send a warning that the system of administration of justice is about to collapse.[2]

4.9.....the review of the manpower strength for superior judiciary is not undertaken regularly and at regular intervals. Even when such a review is done, as in the case of Supreme Court of India where the strength has undergone upward revision at the hands of Parliament on four different occasions – 1956 (7 to 10), 1960 (10 to 13), 1977 (13 to 17) and 1986 (18 to 25), it more or less remains a paper exercise..... The fact situation as disclosed in Annexures IV and V showing the linkage between the Judges in position and disposal of cases and deemed disposal of cases if vacancies were filled in time, would unquestionably show that the failure on the front of appointments is largely responsible for total dislocation in the functioning of the superior judiciary.....

[Para Nos. 4.8-4.9, Page Nos. 25-26]

2 P.N. Bhagwati, Law Day Speech on 26th November, 1986

Appendix-L

LAW COMMISSION OF INDIA

ONE HUNDRED TWENTY-FOURTH REPORT

ON

THE HIGH COURT

ARREARS-A FRESH LOOK

1988

1.20 **.....**The present Commission, having carefully studied all the past reports, analysed and evaluated the recommendations, made an enquiry about their implementation as best as one could make, looked at the present depressing and distressing the situation of arrears and backlogs in High Courts and the Supreme Court and posed to itself the first question whether any cosmetic changes are at all likely to improve the situation. Having regard to the past attempts and consistent with its broadly stated approach as set out in its first report, it came to an affirmative conclusion that not only radical restructuring of the courts from the grassroot level is necessary which itself would provide a regulatory mechanism in the inflow of work to the High Courts and then reaching the Supreme Court, but also to have a close look at the vast jurisdiction enjoyed by the High Court and then to have a second look at the hitherto holistic view that the jurisdiction enjoyed by the High Court is a holy cow. Keeping in view the experience gained all over the world that the generalist courts have to some extent yield their place to specialist courts/tribunals, simultaneously effectively curtailing the jurisdiction of the generalist courts, that is, the High Courts. To take only one illustration : in Australia, 'New tribunals outside the established courts have been created to administer these areas. Administrative Appeal Tribunals, Arbitration Tribunals, Workers' Compensation Tribunals, Pension Tribunals, Planning Appeal Tribunals 'Equal Opportunity Tribunals' to name a few. This activity of creating tribunals is founded on a belief that : 'the established courts are too remote, too legalistic, too expensive and, above all too slow.[16] Unless, therefore, the jurisdiction of the High Court is substantially curtailed, simultaneously providing effective forum for juridical review enjoyed by the High Courts,.... **[Para No. 1.20, Page No.6]**

3.2 Recalling that the delay in filling in vacancies, both existing and those created by the upward revision of the strength, being largely responsible for piling up arrears, one specific suggestion can be made till such time as the National Judicial Service Commission is set up.

3.4 **.....** the retiring Judge shall continue to be in position till such time as the successor is appointed and is ready to be sworn in.

---

16 The Hons. Sir Francis Burt, Chief Justice of the Supreme Court of Western Australia, ' The Moving Finger or the Irremovable Digit, 61(9) Aust. L.J. (1987) p. 468.

3.6 The Law Commission formulated a tentative proposal about the continuance of the retiring Judges in position as *ad hoc* Judge and requested the Chief Justice of India and the Chief Justice of each High Court to submit their critical response to the proposal after having deliberations with their colleagues.[2] The response has been highly encouraging. There is almost near unanimity amongst Chief Justices of various High Courts in support of this proposal. **[Para Nos. 3.2, 3.4 & 3.6, Page No. 11, 18]**

3.18 ....The Benches of retired Judges may start functioning at about 8.30 A.M. and work up to 12 or 12.30 noon. The High Court Judges will assemble from 12 or 12.30 noon, as the case may be, and work up to 5.30, claiming their half an hour lunch hour ....

3.19 The Chief Justice, depending upon the pendency of old matters, should draw a line of the base year and then direct that all matters pending up to the base year and admitted before the base year should be exclusively assigned to the retired Judges. Where the Bench is of two Judges, the burden of writing judgments will be equitably distributed. These retired Judges will have whole of afternoon to their credit so that they do not suffer any excessive load. Correspondingly, the sitting Judges will have the whole of morning to their credit to write their judgments, to dispose of their administrative work and even to read the matters in the evening after returning home. The Law Commission is confident that this recommendation, if carried out, would make a deep dent into the arrears because 3 to 4 Benches will simultaneously deal with old matters only.

[Para Nos. 3.18-3.19, Page No.20]

2 Copy of the letter to the Chief Justice of India and the Chief Justice of each High Court (Appendices II and III)

Appendix-M

REPORT
OF
THE ARREARS COMMITTEE
1989-1990

CONSTITUTED BY THE GOVERNMENT OF INDIA ON THE RECOMMENDATION OF THE CHIEF JUSTICES' CONFERENCE

HON'BLE MR. JUSTICE V. S. MALIMATH CHIEF JUSTICE, HIGH COURT OF KERALA	**...**	**CHAIRMAN**
HON'BLE MR. JUSTICE P.D. DESAI, CHIEF JUSTICE, HIGH COURT OF CALCUTTA	**…**	**MEMBER**
HON'BLE DR. JUSTICE A.S. ANAND, CHIEF JUSTICE, HIGH COURT OF MADRAS	**…**	**MEMBER**

Judge Strength Determination-Defect in Existing Mechanism

2.8 Against the aforesaid background, there is justification for reviewing the existing constitutional mechanism for determining the judge-strength for each High Court. The power presently vests in the President, that is, the executive. Unlike the power of appointment of judges, it is not required to be exercised in consultation with any constitutional functionary of the judicial organ. True, there is nothing to prevent the Chief Justices of the High Courts from taking up the question of augmenting the judge-strength with the executive in the light of the existing guidelines in that behalf and this in fact is being done. However, as observed in the 14th Report of the Law commission, such exercise on the part of the Chief Justices of various High Courts has not always yielded desired results and the efforts has actually been thwarted on account of apathy or unawareness of the realities of the situation on the part of the executive. This is amply borne out from what has been demonstrated in paragraph 2.7 The Law Commission suggested that the requisite judge-strength should be fixed in consultation with the Chief Justices of the High Courts concerned and the Chief Justice of India. The solution accordingly mooted has apparently not proved effective.

Power to Determine Judge-Strength-Committee's view

2.9 The Committee is, therefore, of the view that the power to determine the judge-strength required for each High Court from time to time should be entrusted to the Chief Justice of India who will exercise the same in consultation with the Chief Justice of the High Court concerned to enable the President to appoint the requisite number of judges in accordance with such determination. We shall propose an appropriate amendment, on these lines, to Article 216 at the appropriate place hereafter.

Formula for Determining Permanent Judge Strength

2.10 According to the existing guidelines followed by the Government of India, the Judge strength of the High Courts is calculated with reference to the institution and pendency of main cases and the working norm of average disposal per judge. The working norm adopted by the Government of India is 650 main cases per judge per year, or the average actual dispoal of main cases per judge per year over the preceding three years, whichever is higher. The strength of permanent judges of each High Court is

calculated taking into account this norm of disposal and average number of main cases instituted over the preceding three years. Posts of additional judges are sanctioned for clearing arrears. The number of additional posts to be sanctioned depends upon the decision to clear the arrears within a period of two, three or four years, as the case may be, using the same working norm of disposal. Main cases pending over two years are treated as arrears for this purpose. **[Para Nos. 2.8-2.10, Page Nos. 57-58]**

Perspective Planning

2.13 The Committee's views expressed in the preceding two paragraphs relate to determining the judge strength required in foreseeable future in the light of the existing circumstances. However as in all other spheres of State activity, perspective planing is a concept which has to apply to the judicial organ of the State as well. The Law Commission in its 120th Report has emphasised the need for manpower planning in judiciary and it has also suggested a perspective planning for the increase of judge strength on the basis of a certain percentage of population and, in the alternative, on the basis of litigation and pendency rates, bearing in mind the need and requirement for the next 20 years period. It is high time that the suggestion made by the Law Commission was implemented and a blue print prepared in the light of the past experience, available data and the financial resources on the basis of which the future need can be reasonably assessed and increased judge-strength over a period of time projecting into the future can be provided for. The assessment of judge strength required for the next decade taking into consideration the demographic factor and the judge strength obtaining in other countries made by the Law Commission has already been adverted to in paragraph 1.14.

Financial Resources

2.15 The expenditure presently incurred on judges, staff and other miscellaneous items of the Supreme Court of India and of the High Court is set out in Appendices 1(1) and 1(2) of the 121st Report of the Law Commission. In Appendix 1(3) have been set out the total tax receipts of each State for the year 1981-82 and the expenditure incurred on the State judiciary. The data accordingly furnished shows at a glance that the expenditure incurred on the State judiciary is only a negligible portion of the tax receipts of each State, including receipt from court fees. There should, therefore, be no grudge or hesitation on the part of the State to lay out more expenditure for efficient management

of the judiciary in the light of the assessed requirement. Financial constraint shall not be an excuse not to meet the needs of judicial organ.

Article 216 Amendment Suggested

2.17 In the light of the discussions in the preceding paragraphs, the conclusion is irresistible that Article 216 has failed to achieve the objective for which it was enacted. The Committee has highlighted the shortcomings which have manifested in the working of the said article. The Committee has expressed the view that the power to determine the judge-strength required for each High Court should be entrusted to the Chief Justice of India, to be exercised by him in consultation with the Chief Justice of the High Court concerned on the basis of the objective criteria recommended in the next chapter. In the light of such determination, the President would exercise the power to appoint the required number of judges for each High Court. To achieve this objective, it therefore becomes necessary to amend Article 216. The Committee proposes that the present Article 216 be replaced by the following article:

> "216. Every High Court shall consist of a Chief Justice and such number of other Judges as the President deems it necessary to appoint from time to time;
>
> Provided that the number of Judges required for each High Court shall be determined from time to time by the Chief Justice of India in consultation with the Chief Justice of the High Court concerned."

Article 224-

2.18 Article 224 of the Constitution of India, which deals with the appointment of Additional and Acting Judges, reads thus:

> "224. (1) If by reason of any temporary increase in the business of a High Court or by reason of arrears of work therein, it appears to the President that the number of the Judges of that Court should be for the time being increased, the President may appoint duly qualified persons to be additional Judges of the Court for such period not exceeding two years as he may specify.
>
> (2) When any Judge of a High Court other than the Chief Justice is by reason of absence or for any other reason unable to perform the duties of his office or is appointed to act temporarily as Chief Justice, the President may appoint a duly qualified person to act as a Judge of that Court until the permanent Judge has resumed his duties.

(3) No person appointed as an additional or acting Judge of a High court shall hold office after attaining the age of sixty two years."

[Para Nos. 2.13, 2.15, 2.17, 2.18 Page Nos. 58-59]

Appendix-N

FIRST NATIONAL JUDICIAL PAY COMMISSION REPORT

Justice K. Jagannatha Shetty
Former Judge, Supreme Court of India
Chairman

Justice P.K. Bahri (Rtd.)
Judge, Delhi High Court
Member

Justice A.B. Murgod (Rtd.)
Judge, Karnataka High Court
Member-Secretary

NOVEMBER, 1999

13. This Commission, by survey of the subordinate courts, has found that there is a large scale dissatisfaction in the Subordinate Judiciary all over the country.

14. The major cause for this dissatisfaction appears to be the burgeoning judicial work-load and the financial pressure due to inadequate compensation.

[Volume I, Para Nos. 13-14, Page No. v]

Appendix-O

MARCH 31, 2002

REPORT OF THE NATIONAL COMMISSION

TO

REVIEW THE WORKING OF THE CONSTITUTION

(VOLUME I)

7.10.4**.** The Government should ensure basic infra-structure needed to all courts and arrange to ensure that courts are not handicapped for want of infra-structural facilities, Governments, both at the Centre and in the States, should constitute committee of secretaries to review government litigation with a view to avoid adjudication wherever possible, give priority in filing of written statements, wherever required, and instruct government advocates to seek early decision on government litigation.

[Para No. 7.10.4, Page No. 213]

Appendix-P

COMMITTEE ON

REFORMS

OF CRIMINAL JUSTICE SYSTEM

GOVERNMENT OF INDIA,

MINISTRY OF HOME AFFAIRS

REPORT

(VOLUME-I)

INDIA

March 2003

1.19. Since Independence and the promulgation of our Constitution rapid strides have been made in almost all fields. The communication revolution has opened the eyes, ears and minds of millions of people, resulting in increasing expectations of an ever growing population. The desire for quick, fair and affordable justice is universal. Protection of life and liberty have been given a pre-eminent position in our Constitution by enacting article 21 as a fundamental right and imposing a duty on the State to protect life and personal liberty of every citizen. Any deprivation or breach of this valuable right is not permissible unless the procedure prescribed by law for that purpose is just, fair and reasonable. Has the State been able to keep up to this promise in a substantial measure? The ground reality, however, is that this precious fundamental right is turning out to be a mere pipe dream to the many millions to whom justice is delayed, distorted or denied more than its delivery in accordance with the ideals enshrined in the Constitution. The entire existence of the orderly society depends upon sound and efficient functioning of the Criminal Justice System. **[Para No. 1.19, Page No. 10]**

1.23. These figures show that the courts have not been able to cope up with the number of cases that come before them for trial every year. According to Table 1 the total number of complaints received by the Police and cases registered during the year 2000 in India is 56,62,773. It is a matter of common knowledge that several persons who are victims of crimes do not complain to the police. During the year 2000 the total number of cases charge-sheeted after investigation is 50,98,304. The total number of cases disposed of by the courts in the year 2000 is 9,32,774. So far as the cases under IPC are concerned, the analysis in the report on page 1 of the NCRB report shows that 79% of IPC cases were investigated in the year 2000, 78.4% of them were charge-sheeted, 18.3% of them were tried and 41.8% of them resulted in conviction**.....**

1.24. Quality of justice suffers not only when an innocent person is punished or a guilty person is exonerated but when there is enormous delay in deciding the criminal cases. It is a trite saying that justice delayed is justice denied. Table 25 (b) of the NCRB report, 2000 furnishes the duration of trial of cases during 2000. It is seen that 10,382 cases of the duration of 3 to 5 years, 6,503 cases of the duration of 5 to 10 years and 2,187 cases of the duration of over 10 years were disposed of by all the courts in India during 2000. Taking more than 3 years (sometimes even 10 years) amounts to denying fair trial. Speedy trial is a right of the accused that follows from article 21 as held by the Supreme Court**.....** **[Para No. 1.23 & 1.24, Page No. 13]**

1.32. The number of Judges in India per million population is about 12 to 13. Corresponding figures available for USA is 107, for UK is 51, for Canada is 75 and for Australia was about 41 about 12 years ago. This shows how grossly inadequate is the judge strength per million of population in India. That is the reason why the Supreme Court has in its recent decision in (2002) 4, S.C.C.247, All India Judges Association & Others vs. Union of India and Others directed that the existing judge population ratio of 10:5 or 13 judges per million people should be raised to 50 Judges per million people in a phased manner within five years. **[Para No. 1.32, Page No. 18-19]**

1.37. ….....Delay in disposal of cases affords greater opportunity for the accused to win over the witnesses to his side by threats, or inducements. There is no law to protect the witnesses. The treatment given to the witnesses is very shabby. Even the basic amenities like shelter, seating, drinking water, toilets etc. are not provided. He is not paid TA/DA promptly. He is often paid much less than what he spends and nobody bothers about it. The cases are adjourned again and again requiring the witnesses come to court several times leaving aside all his work. Witness who are treated in this manner become an easy prey to the machinations of the accused and his family.

[Para No. 1.37, Page No. 20]

COURTS AND JUDGES

9.1 Huge pendency of cases and poor rate of convictions are the twin problems of the Judiciary. The major area that needs attention for Improving the situation is providing adequate number of judges who are proficient in dealing with criminal cases.

9.2 APPOINTMENT TO SUBORDINATE COURTS

9.2.1 The statistics reflect gross inadequacy of the judge strength at all levels. The Supreme Court has recently examined the issue and given directions, in its decision in (2002) 4 S.C. 247, All India Judges Association and Others vs. Union of India to increase the judge strength from the existing judge population ratio of 10.5 or 13 judges per million of people to 50 judges per million people in a phased manner within five years. Right to speedy trial, as held by the Supreme Court flows from Article 21 of the Constitution. Therefore it is expected that the directions of the Supreme Court would be implemented within a reasonable time. Once that happens, problem of inadequacy of judge strength will be solved. Hence it is not necessary for the Committee to examine the

question of inadequacy of judge strength. However, the Committee would like to observe that within the standard set for determining the number of Judges required, it may be necessary for each State to make an estimate of the number of judges required to be appointed keeping in mind the pendency and the inflow of fresh cases and nature of litigation etc.

9.3 APPOINTMENT TO HIGH COURTS

9.3.1 It is unfortunate that large number of vacancies in the High Court remain unfilled for a long time in spite of the formula given by the "Arrears Committee" for determining the judge strength and for expediting the appointment process. Now that the appointment process is mainly under the control of the Judiciary the blame for this delay is largely on it. The Chief Justice of India and the Chief Justices of the High Courts must take immediate steps to curb this unconscionable delay in appointments.

[Para Nos. 9.1-9.3, Page No. 133]

Arrears Eradication Scheme

13.2 ….....As the object of the proposed scheme is to eradicate arrears it would like to name the proposed scheme as "Arrears Eradication Scheme".

13.3 The arrears for the purpose of the scheme should mean cases which are pending for more than two years as on the date the new scheme comes into force. Cases pending for less then two years shall be current cases. This shall be a one time temporary scheme for clearing the existing arrears of criminal cases in all the courts.

13.4 Some of the measures recommended by the Committee in this report would be useful in eradicating the backlog of cases. The Committee has recommended increase in the number of offences that can be compounded. Benefit of this should be extended to the pending cases as well. Good many old cases can be disposed of by settlement.

13.5 The Committee has recommended that all the 'Summons' cases shall be tried summarily under section 262 of the Code. Pending cases falling under this category can also be disposed of expeditiously by following the summary procedure.

13.6 SCHEME FOR ERADICATING ARREARS

13.6.1 For the purpose of eradicating arrears a separate scheme shall be prepared on the

lines of the 'Fast Tract Courts Scheme' on the following lines :-

(1) The scheme shall be called the 'Arrears Eradication Scheme'.

(2) The object of the scheme shall be to eradicate the arrears pending on appointed day in five year's time.

(3) For the Arrears Eradicating Scheme to come into force appointed day shall be fixed by the Chief Justice of the High Court. That is the day when the courts shall start hearing the cases under this Scheme. Therefore, all arrangements for that purpose should be completed before that day.

(4) Arrears for the purpose of this Scheme shall be the cases pending for more than two years on the appointed day.

(5) The Scheme will lapse once 'Arrears' are disposed of.

(6) Current criminal cases are those that are pending for less than two years on the appointed day. Responsibility of disposing these current cases within two years shall be on the regular courts. This scheme is recommended so that from here on at least the current criminal cases can be disposed of within a maximum period of two years. The High Court shall take steps to have enough regular courts for achieving this object.

(7) Implementation of the Arrears Eradication Scheme requires coordination between the High Courts and the Government in the matter of finding suitable persons to be appointed as Judges and finding suitable accommodation and other infrastructure for the courts. The Committee recommends that a retired judge of the High Court should be appointed for implementation of the Arrears Eradication Scheme. He should be appointed in consultation with the High Court. Only persons with considerable experience in criminal cases who are known for quick disposal are ability to motivate others should be selected for implementing the scheme. The choice of the Judge for this purpose is of crucial importance. He should be given a free hand in the matter of suggesting the names of persons to be

appointed to these courts, identifying accommodation and finding staff to do the work. The success of the scheme would depend upon the vision and dynamism of such person. Therefore, great care should be taken in the matter of selecting and appointing a person for this important job.

(8) His overall responsibility shall be to implement the scheme in the entire State. He shall coordinate with all the functionaries and take necessary steps in consultation with the Chief Justice to implement the Arrears Eradication Scheme. His services may also be utilized in the matter of compounding or settlement of cases.

(9) Quick decisions and prompt action are the key for the success of this scheme. It is therefore, suggested that at the State level there should be a Coordination Committee consisting of the Chief Justices, Chief Minister and Advocate General and at the Central level such Committee may consist of the Chief Justice of India, Minister for Law and Justice and the Attorney General of India.

(10) The Judge appointed in each State for implementing the scheme should at the end of every year prepare a report about the implementation of the scheme, giving all relevant information, about the problems if any that need to be solved and send it to the Coordination Committee for taking remedial measures. Copy of the report should be sent to the Chief Justice of India and the Minister for Law and Justice, Government of India. They may take such measures as are needed for smooth and effective operation of the scheme.

(11) Such number of additional Courts of Magistrates First Class, Chief Judicial Magistrates and Session Judges as may be required to clear up arrear of cases pending for more than two years be established.

(12) Ad hoc or contractual appointment of Judges shall be made for these courts from among available retired judges and members of the Bar.

(13) Benefit of compounding of offences recommended by this Committee shall be extended to pending cases as well. A concerted effort should be made to

dispose of the cases by compounding or settlement wherever that is permissible in law.

(14) To meet the problem of accommodation, timings of the court may be so modified so as to have two shifts of courts to be able to use the same accommodation, say, from 9 am to 2 pm and 2.30 pm to 7.30 p.m.

(15) It may also be examined if such court can function on part-time basis with part-time Judges at the same premises with some adjustment of timing of the regular courts. The part-time courts may also sit on holidays. Part-time courts can conveniently be assigned compoundable cases for settlement. The Judge should make effort to settle the cases failing which they may be sent to the court doing regular hearing work.

(16) Where there are large numbers of petty cases they may be posted exclusively before one judge so that they can be expeditiously disposed.

(17) This scheme may *mutatis mutandis* be extended to the High Courts and the Supreme Court. The Chief Justices of the respective courts shall classify the criminal cases into two categories. Those which are pending for more than two years shall be treated as arrears cases and assigned to specially constituted benches for clearing the arrears. If necessary ad hoc Judges should be appointed until the old cases are disposed. So far as cases pending for less then two years are concerned they shall be disposed by regular benches. Such number of regular benches should be constituted as may be necessary to dispose of current case within two years. It shall be the responsibility of the concerned Governments to extend such assistance as is necessary. It is advisable for the Chief Justices to constitute special cells to be responsible for assisting the Chief Justice in achieving these objectives.

(18) The Committee urges the Governments concerned to provide the funds required for successful implementation of the scheme. The Government of India may extend the requisite financial support in a generous way as it has done in respect of Fast Track Court Scheme.

(19) Commitment and aggressive pursuit at all levels is the key to solving the problems. Requisite finance, manpower and infrastructure should be made available without cringing. This is a very small price to pay to mete out justice to the people. It is now time to act, here and now.

[Para Nos. 13.3 to 13.6, Page Nos. 163-166]

12. VACATION FOR COURT

In view of the large pendency and mounting arrears of criminal cases, the long vacations for the High Courts and Supreme Courts in the larger public interest, the Committee feels that here should be a reduction of the vacations. Hence, the following recommendations are :-

(90) i) The working days of the Supreme Court be raised to 206 days.

ii) The working days of the High Courts be raised to 231 days.

iii) Consequently, the Supreme Court and the High Courts shall reduce their vacations by 21 days on the increase in their working days.

13. ARREARS ERADICATION SCHEME

The recommendations made by the Committee in this report would help in reducing the arrears and speeding up the trials; but to tackle the huge arrears a complementary strategy is recommended. Government of India, Ministry of Law and Justice has created a "Fast Track Courts" Scheme for dealing with the sessions cases. Though the scheme is good it is beset with many practical problems besides being limited to dealing with sessions cases. The Committee is in favour of working out an "Arrears Eradication Scheme" for the purpose of tackling all the cases that are pending for more than 2 years on the appointed day.

To carry out the scheme, the Committee feels that a retired Judge of a High Court who is known for effective and expeditious disposal of criminal cases should be put in charge of the Arrear Eradication Scheme as the sitting Judges may not find the time for it. Hence the following recommendations are made :-

(91) Arrears Eradication Scheme should be framed on lines suggested in the Section "Arrears Eradication Scheme".

(92) There should be a cell in the High Court whose duty shall be to collect and

collate information and particulars from all the subordinate courts in regard to cases pending in the respective courts for more than two years, to identify the cases among them which can be disposed of summarily under section 262 of the Code or as petty cases under section 206 of the Code and cases which can be compounded with or without the leave of the court.

(93) On the coming into the force of the scheme, arrangements shall be made for sending all the compoundable cases to the Legal Service Authority for settling those cases through Lok Adalats on priority basis.

(94) The courts constituted under the Arrears Eradication Scheme shall dispose of cases on priority basis. The arrears of cases triable under section 262 and under section 206 shall be disposed of expeditiously.

(95) The courts constituted under the Arrears Eradication Scheme shall dispose of the cases expeditiously.

(96) A case taken up for hearing should be heard on a day-to-day basis until conclusion. Only such number of cases as can be conveniently disposed of shall be posted for hearing every day as far as possible in consultation with the concerned lawyers.

(97) Once the case is posted for hearing it shall not be adjourned. If under special circumstances a case is required to be adjourned, it should be done for reasons to be recorded in writing subject to payment of costs and also the amount of expenses of the witnesses. The court in its discretion shall award costs to the other party or direct that the same shall be credited to the victim compensation fund if one is constituted.

(98) The (retired) Judge in charge of the Arrears Eradication Scheme shall make an estimate of the number of additional courts required to be constituted for eradication of the arrears at each place including the requirement of staff, number of Public Prosecutors and other infrastructure required and move the concerned authorities to appoint them.

(99) The High Court shall take effective measures to ensure that the current cases are disposed of expeditiously and that no current cases would be pending for more than two years. Additional Courts, if needed for this purpose, should be sanctioned expeditioulsy.

[Page No. 285-287]

Appendix-Q

LAW COMMISSION OF INDIA

189TH REPORT
ON
REVISION OF COURT FEES STRUCTURE

FEBRUARY, 2004

“.....In other words, the Central Government is bringing forward legislation in Parliament and burdening the subordinate Courts established by the State Governments with cases arising out of the Central legislation. The Central Government has however not been making any contribution for establishing the trial and appellate Courts in the States. This lacuna has been pointed out by the Commission for Review of the Constitution. There is an immediate need for the Central Government to come forward with a package which will substantially increase the number of our subordinate Courts.

Today, more than seventy per cent of those who are detained in our jails are undertrials whose guilt is yet to be declared. By detaining such persons for unreasonable terms without providing adequate number of criminal Courts, the Union and the States are in a continuing breach of the 'right to access' to justice in our Criminal Courts and the right to 'speedy justice' guaranteed by Art. 21. Speedy justice, the Supreme Court, has held is a fundamental right within the meaning of the words 'right to life' referred to in Article 21.”

[Page Nos. 33- 34]

Appendix-R

GOVERNMENT OF INDIA

LAW COMMISSION
OF
INDIA

Report No. 245

Arrears and Backlog: Creating Additional Judicial (wo)manpower

July, 2014

CHAPTER II

DEFINING KEY CONCEPTS: PENDENCY, DELAY, ARREARS, AND BACKLOG

There is no single or clear understanding of when a case should be counted as delayed. Often, terms like “delay”, “pendency”, “arrears”, and “backlog” are used interchangeably. This leads to confusion. To avoid this confusion and for the sake of clarity, these terms may be understood as follows:

a. **Pendency**: All cases instituted but not disposed of, regardless of when the case was instituted.

b. **Delay**: A case that has been in the Court/judicial system for longer than the normal time that it should take for a case of that type to be disposed of.

c. **Arrears**: Some delayed cases might be in the system for longer than the normal time, for valid reasons. Those cases that show unwarranted delay will be referred to as arrears.

d. **Backlog**: When the institution of new cases in any given time period is higher than the disposal of cases in that time period, the difference between institution and disposal is the backlog. This figure represents the accumulation of cases in the system due to the system's inability to dispose of as many cases as are being filed.

Therefore, as is evident, defining terms like delay and arrears require computing “normal” case processing time standards. How should the normal time frame be determined? It may be noted that since the Supreme Court had directed the Law Commission to recommend a “rational and scientific definition of “arrears” and delay,” the Commission clarified to the Hon'ble Court at the outset that there exists no single “objective” standard or mathematical formula by reference to which “normal” case processing time and hence delay can be defined or calculated. However, Commission is of the view that various methods, drawing on statistics, social science research techniques and experiential inputs can help make “rational” determination of “normal” case disposal times, and hence of delay.....

Chapter III

COMPUTING JUDGE STRENGTH

….....

C. Methodologies for Computing Adequate Judge Strength

….....

4. **The Rate of Disposal Method**

In the present scenario, especially in the absence of complete and scientific approach to data collection that the commission finds the use of 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 as more pragmatic and useful. This method generally speaking addresses two important concerns: (a) a large existing backlog of cases and (b) new being instituted daily which are adding to the backlog.

To address both these concerns, the Rate of Disposal Method can be applied to provide for two sets of judges: (a) Number of judges required to dispose of the existing backlog and (b) Number of judges required for ensuring that new filings are disposed of in a manner such that further backlog is not created.

It may not be out of context to briefly explain what constitutes "Rate of Disposal Method". Under the Rate of Disposal Method, one first looks at the current rate at which judges dispose of cases. Next one determines how many additional judges working at a similar level of efficiency would be required so that the number of disposals equals the number of institutions in any one year time frame. As long as the institution and disposal levels remain as they currently are, the Courts would need these many additional judges to keep pace with new filings in order to ensure that newly instituted cases do not add to the backlog.

Second, working with the current rate of disposal of cases per judge one is also required to look at how many judges would be required to dispose of the current backlog. Backlog, for the present, has been defined as those cases which have been pending in the system for more than a year.[30]

It has to be noted that in the past the Law Commission and other Committees have suggested that since the judges required to dispose of the backlog are needed only till the backlog is cleared, therefore short-term ad hoc appointments be made from

30 Though the analysis in this report uses 1 year as the time frame for determining whether a case is backlogged or not, this time period can be modified to suit the needs of different High Courts. The formula for analysis would remain the same.

amongst retired judges, for the purpose of clearing backlog[31]. Most recently, the National Vision Statement and Action Plan presented by the Law Minister in October 2009, also recommended that retired judges and eminent lawyers may be appointed as ad hoc judges for a period of one year for dealing with arrears[32]. However, as previous experiences with appointing ad hoc judges has shown, there are serious concerns about such appointments, especially the lack of accountability in the functioning and performance of ad-hoc judges, since these are short term appointments.

Further, even if ad hoc judges were to be appointed, additional infrastructure for these Courts would have to be created. Though the National Vision Statement recommended adopting a shift system to overcome the infrastructure problem[33], this proposal has been resisted by members of the Bar since it significantly increases their working hours.[34]

Significantly, the Central Government, the Conference of Chief Justices and Chief Ministers, and the Advisory Council of the National Mission for Justice Delivery and Legal Reforms, have all proposed the doubling of the current judge strength[35]. As per the

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31 See e.g., LAW C OMMISSION OF INDIA , 77th REPORT ON DELAY AND ARREARS IN TRIAL COURTS 35 (1978), at 9.13. A similar method has been recommended by in Annexure I of the Justice M J Rao Committee on Judicial Impact Assessment, for calculating the adequate Judge strength. Justice M.J. Rao Report, vol.2, (http://doj.gov.in/?q=node/121) Report of the Task Force on Judicial Impact Assessment, p. 49-52. The Justice Malimath Committee recommended the bifurcation of additional judicial strength into permanent judges required to dispose of current filings, and additional ad-hoc judges to deal with arrears. Malimath Committee Report, p. 164. See also Parliamentary Standing Committee on Home Affair, 85th Report on Law's Delays: Arrears in Courts 45 (2001) (advocating appointing ad hoc Judges to clear pendency within a three year time frame). See further 14th Law Commission Report, p. 148 (engaging in a similar analysis, the Law Commission recommended the creation of temporary additional Courts for dealing with cases over a year old, and augmenting the strength of the permanent judiciary so that disposals and institutions break even, and there is no new creation of arrears).

32 3.2 and 6.1 (i) Vision Statement presented by the Law Minister to the Chief Justice of India at the National Consultation for Strengthening the Judiciary towards Reducing Pendency and Delays, October 2009

33 6.1, id.

34 See Minutes of the Meeting of the Law/Home Secretaries and Finance Secretaries of States and Registrar Generals of High Courts on May 31, 2013.

35 A resolution on doubling the judge strength was passed at the Second Meeting of the Advisory Council of the National Mission for Justice Delivery and Legal Reforms, chaired by the Union Law Minister, on May 15, 2012. The resolution stated that, "The number of Judges/Courts may be increased to double the present number. But this may be done gradually in a period of 5 years." At the Chief Justices' and Chief Ministers' Conference, held on Aril 5-6, 2013, it was resolved that, "[i]n order to narrow down judge-population ratio, the Chief Justices will take requisite steps for creation of new posts of Judicial Officers at all levels with support staff and requisite infrastructure in terms of the judgments of the Hon'ble Supreme Court in the cases of All India Judges' Associations case (2002) 4 S.C.C. 247], Brij Mohan Lai vs. Union of India(2012) 6 S.C.C. 502 and letter dated 21st February, 2013, written by Hon'ble the Chief Justice of India to Hon'ble the Prime Minister of India, in order to provide effective, efficient and efficacious dispensation of justice." The decision to double the judge-population ratio was supported by the Prime Minister and the Law Minister in their speeches at the conference. Both assured that the Central Government would assist in securing additional funding for this purpose. See Speech by Prime

information supplied by the Department of Justice to the Law Commission indicate that consultations are currently underway between the Central Government, the State Governments, and the High Courts, on formulating memoranda to be presented to the 14th Finance Commission regarding funds required for doubling the judge strength. The Commission recommends that since this decision to double judge strength has already been taken, the judges required for disposing of the backlog can be drawn from the new recruitment itself. Once backlog is cleared, these judges can be deployed for disposing of freshly instituted cases, which will also increase over time.

Given the vast resources required to double the existing judge strength, the time that it will take to complete selection and training processes, and the funds and time required to create adequate infrastructure, the Commission is of the opinion that the Rate of Disposal Method should be used to indicate how many judges should be appointed on a priority basis for the interim period. Tables I-XII below, provide data for how many judges need to be hired to dispose of the backlog in one, two, or three years.[36]

The Rate of Disposal Method provides an approximation- a rough and ready calculation-based on current efficiency levels of the Subordinate Judiciary, of the adequate judge strength required to address the problem of backlog in the judicial system. The formula as proposed below has been evolved largely based on the data that the Commission could gather. With more precise data, the formula indicated below can be fine-tuned to provide a more exact estimation of the additional judges required. Keeping in view concerns expressed about other methods and other analysis as carried out here, the Commission is of the view that the method proposed here could provide a reasoned basis (as opposed to ad-hoc) for determining adequate judge strength.

Minister Dr. Manmohan Singh, at the Conference of Chief Justices and Chief Ministers, *at http://pib.nic.in/newsite/erelease.aspx?relid=94523; Speech by Law Minister Dr. Ashwini Kumar, at the Conference of Chief Justices and Chief Ministers, April 7, 2013, at http://pib.nic.in/newsite/erelease.aspx?relid=51882*

At a meeting of the Law/Home Secretaries and Finance Secretaries of States and Registrar Generals of High Courts on May 31, 2013 Shri Anil Gulati, Joint Secretary and Mission Director, Department of Justice, stated that the resolution of the Advisory Council of the National Mission for Justice Delivery and Legal Reforms, had been endorsed by the Advisory Committee of the National Court Management Systems, and by the Chief Justice of India in his letter addressed to the Chief Justices of High Courts in February, 2013. The representatives of the State Governments and High Courts were asked to draw up proposals regarding the financial implications of the resolution so that the same could be presented to the 14 th Finance Commission for provision of adequate funds.

36 It is pertinent to note that in R. L. Gupta v. Union of India, AIR 1988 SC 968, the Supreme Court had directed that all arrears in the Delhi Subordinate Judiciary should be disposed of within a period of 2 years.

The method is as below:-

1. The method aims at calculating the number of judges required in each cadre of Subordinate Court Judges, i.e., Higher Judicial Service, Civil Judge Senior Division and Civil Judge Junior Division. For evolving the method, a separate analysis of figures for institution, disposal and the working strength of judges in each of these three cadres from 2010 to end 2012 was carried out.

2. Disposals for one cadre of judges (e.g., Higher Judicial Service) is divided by the working strength of judges in that cadre. Working strength refers to sanctioned strength minus vacancies and deputations. This division gave the annual Rate of Disposal per judge in a cadre for each year from 2010 to 2012. The average of these annual rate of disposal figures gave the Average Rate of Disposal per judge in that cadre.

3. An average of the annual institutions before each cadre of judge for the years 2010-12 was taken[37]. The average institution was divided by the Average

37 The use of the average annual institution in the last three years as the basis for analyzing future demand for judicial resources bears explanation. Some High Courts provided us with data on institution, disposal and pendency for the last 10 years, i.e., from 2002-2012. However, we have decided to look at institutions only for the last three years. Given that the demand for judicial resources keeps changing depending on new laws being promulgated, changes in awareness of the law, changes in socio-economic conditions of society, etc, the recent data is a better predictor of what is likely to be the demand for judicial resources in the next plan period, than past data. For example, looking at the Higher Judicial Services in Jharkhand, the 10 year average annual institution from 2002-11 would suggest that we could expect 21452 fresh institutions in 2012. The actual institution was 26665. The difference between the actual institution and the predicted institution was therefore 5213 cases. On the other hand the average institution for the time period 2009-11 for the same cadre was 26996 as against the actual institution of 26665 for 2012. The difference was only 331 cases. The change occurs because the annual institution of cases before the Higher Judicial Services has risen in recent times. A 10 year average data pulls down the average because of the lower institution rates from 10 years ago. The vast changes in the normative field and social context mean that institution rates are not stable over long periods. The use of relatively old data thus becomes an unreliable measure for future forecast. Of course, even with the more recent data, the past demand is no guarantee of the future demand. However, other factors remaining constant, the past demand can be a useful tool for planning for the near future. If other factors
change, as for example, new laws are introduced or the pecuniary jurisdiction of a Court changes, additional resources would be required.
It is relevant to note that the data shows wide fluctuations in filing figures from one year to another such that no clear trend is discernable. For example, in the Delhi Higher Judicial Service, the institution of new cases increased by 18.4% from 2009 to 2010, by 4.3% from 2010 to 2011 and by 11.3 % from 2011 to 2012. In the Delhi Judicial Service the institution of new cases 4.8% from 2009 to 2010, 17% from 2010 to 2011, but fell by 25.2% in 2012. Another example of such fluctuations is seen in the data from Himachal Pradesh. Here in the cadre of Civil Judge Junior Division, the institution of new cases increased by 22.5% in 2010, 1.2% in 2011 and 35% in 2012. Such examples of wide fluctuations in the year on year data are present in almost all High Courts.

Rate of Disposal per judge for that cadre to give the number of judges required to keep pace with the current filings, and ensure that no new backlog is created. This figure has been described as : The Break Even Number.

4. Subtracting the current number of judges from the Break Even Number gives us the Additional Number of Judges required to ensure that the number of disposals would equal the number of institutions.

5. The backlog for a particular cadre of judges (defined as all cases pending before that cadre of judges for more than a year) was then divided by the rate of disposal for that type of judge. This gave the number of judges required to clear the backlog within a year. Dividing this number by 2 gives the number of judges rquired to clear the backlog in 2 years, and so forth.

Therefore, the formula for determining the **Additional Number of Judges for Breakeven** is represented as follows:

$$ARD = [D_{2010}/J_{2010})+(D_{2011}/J_{2011})+(D_{2012}/J_{2012})] / 3$$

$$BEJ=(AI/ARD)-J$$

Where,

BEJ= Additional No. of Judges required to Break Even

AI= Average Institution

ARD= Average Rate of Disposal

$\mathbf{D_{2010}, D_{2011}, D_{2012}}$= Annual Disposal for that year

$\mathbf{J_{2010}, J_{2011}, J_{2012}}$= Annual Working Strength of Judges for that year

J= Current Working Strength of Judges

(See Tables I to X below) For this reason any kind of trend analysis is difficult. Other methods for forecasting the demand for judicial resources like regression analysis have been forgone because the independent variables that affect the number of filings, like new laws coming into force, increase in awareness about laws and the social and economic context are difficult to predict, measure and define.

The average institution is an approximate measure of the likely institution in next few years. It should not be treated as the only yardstick, but should be constantly monitored to ensure that increases in annual institutions culminate in additional recruitment of judges. We have used figures for the last 3 years, i.e., 2010-12 because we have the most comprehensive dataset for this period for the highest number of Courts.

The formula for determining the **Number of Judges for disposing of Backlog** required to dispose of pending cases within a given time period is:

$$AJBk=(B/ARD)/t$$

Where,

AJBk= No. of Judges for disposing of Backlog

B= Backlog, defined as the number of cases pending for more than a year.

t= The time frame, in number of years, within which the backlog needs to be cleared.

Based on application for these formulae, the following tables were generated. These tables indicate the additional number of Subordinate Court Judges required to breakeven, and the number of Subordinate Court Judges required to clear the existing backlog for the High Courts of Andhra Pradesh, Bihar, Delhi, Gujarat, Himachal Pradesh, Jammu & Kashmir, Jharkhand, Karnataka, Kerala, Punjab & Haryana, Sikkim, and Uttarakhand.

Illustration:

The method can easily be illustrated with an example. Table I shows the rate of disposal analysis for the Andhra Pradesh Subordinate Courts. As this data shows, in 2010 Andhra Pradesh had 129 judges of the Higher Judicial Service who disposed of 109085 cases, at an average of 109085/129 = 845.6 cases per judge. Similarly, in 2011, 139 judges disposed of 111892 cases at an average of 111892/139 = 805 cases per judge; and in 2012, 136 judges disposed of 106997 cases at an average of 106997/136 = 786.7 cases per judge. On average, therefore, judges of the Higher Judicial Service disposed of (845.6+805+786.7)/3=812.4 cases per judge per year in this time period. This is the Average Rate of disposal per judge.

Now the average institution per year from 2010-2012 in the Higher Judicial Service cadre is (112209+112710+113250)/3=112723. If each judge is disposing of on average 812.4 cases per year, then the number of judge required to dispose of 112723 cases is 112723/812.4=138.7. This is the breakeven number, which implies that if there were 138.7 Higher Judicial Service judges then in any given time period, all new institutions would be disposed of without adding to the backlog. Since currently there are 136 judges of this cadre, there the need is 138.7-136=3 (rounding off to the higher number) additional judges to reach the breakeven number. The breakeven number deals with the current institutions.

There is also a huge backlog of cases. In the case of the Higher Judicial Service, 98072 matters are pending for more than a year, as on 31.12.2012. If one judge disposes of 812.4 cases per year on average, then system would need 98072/812.4 = 121 judges to dispose of all pending matters in one year, or 121/2=61 (after rounding off), or 121/3=41 (after rounding off) for disposing of all pending cases in 2 and 3 years respectively.

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The following tables apply the rate of Disposal Method to data on institutions, disposals and pendency supplied by 12 High Courts.

TABLE I: ANDHRA PRADESH SUBORDINATE COURTS											
	2010	**2011**	**2012**	**Average Institution**	**Average Rate of Disposal per Judge**	**Breakeven No.**	**Additional no. of Judges required to Breakeven**	**No. of cases pending > 1yr. On 31.12.2012**	**No. of Judges required for clearing backlog in**		
									1 year	**2 years**	**3 years**
HIGHER JUDICIAL SERVICE											
Institution	112137	112636	113167	112646.7	811.7	138.8	**3**	98072	**121**	**61**	**41**
Disposal	108972	111791	106924								
No. of Judges	129	139	136								
RoD	844.7	804.3	786.2								
SUBORDINATE JUDICIAL SERVICE											
Institution	345210	340657	338610	341492.3	592.1	576.7	**-20**	472656	**799**	**400**	**267**
Disposal	355249	357403	356698								
No. of Judges	600	609	597								
RoD	592.1	586.9	597.5								

TABLE II: BIHAR SUBORDINATE COURTS											
	2010	**2011**	**2012**	**Average Institution**	**Average Rate of Disposal per Judge**	**Breakeven No.**	**Additional no. of Judges required to Breakeven**	**No. of cases pending > 1yr. On 31.12.2012**	**No. of Judges required for clearing backlog in**		
									1 year	**2 years**	**3 years**
HIGHER JUDICIAL SERVICE											
Institution	67839	63367	71569	67591.7	199.2	339.3	**50**	184746	**928**	**464**	**310**
Disposal	73613	60378	59961								
No. of Judges	356	328	290								
RoD	206.8	184.1	206.8								
SUBORDINATE JUDICIAL SERVICE											
Institution	158113	158498	183773	166794.7	213.2	782.2	**164**	1038598	**4871**	**2436**	**1624**
Disposal	137583	125927	133575								
No. of Judges	624	619	619								
RoD	220.5	203.4	215.8								

TABLE III: DELHI SUBORDINATE COURTS											
	2010	2011	2012	Average Institution	Average Rate of Disposal per Judge	Breakeven No.	Additional no. of Judges required to Breakeven	No. of cases pending > 1yr. On 31.12.2012	No. of Judges required for clearing backlog in		
									1 year	2 years	3 years
HIGHER JUDICIAL SERVICE											
Institution	69631	72609	73883	72041.0	446.8	161.2	**-10**	45669	**103**	**52**	**35**
Disposal	77850	71949	71073								
No. of Judges	165	158	172								
RoD	471.8	455.4	413.2								
SUBORDINATE JUDICIAL SERVICE											
Institution	133655	129171	161981	141602.3	1115.9	126.9	**-130**	231452	**208**	**104**	**70**
Disposal	273922	301447	271171								
No. of Judges	226	279	257								
RoD	1212.0	1080.5	1055.1								

TABLE IV: GUJARAT SUBORDINATE COURTS											
	2010	**2011**	**2012**	**Average Institution**	**Average Rate of Disposal per Judge**	**Breakeven No.**	**Additional no. of Judges required to Breakeven**	**No. of cases pending > 1yr. On 31.12.2012**	**No. of Judges required for clearing backlog in**		
									1 year	**2 years**	**3 years**
HIGHER JUDICIAL SERVICE											
Institution	152663	149947	152041	151550.3	1053.1	143.9	**-31**	267853	**255**	**1282**	**85**
Disposal	161848	155290	169598								
No. of Judges	141	149	175								
RoD	1147.9	1042.2	969.1								
SUBORDINATE JUDICIAL SERVICE											
Institution	530434	367726	366585	421581.7	609.1	692.1	**-166**	1122354	**1843**	**922**	**615**
Disposal	541640	385527	384200								
No. of Judges	671	673	859								
RoD	807.2	572.8	447.3								

TABLE V: HIMACHAL PRADESH SUBORDINATE COURTS											
	2010	2011	2012	Average Institution	Average Rate of Disposal per Judge	Breakeven No.	Additional no. of Judges required to Breakeven	No. of cases pending > 1yr. On 31.12.2012	No. of Judges required for clearing backlog in		
									1 year	2 years	3 years
HIGHER JUDICIAL SERVICE											
Institution	30789	30591	32912	31430.7	1291.6	24.3	**0**	11477	**9**	**5**	**3**
Disposal	29913	29829	31815								
No. of Judges	24	22	25								
RoD	1246.4	1355.9	1272.6								
SUBORDINATE JUDICIAL SERVICE											
Institution	92379	99456	171699	121178.0	1339.0	90.5	**16**	85307	**64**	**32**	**22**
Disposal	84246	95473	125235								
No. of Judges	75	78	75								
RoD	1123.3	1224.0	1669.8								

TABLE VI: JAMMU AND KASHMIR JUDICIAL SERVICE											
	2010	2011	2012	Average Institution	Average Rate of Disposal per Judge	Breakeven No.	Additional no. of Judges required to Breakeven	No. of cases pending > 1yr. On 31.12.2012	No. of Judges required for clearing backlog in		
									1 year	2 years	3 years
HIGHER JUDICIAL SERVICE											
Institution	38675	53642	25327	39214.7	757.9	51.7	**2**	25152	**34**	**17**	**12**
Disposal	36275	49275	25994								
No. of Judges	45	52	50								
RoD	806.1	947.6	519.9								
SUBORDINATE JUDICIAL SERVICE											
Institution	130290	150082	160276	146882.7	1246.9	117.8	**-4**	83431	**67**	**34**	**23**
Disposal	123008	137873	167278								
No. of Judges	100	121	122								
RoD	1230.1	1139.4	1371.1								

TABLE VII: JHARKHAND SUBORDINATE COURTS											
	2010	**2011**	**2012**	**Average Institution**	**Average Rate of Disposal per Judge**	**Breakeven No.**	**Additional no. of Judges required to Breakeven**	**No. of cases pending > 1yr. On 31.12.2012**	**No. of Judges required for clearing backlog in**		
									1 year	**2 years**	**3 years**
HIGHER JUDICIAL SERVICE											
Institution	24372	29416	26363	26717.0	211.0	126.7	**17**	40603	**193**	**97**	**65**
Disposal	17755	17740	18072								
No. of Judges	63	95	110								
RoD	281.8	186.7	164.3								
SUBORDINATE JUDICIAL SERVICE											
Institution	88001	85485	90166	87884.0	328.2	267.8	**7**	187939	**573**	**287**	**191**
Disposal	75682	92130	101473								
No. of Judges	266	296	261								
RoD	284.5	311.3	388.8								

TABLE VIII: KARNATAKA SUBORDINATE COURTS											
	2010	2011	2012	Average Institution	Average Rate of Disposal per Judge	Breakeven No.	Additional no. of Judges required to Breakeven	No. of cases pending > 1yr. On 31.12.2012	No. of Judges required for clearing backlog in		
									1 year	2 years	3 years
HIGHER JUDICIAL SERVICE											
Institution	139780	141359	142910	141349.7	669.7	211.1	**22**	98970	**148**	**74**	**50**
Disposal	140325	143195	136334								
No. of Judges	217	222	190								
RoD	646.7	645.0	717.5								
SUBORDINATE JUDICIAL SERVICE											
Institution	513755	528117	593277	545049.7	998.8	545.7	**30**	657058	**658**	**329**	**220**
Disposal	500509	489463	562940								
No. of Judges	522	517	516								
RoD	958.8	946.7	1091.0								

TABLE IX: KERALA SUBORDINATE COURTS											
	2010	**2011**	**2012**	**Average Institution**	**Average Rate of Disposal per Judge**	**Breakeven No.**	**Additional no. of Judges required to Breakeven**	**No. of cases pending > 1yr. On 31.12.2012**	**No. of Judges required for clearing backlog in**		
									1 year	**2 years**	**3 years**
HIGHER JUDICIAL SERVICE											
Institution	136551	149246	156335	147377.3	1215.0	121.3	**-6**	152175	**126**	**63**	**42**
Disposal	138189	140916	145905								
No. of Judges	114	109	128								
RoD	1212.2	1292.8	1139.9								
SUBORDINATE JUDICIAL SERVICE											
Institution	774244	678137	842578	764986.3	2696.0	283.7	**25**	459911	**171**	**86**	**57**
Disposal	786216	648392	695006								
No. of Judges	271	259	259								
RoD	2901.2	2503.4	2683.4								

TABLE X: PUNJAB SUBORDINATE COURTS											
									No. of Judges required for clearing backlog in		
	2010	**2011**	**2012**	**Average Institution**	**Average Rate of Disposal per Judge**	**Breakeven No.**	**Additional no. of Judges required to Breakeven**	**No. of cases pending > 1yr. On 31.12.2012**	**1 year**	**2 years**	**3 years**
HIGHER JUDICIAL SERVICE											
Institution	70232	82091	124820	92381.0	937.4	98.6	**6**	43769	**47**	**24**	**16**
Disposal	62651	82398	117148								
No. of Judges	87	99	93								
RoD	720.1	832.3	1259.7								
SUBORDINATE JUDICIAL SERVICE											
Institution	228420	314076	281114	274536.7	1097.9	250.1	**-71**	252973	**231**	**116**	**77**
Disposal	236408	337256	303011								
No. of Judges	217	267	322								
RoD	1089.4	1263.1	941.0								
HARYANA SUBORDINATE COURTS											
HIGHER JUDICIAL SERVICE											
Institution	98499	117315	94335	103383.0	964.2	107.2	**-2**	54041	**56**	**28**	**19**
Disposal	86136	102806	85270								
No. of Judges	98	83	110								
RoD	878.9	1238.6	775.2								
SUBORDINATE JUDICIAL SERVICE											

Institution	182591	241851	393333	272591.7	1179.1	231.2	**-56**	252736	**215**	**108**	**72**
Disposal	193941	258395	396988								
No. of Judges	173	249	288								
RoD	1121.0	1037.7	1378.4								
CHANDIGARH SUBORDINATE COURTS											
HIGHER JUDICIAL SERVICE											
Institution	5162	6131	6569	5954.0	992.1	6.0	**1**	4646	**5**	**3**	**2**
Disposal	4363	6293	7202								
No. of Judges	6	6	6								
RoD	727.2	1048.8	1200.3								
SUBORDINATE JUDICIAL SERVICE											
Institution	21027	67805	39220	42684.0	3952.0	10.8	**-3**	23923	**7**	**3**	**2**
Disposal	32482	86792	46710								
No. of Judges	14	14	14								
RoD	2320.1	6199.4	3336.4								

TABLE XI: SIKKIM SUBORDINATE COURTS											
	2010	2011	2012	Average Institution	Average Rate of Disposal per Judge	Breakeven No.	Additional no. of Judges required to Breakeven	No. of cases pending > 1yr. On 31.12.2012	No. of Judges required for clearing backlog in		
									1 year	2 years	3 years
HIGHER JUDICIAL SERVICE											
Institution	1643	1670	1459	1590.7	304.8	5.2	**2**	243	**1**	**1**	**1**
Disposal	1551	1565	1580								
No. of Judges	6	6	4								
RoD	258.5	260.8	395.0								
SUBORDINATE JUDICIAL SERVICE											
Institution	1583	1832	1867	1760.7	475.1	3.7	**-2**	216	**1**	**1**	**1**
Disposal	1540	1808	1855								
No. of Judges	3	3	6								
RoD	513.3	602.7	309.2								

TABLE XII: UTTARAKHAND SUBORDINATE COURTS											
	2010	**2011**	**2012**	**Average Institution**	**Average Rate of Disposal per Judge**	**Breakeven No.**	**Additional no. of Judges required to Breakeven**	**No. of cases pending > 1yr. On 31.12.2012**	**No. of Judges required for clearing backlog in**		
									1 year	**2 years**	**3 years**
HIGHER JUDICIAL SERVICE											
Institution	26416	22755	23949	24373.3	675.1	36.1	**-5**	14061	**21**	**11**	**7**
Disposal	28422	24843	23444								
No. of Judges	33	41	42								
RoD	861.3	605.9	558.2								
SUBORDINATE JUDICIAL SERVICE											
Institution	150241	103904	115272	123139.0	1118.8	110.1	**3**	87419	**79**	**40**	**26**
Disposal	109115	107590	113439								
No. of Judges	96	92	108								
RoD	1136.6	1169.5	1050.4								

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Appendix -S

Report of the Working Group
for the
Twelfth Five Year Plan
(2012-2017)
SEPTEMBER, 2011

Department of Justice

Ministry of Law & Justice

Government of India

Identification of major issues affecting performance of the sector

7. Some of the significant factors affecting the performance of the sector as identified by the Working Group are as follows:-

i. ….....The system of multiple appeals and revisions, numerous interim and interlocutory applications, indiscriminate adjournments contribute to the cost of litigation and delay.

ii. In the decade between 1999 and 2010, the total institution of cases had gone up by 66% and disposal by 71% in the High Courts, and in the Subordinate Courts by 33% and 35% respectively. Docket explosion combined with inability of the courts to ensure speedy disposal have led to the current scenario of over 3.2 crore cases pending in various High Courts and Subordinate Courts.

iii. The cost of litigation has increasingly become prohibitive, shutting the doors of justice to large sections of the society, especially the weaker and the marginalized sections. Judicial system has become more advocate centric than litigant centric. The alienation of people from the system is further exacerbated by their lack of awareness of their rights, entitlements and processes to redress grievances. The Legal Services Authorities are unable to serve the needs of the people, both in terms of numbers of people that require assistance and in terms of the quality of legal services rendered due to structural constraints.

iv. Government litigation has gone up significantly, a situation attributed to the attitude of the Government Departments - "Courts may decide". State has criminalized number of activities, which are not per se criminal leading to petty and ineffective cases clogging dockets of the courts to the extent of 30% to 40% of the total cases.

v. Filling up of the vacancies in different courts is not prompt and often takes years, adversely impacting pendency and justice delivery. About 3000 vacancies of Subordinate Courts, where common people go for justice, is a reason for concern.

vi. Adequate and comprehensive performance standards at court levels do not exist, or if they exist, they are not uniform across the Courts.

vii. Judges are over-burdened with administrative work, and are not able to concentrate on justice delivery.

viii. Assessment of the requirement of Judges‟ strength for justice delivery is ad-hoc. It is imperative to introduce a national vision for systematically assessing the ways in which the existing judicial system will bear the burden of increasing

litigation. With increasing litigation, and the growth and development of the economy, judicial delays do not augur well for investment flow into the country. Smooth and effective access to justice is an indication of overall quality of governance. Reliable quantitative and qualitative data for analysis is a must.

ix. Policy making cannot continue to be ad-hoc. Research and evidence-based policy making in the field of justice delivery is the need of the hour.

x. Human resource development is an area which needs increased focus, including strengthening the research capacities of judicial academies. There is a glaring lack of skill-based training to the court staff also.

xi. Last but not the least, is the meager allocation to the judiciary by the States and the Central Government in Plan allocations resulting in slow modernization of the judicial infrastructure especially of the Subordinate courts.

Suggestions for improvement

8. Deliberations in the Sub-Groups have produced some very valuable recommendations to tackle the issues that were identified as above. While some were policy issues that need to be addressed both by Courts and the Government, others were actionable points that could be implemented immediately. Major recommendations briefly are:

a) Given that the current Judge-population ratio of 10.5 judges per 10 lakh people, there is an urgent need to increase the number of Judges and Courts in a phased manner.

b) All India Judicial service must be introduced and appropriate mechanisms evolved for recruitment.

c) While judges strength need to be increased, non-utilization of even the existing strength is a cause for concern and alternate ways from existing procedures for appointment need to be devised.

d) Infrastructural development of Courts needs urgent attention. Judicial infrastructure is a crucial component, which had been ignored for a long time, especially in respect of Subordinate Courts. It is the responsibility of both the Central Government and State Governments to treat this as an area of prime concern to improve justice delivery.

e) National and State Litigation Policy should strive to reduce the Government litigation to save public time, energy and money, and to reduce the pendency in the Courts.

f) Pre-litigation and Alternate Dispute Resolution systems must be strengthened to help the poor and the marginalized to escape high litigation costs. Care must, however, be taken to ensure that these systems are fair and just, and that the people participate in them

voluntarily. They should not become a way to exclude the poor from the formal justice delivery mechanisms. An institution should be set up at the central level to set standards and issue standardized guidelines for ADR, monitoring the implementation of these and ensuring that ADR remains a fair process of delivering justice.

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17. The 12th Plan proposals have aimed to strengthen some of the ongoing initiatives including follow up activities in certain programmes like the E-court project and some new initiatives are based on the recommendations and deliberations in the Working group. It has been noted that components funded by the 13th Finance Commission have taken care of some of the recommendations of the Working group with regard to strengthening of ADR mechanisms, reduction in arrears, appointment of Court managers, human resource development and training including training of prosecutors. However faculty development and research capacity development in State Judicial academies remain an area of concern and a glaring gap in judicial education as observed by the Working Group. The model court project to some extent will address this issue in some States. Highlights of 12th Plan proposal are as under while detailed proposals follow:

- Two major thrusts are suggested under the National Mission which will have a field level impact namely a Mission mode programme for infrastructure development of the subordinate judiciary through the modified CSS approved by Government recently. The available estimates of requirements by States will be firmed up when detailed proposals are received from the States. Monitoring by the Supreme Court of India has led to a better appreciation of the problems of the judiciary at District and Taluk level by the States and the focused attention would assist in the successful implementation of the programme. The Mission will also prepare guidelines for eco friendly and people friendly designing and retrofit solutions.

The functioning of courts, as is true of any other organ of the Government is a complex process and no single quick fix solution can be prescribed. Taking in to account the various issues, a “model Court “ approach is proposed to be piloted in the 12th Plan where issues affecting courts at the grass roots level are addressed in a comprehensive manner including modernization of them.

- Several reform initiatives also are to be implemented and funded through the Action Plan .of the Mission. Strengthening of policy and research capacity of the Department of Justice is needed. Hence a Policy unit is proposed.

- Action research is to be undertaken on several subjects and under the Mission these will be initiated for policy making, and programming court management on issues suggested by Courts.

- To manage the various programmes especially infrastructural development programmes, model courts and other reform initiatives, a Programme monitoring unit in each State is proposed to liaise between judiciary and executive. The interaction between judiciary and executive is not frequent in view of their functional requirements, and this has impeded project delivery in the past.

- The Supreme Court while advising Government on the Policy for ICT enablement of Courts have suggested a phased approach to ICT development. A major chunk of providing hardware and software to 12000 courts will be completed by 2012 in the first phase of the project. Completion for remaining 2000 plus courts including new courts, and implementation of second phase will be taken up in the 12th Plan through various components like videoconferencing facility for jails, digitization, SMS based services, touch screen kiosks, biometrics for courts, audio-video recording, etc.

- Increasing number of Courts with the aim improving access to the common man is the need of the hour. Gram Nyayalayas with their provisions for summary disposal of cases, mobile courts, etc will fulfill the needs to some extent and therefore, proposal for establishment of these with higher central share.

- Access to Justice Project with UNDP assistance has provided the Department of Justice insights in to field issues and have forged links with institutions and departments in both GOI and States which deal with issues of the marginalized. The project with UNDP assistance in 7 UNDAF States and implementation of similar approaches in North and East and J&K with Government of India funding is proposed.

Plan Schemes in detail

I. National Mission for Justice Delivery and Legal Reforms

The Government having approved, in principle, the setting up of a National Mission for Justice Delivery and Legal Reforms in 2009, has decided in June 2011 to operationalise the same to ensure a well-coordinated response of the executive and the judiciary for speeding up delivery of justice in the country and to reduce the delay in the disposal of cases by the courts. At the same time, the National Mission will work towards ensuring that the quality of justice imparted to the citizens is maintained at the desired high levels providing access to justice for the marginalized section of the society.

The National Mission would focus on two major goals as envisaged in the Vision document 2009, namely : (i) increasing access by reducing delays and arrears in the system, and (ii) enhancing accountability through structural changes and by setting performance standards and capacities.

Five strategic initiatives proposed under the Mission are Policy and Legislative changes, re-engineering procedures and alternate methods of Dispute Resolution, Human Resource Development, leveraging ICT for better justice delivery and improved Infrastructure for district and subordinate judiciary. The National Mission period coinciding almost with the 12th Plan provides a platform for addressing some of the factors affecting performance of the judiciary in effective justice delivery.

I (a) National Mission – Action Plan implementation

(i) The tentative Action Plan of the National Mission, inter-alia, covers policy and legislative changes such as All India Judicial Service, Litigation Policy, Judicial Impact Assessment, Amendment in N.I. Act and Arbitration & Conciliation Act, Legal Education Reforms, etc., Re-engineering procedures and alternate methods of Dispute Resolution such as identification of bottlenecks, procedural changes in court processes, statutory amendments to reduce and disincentivise delays, Fast tracking of procedures, appointment of court managers and Alternate Dispute Resolution, etc. and Focus on Human Resource Development such strengthening State Judicial Academies, Training of Public Prosecutors and strengthening National Judicial Academy and Training of

mediators, leveraging ICT for better justice delivery such as implementation of E-courts project, integration of ICT in the judiciary and use in criminal justice delivery and creation of National Arrears Grid. The tentative action plan will be further reviewed and finalised by the Advisory Council and Governing Council.

A provision of Rs. 30 crore during the 12th Five Year Plan Period may be provided for undertaking various initiatives under the Action plan.

(ii) For effective implementation of various initiatives to be undertaken by the National Mission, close monitoring of the activities in the States / UTs and liaison between the State Government and the High Courts is necessary. For this purpose, Project Monitoring Units (PMUs) may be set up in all the States and the UTs. The PMU may comprise of a Programme Monitoring Officer, a Liaison officer (technical) with one or two support staff – a lump sum amount will be paid to States who may hire staff and may also like to reinforce it with their own funds. The PMU would also monitor the activities relating to setting up of the Model Courts. In the 10 States where Model Courts are set up, the PMU will be supported with additional staff to liaise with the State High Courts and the National Project Team of the Model Court Project functioning under the National Mission. These additional people will include one senior M & E officer and one data entry operator. The PMU will also liaison with the Court Managers that have been / would be appointed in the High Courts and Subordinate Courts as per the recommendations of the Thirteenth Finance Commission. The PMU will also monitor the activities relating to setting up of the Model Courts. The PMU will also send periodical reports of the progress in these areas to the Department of Justice.

In order to provide for the payment of consolidated remuneration over a period of 5 years, recurring office expenses and the one-time expenses on setting up of the PMU, an expenditure of Rs. 2.00 crore per State / UT has been estimated (Rs. 1.30 crore towards payment of consolidated remuneration, Rs. 0.60 crore towards recurring office expenses and Rs. 0.10 crore towards setting up of PMU). An additional sum of Rs. 5.00 crores shall be required for additional staff in the 10 States that house the model courts. Thus, a provision of around Rs. 75 crore may be made during the 12th Five Year Plan period.

(iii) The Working Group has clearly identified the need for strengthening research and

policy capacities of the Department of Justice. Judicial statistics is also to be analysed for policy making. Analysis of the data received is useful in identifying trends of institution/disposal, the nature of cases clogging the courts so that adequate reform measures could be put in place to achieve the desired results. The analysis would also enable the Department to evaluate the functioning of the respective courts, identification of areas where special attention is to be paid and also the weak points in the existing statutes.

Whenever any legislation is enacted either by the Parliament or the State Legislature, it gives rise to additional litigation putting extra burden on the courts to adjudicate the cases arising out of the legislation. At present, there is no system to assess the extra workload on the courts that would be generated due to a legislation and the requirement of judges / judicial officers / court staff and the physical infrastructure necessary to handle the additional litigation. The Task Force constituted in pursuance of the directions of the Hon'ble Supreme Court in Salem Advocates Bar Association case recommended that the Government must estimate the requirement of funds for adjudication of additional cases generated due to a new legislation and make adequate budgetary provision for the same. It has been recommended that a financial memorandum indicating the requirement of funds for dealing with the cases arising out of the proposed legislation should be appended to the Bill. The recommendations of the Task Force are under consideration. The Research and Policy Unit may undertake appropriate studies / research in the field of Judicial Impact Assessment in order to arrive at a conscious decision for implementation of the same in India.

Also, in collaboration with the Law Commission, there is a need for review of important judgements of the higher courts to consider their social and judicial impact. Efforts have also to be made to take policy decisions for implication of laws before much harm is done like in the case of Section 138 of the Negotiable Instruments Act.

A Judicial Policy and Research Unit consisting of professionals such as a retired judicial officers/ legal expert, a policy analyst, monitoring and evaluation expert and research staff is proposed. Staff for statistical work will be diverted from the existing monitoring unit of the Department.

In order to provide for the payment of consolidated remuneration over a period of 5 years, an expenditure of Rs. 5 crore has been estimated. This includes Rs. 5 crore for

consolidated remuneration of the personnel of the Judicial Policy and Research Unit. The recurring office expenses may be subsumed in the expenditure of National Mission. A Wing therefore for research and policy may be created and a provision of Rs. 5 crore may be provided over the 12th Plan period.

Thus, a provision of Rs. 110.00 crore during the 12th Five Year Plan Period may be made for the above initiatives.

I (b) <u>Mission Mode programme for development of infrastructure facilities for subordinate judiciary</u>

Inadequacy of infrastructure facilities in District and Subordinate courts has remained a major bottleneck in the judicial system largely contributing to the accumulation of arrears. In order to augment the resources of the State Governments for development of infrastructure facilities for the judiciary a Centrally Sponsored Scheme (CSS) has remained in operation since 1993-94. The allocation provided under CSS so far has been highly inadequate and disproportionate to the needs of judiciary. To illustrate the point during 11th Five year Plan, Rs. 701.08 crore only has been allocated which comes to an average of a meagre Rs. 20.00 crore for 5 years (approx) each for 35 States/UTs. A fresh assessment of requirement of infrastructure for subordinate courts revealed that funds to the tune of Rs.7346 crore were needed.

The matter of development of infrastructure of the subordinate courts is also being regularly reviewed in the Supreme Court in the Interlocutory Application No. 279/2010 in Writ Petition (C) No. 1022/1989 in All India Judges' Association & Ors. Vs. Union of India & Ors. A strong monitoring mechanism has been set up by formation of Monitoring Committees at Central, State and District level. Since the State Governments have been adequately sensitised to the need for development of judicial infrastructure, an adequate provision in the budget for the purpose would provide a much needed impetus to the growth of judicial infrastructure.

Keeping this in view, infrastructure development for the subordinate judiciary will be a major thrust area of the National Mission. With a view to enhancing the resources of the State Governments, the Government has increased the central share by revising the funding pattern from 50:50 to 75:25 (for States other than North Eastern

States) under modified Centrally Sponsored Scheme for development of infrastructure facilities for the judiciary from the year 2011-12 onwards. The funding pattern for North-Eastern States is 90:10. The modified Centrally Sponsored Scheme which would cover subordinate courts only will be implemented by the National Mission for Justice Delivery and Legal Reforms.

Based on tentatively estimated requirements and funding pattern of 75:25 (90:10 for NE States), Central grant of the order of Rs. 5510 crore would be required. However, an amount of Rs. 542.90 crore has been provided during 2011-12. Therefore, around Rs. 5000 crore would need to be released during Twelfth Five Year Plan period to the States to support improvement in infrastructure for subordinate judiciary.

In order to make the mission a success, the States will be asked to adopt a projectised approach for execution and monitoring of the construction works and send their information on the ongoing projects and the new projects to be taken up alongwith the year-wise financial estimates. A set of guidelines on eco-friendly and people friendly designs and retrofit options will be prepared by the National Mission.

Under the scheme of Family Courts, grant is separately provided for construction of court building and residential accommodation for the presiding officer of the Family Court. Grant is provided to the extent of 50% of the cost of construction subject to a ceiling of Rs. 10 lakh per court. Family Courts can be run in the Courts at District and Taluka level for which grant is already being provided under the existing Centrally Sponsored Scheme for development of infrastructure facilities for the judiciary. There does not seem to be any need for releasing grant for Family Courts under a separate scheme. Thus, the existing scheme for release of grant for construction of Family Court building may be discontinued and grant for this purpose may be included in the Mission Mode programme for development of infrastructure facilities for subordinate judiciary.

The Planning Commission in its Approach Paper for the 12th Five Year Plan has suggested that the Centrally Sponsored Schemes to be taken up in future should provide for 100% Central assistance. This would, in fact, motivate the State Governments for efficient execution of the programmes as their financial liability will reduce. Since development of infrastructure is a major thrust area, the existing Centrally Sponsored Scheme may be modified to provide for 100% Central Assistance. However, the States

should be made accountable for effective execution of the scheme by insisting that they send their proposals indicating the ongoing and new construction works alongwith the cost estimates for a particular financial year in the month of October preceding the relevant financial year giving the status of the construction projects for which the States received grants in the preceding yearon the basis of the perspective plan prepared for five years..

I (c) <u>Setting up of Model Courts</u>

The Vision Statement and Action Plan adopted in the National Consultation for strengthening the judiciary towards reducing pendency and delays held by the Department on 24-25 October, 2009 clearly recognises that "Ultimately, an efficient legal and judicial system which delivers quick and quality justice reinforces the confidence of people in the rule of law, facilitates investment and production of wealth, enables better distributive justice, promotes basic human rights and enhances accountability and democratic governance." To cover the gaps in the existing schemes and policies and with a view to demonstrate change in a scenario where end to end needs of judicial reform are met, it is proposed to implement a pilot Project in 100 select subordinate (Model) courts. This will imply that not only court rooms but select court premises are made IT enabled to allow e-flow of information from filing of a case to pronouncement of a judgment. Not only judicial officers, but the entire court staff is trained to impact service delivery. Court and case management principles shall be adopted in these courts that adhere to pre-decided timelines that are also shared with the lawyers in advance. Judicial academies are supported not just with funds for training, but also to develop research abilities and retain permanent and competent faculty. An innovative experiment is also proposed to be supported in a select Union Territory to implement an end to end criminal justice reform ensuring that the police, prosecution, judiciary and prisons work to their best of ability.

10 High Courts with the highest pendency level of cases will be selected and 10 subordinate courts under these High Courts would be selected in such a manner that they cover a variety of issues ranging from matrimonial, negotiable instruments, property and inheritance, criminal etc. The courts and districts would be selected in such a manner that they represent the well administered courts as well as those that are in the maximum need of assistance.

The Department requires funds to the tune of Rs. 130 crores to pilot these model courts with a view to programme and plan future directions of judicial reform in the country. The National Mission and Directorate will implement this Project with a dedicated project team created for this purpose. The details of the proposed activities proposed to be undertaken are provided below:

Activities

(i) For Identifying and addressing root causes of delay in the disposal of cases by the subordinate judiciary a study would be undertaken to identify the possible causes of delay in select subordinate courts and suggest ways to check this. Looking at comparable international good practices, the study will suggest strategies to deal with the delays.

(ii) Improvement in the case flow systems and record management at the subordinate court level:

(ii) (a) E-justice: IT systems would be introduced in the Model Courts, which will enable the citizens to litigate a dispute through electronic means. A software will be developed in order to cater to the following

a. Workload balancing,
b. File tracking,
c. Document management,
d. Exhibit management and
e. Enabling e-litigation including e-filing, e-payment of Court Fees, e-notarisation of the e-documents to be filed in courts etc.

(ii) (b) SMS information system: This system will enable the litigants and lawyers to receive SMS with information regarding the cases filed, such as the next date of hearing, the present status of the case and objections, if any, raised by the court registry regarding the plaint filed by them.

(ii) (c) Data Management Systems: The details regarding the existing active cases and the new cases will be filed directly online on the software developed for this purpose. An interface of the data management system would be available with the judges who will get all information pertaining to the case on their monitors. In the event, a case has been

pending in the court for more than 3 years, the system will itself generate warnings to enable the judge to fix a shorter duration for the next hearing. Further, the system will also keep track of the adjournment sought by the parties and inform the judges accordingly. All the tracked information will become part of the arrears grid so that it can be used to either adequately train or warn the judges, as suitable. This system will also require developing timeliness standards and judging the disposal rate against these standards.

(ii) (d) Physical Record Management: The Project will aim at improving the case management systems by migrating the active paper files to a newly created e-record system by scanning the physical files of the existing cases. However, till the time the paper files are migrated to the new system, the Model Courts may be provided with file packaging equipments such as bar codes/radio frequency identification tags.

(ii) (e) IT changes for trial hearings and establishing linkages: The Project will aim at introducing the Supreme Court mandated electronic recording systems through feasibility designs and phased rollout of optimal courtroom audio and video systems to accelerate trial management. IT systems will also be used to establish linkages between the courts, prisons, police stations and Legal Services Authorities to ensure that those in custody have access to legal aid and courts without fail

(ii) (f) Judicial Collaboration mechanisms: The Project will help generate momentum for enhanced judicial productivity in the subordinate courts by supporting judicial collaboration mechanisms in the form of participatory meetings comprising the higher and the subordinate judiciary. This will enable the subordinate courts to develop and monitor time standards supported by trained staff and to optimize use of delay and backlog reduction techniques to meet the timeliness standards.

(iii) Reforms in the court administration:

It is proposed to reform the court administration through a clear division of work between judicial and non-judicial staff as well through upgrading of skills and competencies in court administration and management in collaboration with the State Judicial Academies.

(iii) (a) Skill development in time management: This sub-component will seek to train the judicial officers and/or court managers (where they exist) in time management techniques. The cooperation of the bar will be sought in setting agreed timelines at the beginning of a trial, which must be adhered to by the concerned parties.

(iii) (b) Skill development of non-judicial staff (including court managers) in court management: Training will be provided with a view to

a. reduce the administrative burden on the subordinate court judges to enable them to concentrate on reducing the backlog and pending cases;

b. enable them to use the information systems developed for the Model Courts; and

c. upgrade their skill and competence in budgeting, financial management, and human resource development to maximise the effectiveness of available human and financial resources allocated to the Model Courts.

(iv) A Pilot on Criminal Justice System reform in one Union Territory:

It is proposed that one pilot be run involving the entire criminal justice system to demonstrate result when all the institutions function to the best of their ability. The pilot will cover the police, prison, prosecution and judiciary in a selected Union Territory. It will implement reform measures suggested by various Commissions and Committees on police, prison, prosecution and judiciary. Other reform measures like using ICT, improved training etc. will also be implemented.

(v) Project Team and Administrative Costs: This Project will require a separate project Team comprising a Project Manager, Project Officer, 2 M & E officers and 2-3 assistants. Administrative Costs of maintaining an office, travelling for M & E and other purposes will also be required.

Financial Implication:

S. No.	Activity		Approximate Cost (In Rs Cr.)
1	Identifying and addressing root causes of delay in the disposal of cases by the subordinate judiciary		1.00
2	Improvement in the case flow systems and record management at the subordinate court level:	E-justice	100.00
		SMS information system	
		Data Management Systems	
		Physical Record Management	
		IT changes for trial hearings and establishing linkages	
		Computerisation of the Offices of the Public Prosecutors in select model courts	
		Judicial Collaboration mechanisms	
3	Reforms in the court administration	Skill development in time management	4.00
		Skill development of non-judicial staff (including court managers) in court management	
4	A Pilot on Criminal Justice System reform in one Union Territory		20.00
5	Project Team and Administrative Costs		5.00
		Total	**130.00**

I (d) Action Research and Studies on Judicial Reforms

In order to assess the effectiveness of the judicial reform measures already taken and to assess the feasibility of introducing various other such measures, it is imperative that a mechanism for studying the feasibility, effectiveness and impact of various judicial reform measures is put in place. Many areas of studies have been identified by the Working Group for the first time. Additionally Advisory council of the National Mission for the Justice Delivery and Legal reforms recently setup may like to suggest some important areas of studies during the course of finalising action plan for the Mission.

Action Research for policy initiatives and judicial reforms measures, effect of pendency reduction drives, impact of grants provided by the Thirteenth Finance Commission, etc. could be carried out. The studies recommended by the National Mission for Justice Delivery and Legal Reforms may also be conducted.

The studies that may be commissioned & could be carried out through organisations like Indian Institute of Public Administration, Administrative Staff College of India, Indian Institute of Management, Indian Law Institute, National Law University, National Council for Applied Economic Research, National Judicial Academy and by jurists and members of various law faculties.

A scheme for Study of Judicial Reforms and Assessment Status is being implemented by the Department of Justice. The scheme was approved during April 2009 for implementation during Eleventh Five Year Plan period for the purpose of carrying out studies on various judicial reforms measures, organising conferences and providing support on pilot basis for legal aid training for mediators and conciliators. The term of the scheme will end with the close of the current financial year. As the need for continuing the Action Research and Studies highlighted above is felt, the scheme may be continued during the 12th Five Year Plan Period as an activity of the National Mission for Judicial Reforms and Assessment Status.

A provision of Rs. 35 crore during the 12th Five Year Plan Period may be made for this initiative.

II E-courts Mission Mode Project

The Government of India had approved the eCourts Mission Mode project-computerisation of district and subordinate courts in the country and for up gradation of ICT infrastructure of the higher courts at a cost of Rs.441.8 Cr in February, 2007 which was revised in September 2010 to Rs. 935 Cr. The reason for the increase in cost was due to increase in number of court complexes and courts, increase in rates of products and services, expansion of scope and addition of new items. The project now covers 14249

Courts from 13348 District and subordinate courts in 3069 Court Complexes. The Phase I has been planned to be implemented in two stages, Stage I- Till 31 March, 2012, ICT enablement 2100 court complexes covering 12000 courts with an approved funding of Rs. 545 Cr, Stage 2 – from 1st April 2012 to 31st March 2014, ICT enablement 969 court complexes covering 2249 courts with an approved funding of Rs. 390 Cr.

The department of Justice is the budget holder and in charge of the overall implementation of the project. It performs regular monitoring of the project; Secretary Justice is the Mission Leader. NIC is the implementing agency of the project and coordinates with the High Courts. An Empowered committee has been constituted to provide strategic direction and guidance on to the project and financial matters within overall approval granted by the Cabinet including re-allocation of funds within various project components. E-Committee provides requirements of the Judiciary to DoJ and NIC with regard to the software and its customization.

Activities planned under the 12th Five year plan

S. No.	Activity	Timelines (in years)	Approximate Cost (In Rs Cr.)
1	eCourts MMP for FY 12-14 (Already Approved)	2	390
2	Computerization of 1000 new Courts	2	80
3	Use of Solar energy under eCourts Project	3	35
4	Computerisation of the Public Prosecutors Office	3	20
5	Videoconferencing facility for Jails	1	10
6	Enhancement of ICT infrastructure at Subordinate Courts	3	150
7	Digitization of old case records	5	750
8	Computerisation of Judicial libraries	3	50
9	Up gradation of application software	1	10
10	SMS Based Services	1	5
11	Touch Screen Kiosks	2	10
12	Biometrics for courts	2	10
13	Audio Video recording	2	150
	TOTAL		1670

III Assistance to State Governments for Establishing and Operating Gram Nyayalayas in the country

Law Commission of India on 31st July, 1987 submitted its 120th report on "Manpower Planning in Judiciary" in which it compared India"s judge-population ratio vis-à-vis developed countries and found that the ratio in India is 10.5 judges per million people (lowest in the world) as compared to 41.6 per million people in Australia, 75.2 per million people in Canada, 50.9 per million people in United Kingdom and 107 per million people in United States of America (which was three times less populated than India in 1981 had 25,037 judges as compared to India's total judge strength of 7,675 at that time).

To strengthen and complement the existing system of courts, a new tier of courts has been provided under the Gram Nyayalayas Act, 2008 at the grass roots level for the purpose of providing speedy and inexpensive access to justice to the citizens at their door steps. The Gram Nyayalayas Act has been brought into force w.e.f. October 2, 2009.

The setting up of Gram Nyayalayas is an important measure to reduce arrears. The Gram Nyayalayas are likely to reduce pendency of cases in subordinate courts to a great extent and also to take care of the new litigations in specified areas.

Under the existing scheme the Central assistance has been provided for setting up Gram Nyayalayas for every Panchayat at intermediate level or a group of contiguous Panchayats at intermediate level in a district or where there is no Panchayat at intermediate level in any State, for a group of contiguous Gram Panchayats. The Government provides assistance to State Governments for establishment of Gram Nyayalayas (Rs. 18 lakhs / court) and Rs. 3.20 lakhs per court per annum for the first 3 years towards recurring expenses. The requirement of funds for these Gram Nyayalayas at the existing approved rates was worked out as Rs. 1398.50 crore for around 5000 Gram Nyayalayas.

It may be mentioned that in the discussions with the States prior to the enactment of the Gram Nyayalayas Act, the States wanted the Central Government to extend full central support for establishing these courts. During a series of regional meetings with

the States and the High Courts that were chaired by Hon'ble Minister of Law and Justice, the States had mentioned about the inadequate rate of central assistance for the Gram Nyayalayas and had sought enhancement of the rates. The States had expressed their readiness to set up Gram Nyayalayas if the rate of central assistance provided to them is enhanced. The States like Uttar Pradesh, Andhra Pradesh, Haryana, Himachal Pradesh, Jharkhand, Maharashtra, Kerala, Gujarat, Karnataka and Chhattisgarh had expressed their willingness to set up more Gram Nyayalayas in their respective States soon.

It may be noted that the norms at which central assistance is being provided to the States, both for non-recurring and recurring expenditure for establishing and operating the Gram Nyayalayas, were formulated quite some time back when the Gram Nyayalayas Bill was being drafted in the Legislative Department. Not only have the costs increased over the period, the salaries of Judicial Officers have also undergone substantial increase on account of the recommendations of the Padmanabhan Committee in the post Sixth Pay Commission scenario.

A proposal for revision of norms of Central assistance to States is under consideration of the Department. As per the proposal the Central assistance to States would be provided @ Rs. 30.30 lakhs for non-recurring expenditure and @ Rs. 9.35 lakhs per annum for the first 5 years of its operation towards recurring expenditure.

Presuming that 2500 Gram Nyayalayas would be set up by the States during the 12th Five Year Plan period, a provision of Rs. 1356 Crore may be made for this purpose. The year-wise number of Gram Nyayalayas likely to be set up alongwith the requirement of funds would be as under:-

Year	No. of Gram Nyayalayas to be set up	Requirement of funds (Rs. In crores)
2012-13	300	119.00
2013-14	300	147.00
2014-15	600	294.00
2015-16	600	350.00
2016-17	700	446.00
Total	2500	1356.00

IV Access to Justice Project – Externally Aided Project

Access to Justice is now clearly recognised as essential to human development and conflict prevention. It is a precondition to accessing other rights and entitlements that form the bedrock of a thriving democracy. The Department of Justice has implemented 2 projects on Access to Justice with UNDP support since 2006. The first phase – Strengthened Access to Justice in India (SAJI), 2006-2008 – was a pilot project that sought to carry out a justice sector diagnosis, identify entry points and support innovative small pilots to identify good initiatives for replication. The results of SAJI provided key and critical inputs into the design of a long-term programme in this area.

The second phase of the programme – Access to Justice for the Marginalised People (A2J) – began in 2009 and will continue till December 2012. In a little over two years, the A2J Project has been able to support innovative projects across the 7 Project States and showcase some good practices, especially in the area of legal empowerment of people by training community level paralegal workers, using community radio and creating innovative IEC materials. A key achievement of the Project has been in creating linkages between the Legal Services Authorities and the Civil Society Organisations, the State Government Departments and the Commissions for protection of the rights of marginalised sections of the society. The convergence between the Department of Justice and the Department of Secondary Education and Literacy – whereby the Sakshar Bharat programme would also include legal literacy as part of their continuing adult education programme – is hoped to have far reaching impact in legally empowering the people.

The Department believes that projects like A2J, which allow it to have field level presence and knowledge, are crucial to keep in touch with reality of people‟s challenges and problems in accessing justice. This allows opportunities to review existing policy level debates on key issues and laws impacting the poor and the vulnerable. The Department desires to continue implementing a project on Access to Justice under the 12th five-year plan.

The ongoing UNDP Project is ending in December 2012. A new phase of the A2J project is likely to commence from January 2013 and the financial support is likely to be

USD 5 million (Rs. 22.5 crores) as in the last cycle. As in the previous cycle, Government of India can contribute USD 360,000 (Rs. 1.62 crores). As per United Nations Development Assistance Framework (UNDAF), the project will be implemented in the 7 States of Bihar, Chhattisgarh, Jharkhand, Madhya Pradesh, Orissa, Rajasthan and Uttar Pradesh, and will build upon the result of the previous phase.

The activities will range from supporting Legal Services Authorities, judicial academies, and National and State Commissions mandated to protect the rights of the marginalised, and ensuring legal empowerment of the marginalised people. In so far as legal empowerment is concerned, a primary focus shall be the creation of IEC materials and their dissemination using audio-visual media including popular media and ICT. Action research will be another area of focus with a view to inform policy level change. The detailed activities along with budget allocation will be developed in consultation with UNDP.

V Access to Justice Project – Government of India Project

While the external aid from UNDP could be used to build upon the results of the existing project, the Department is keen to expand the scope of the Project both geographically and thematically. The UNDP funds can be used to implement a project in the UNDAF States only. The Department would like to take up other States in North-Eastern part of India and also Jammu & Kashmir. For this, the Department requires funds from the Consolidated Funds of India. It is proposed that funds amounting to Rs. 30 crores will be required for implementing an A2J Project in the 7 States of North East and Jammu & Kashmir. The details of the activities, and the budget break-up is provided below.

The component of the A2J Project supported by Government funds will focus on the 8 North-Eastern States and Jammu & Kashmir. In addition, certain components in the other States will also be funded by the Government Funds, primarily on issues relating to undertrials, pilots on community policing, convergence with other Departments.

The details of the proposed activities proposed to be undertaken are provided below:

S. No.	Activity	Approximate Cost (In Rs Cr.)
1	Needs Assessment Study in the North-Eastern States and J &K	0.50
2	Legal Empowerment of the People	10.00
3	Assisting Undertrial prisoners in providing Justice, and awareness building of rights to prisoners	10.00
4	Supporting law colleges in running competent legal aid Clinics	2.00
5	Pilots on community policing	5.00
6	implementing activities for ensuring access to justice for the poor and vulnerable sections of the society with State and Central Governments Departments and commissions	2.50
	Total	**30.00**

A Statement indicating scheme-wise details and the 12th Plan projections is enclosed at **Annexure-II**.

ANNEXURE – II

Sl. No.	Scheme	11th Plan Allocation (Rs. in crore)	Revised estimates From 2007-2008 to (Rs. in crore)	Budget estimates in 2011-2012 (Rs. in crore)	Actual Expenditure (Rs. in crore) (upto 30.09.2011)	12th Plan Proposed Allocation (Rs. in crore)	Year-wise allocation (Rs. in crore)				
							2012-13	2013-14	2014-15	2015-16	2016-17
1	Development of Infrastructure Facilities for Judiciary under CSS	701.08	486.99	542.90	771.51	-	-	-	-	-	-
2	Computerisation of District & Subordinate Courts (E-courts Phase–I)	740.60	261.40 (100% Central funding)	297.00	422.95**	390.00	195.00	195.00	-	-	-
3	Access to Justice for the marginalised (EAP) (UNDP)	1.64^	12.62	7.57	9.87	-	-	-	-	-	-
4	Admn. of Justice (EAP) (ADB)	4.07$	0.56	NIL	0.04	-	-	-	-	-	-
5	Study of Judicial Reforms & Assessment Status	22.62	7.43	2.53	1.75	Included in National Mission at 7 (iv)	-	-	-	-	-
6	Gram Nyayalayas	-	51.00	150.00	21.81	1356.00	119.00	147.00	294.00	350.00	446.00
7	National Mission for Justice Delivery and Legal Reforms*										
	i. National Mission - Action Plan implementation	-			-	110.00	30.00	20.00	20.00	20.00	20.00
	ii. Mission Mode programme for development of infrastructure facilities for subordinate judiciary	-			-	5000.00	1300.00	1200.00	1100.00	800.00	600.00
	iii. Setting up of Model Courts	-			-	130.00	30.00	25.00	25.00	25.00	25.00
	iv. Action Research and Studies on Judicial Reforms	-			-	35.00	7.00	7.00	7.00	7.00	7.00
8	E-Courts – Phase II*	-			-	1280.00	256.00	256.00	256.00	256.00	256.00
9	Access to Justice – Govt. of India*	-			-	30.00	6.00	6.00	6.00	6.00	6.00
10	Access to Justice – UNDP*	-			-	24.12	4.84	4.82	4.82	4.82	4.82
	TOTAL	**1470.00**	**820.00**	**1000.00**	**1227.93**	**8355.12**	**1947.84**	**1860.82**	**1712.82**	**1468.82**	**1364.82**

* New Scheme / Project

** Rs. 187.05 crore was released to NIC for implementation of the project during Tenth Five Year Plan which has been carried forward for utilisation during Eleventh Five Year Plan.

^ Includes only the domestic funding. The counter-part funding by UNDP for $ 5 million is not included in the Eleventh Five Year allocations

$ The Project could not take off as the loan negotiations could not be finalised with ADB.

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Appendix-T

PARLIAMENT OF INDIA
RAJYA SABHA

DEPARTMENT-RELATED PARLIAMENTARY STANDING COMMITTEE ON PERSONNEL, PUBLIC GRIEVANCES, LAW AND JUSTICE

SIXTY SEVENTH REPORT

Infrastructure Development and Strengthening of Subordinate Courts

(Presented to the Rajya Sabha on 6th February, 2014)
(Laid on the Table of Lok Sabha on 6th February, 2014)

Bhartiya Sansad, Rajya Sabha

Parliament of India, Rajya Sabha

Fast Track Courts

47. The Eleventh Finance Commission recommended a scheme for creation of 1734 Fast Track Courts (FTCs) in the country for disposal of long pending cases in Sessions courts and other courts. The FTCs were established to expeditiously dispose of long pending cases in the Sessions Courts and long pending cases of under trial prisoners. The term of scheme on the Fast Track Courts which were recommended by the Eleventh Finance Commission ended on 31st March, 2005. Based on the directives of the Supreme Court of India, the Government accorded its approval for the continuation of 1562 Fast Track Courts that were operational as on 31st March, 2005 for a further period of 5 years i.e. up to 31st March, 2010 with a provision of Rs.509 crores. The scheme of central assistance for Fast Track Courts was further extended for a period of one year i.e. upto 31st March, 2011.....

48. The Central assistance under the above said scheme is limited to an approved norm i.e. Rs.4.80 lakh per court per annum (recurring) and Rs.8.60 lakh (non recurring). Any expenditure incurred by the State in excess as recurring and /or non-recurring expenditure was to be borne by the State Government. According to the Information available on the Website of the Department of Justice, out of 38.90 lakh cases transferred, these courts have disposed of 32.34 lakh cases.

Issues of State Governments

49. The Central assistance for the Fast Track Courts was discontinued after 31st March, 2011. Several States have continued these courts from their own resources. Except Union Territory of Andaman and Nicobar Islands, all the States where Committee visited are continuing Fast Track Courts. The State Governments maintained that the continuation of these Courts is necessary to reduce the pendency of cases; however, the continuation of these Courts by States is leading to financial burden on the State exchequer. The State Governments wanted the Fast Track Courts to be continued with 100 per cent Central assistance.

50 **The FTCs were established to expeditiously dispose of long pending cases in the Sessions Courts and long pending cases of under trial prisoners and had become**

synonymous with the speedy delivery of justice. The States expressed their willingness to continue and establish more Fast Track Courts to try cases related to murder, rape and issues related to children and the elderly, however, the limited financial resources are hinderances. In the wake of gang rape in Delhi, the Ponzi scheme scam in several States and the languising of innocent youths accused of terrorism, the establishment of Fast Track Courts become more important. Accordingly, the Committee reiterates its recommendations contained in Fifty-seventh/Action Taken Note of Government, that all possible steps to be taken to ensure that the Fast Track Courts are set up in appropriate situations in the States and the States do not face impediments in this regard.

Pendency of Cases and Shortage of Judicial Personnel

51. The shortage of judicial personnel at Subordinate Courts is a matter of concern. As on 31st March, 2012, the Department of Justice informed that 3,272, posts of judicial personnel are vacant in different States (**Annexure V).** During its study visit, the Committee was apprised of the large number of vacancies of judicial personnel at Subordinate Courts.

52. The high rate of pending cases in the Subordinate Courts in various parts of the country is a serious matter. The Department of Justice informed that as on 31st March, 2012, 26851766 cases are pending in Subordinate Court **(Annexure VI)**. Some of the major reasons leading to high pendency of cases in Subordinate Courts are poor Judge population ratio, prolonged and costly litigation caused by procedures and lawyers interests, poor infrastructure, shortage of judicial personnel, weak alternate dispute resolution mechanisms and so on.

53. With regard to areas of pendency of cases, the Secretary, Department of Justice in the meeting on the Demands for Grants (2013-14) made oral submission as under:-

> *… the pendency of cases which is a very chronic problem in the country like how do we address those issues of pendency of cases and speed up the delivery of justice...*

Issue of State Government

54. In the States the high pendency of cases in Subordinate Courts is a matter of concern. Except Manipur and UT of Andaman and Nicobar Islands, the pendency of cases is high in all the States, except Odisha where the pendency of criminal cases is high and all other States have higher number of civil cases pending.

55. The State Governments apprised the Committee about the various measures like evening/morning courts, holiday courts, Lok Adalats and Alternative Dispute Resolution mechanisms being undertaken to overcome the problem of pendency of cases.

56. **The Committee expresses its serious concern over the large number of vacancies existing in the Subordinate Courts. Similarly, the large number of pending cases is in Subordinate Courts are major challenges before the Government. The Committee is of the view, that both these issues are closely related to each other. The Committee feels that recruitment and training of judicial personnel and supporting staffs at Subordinate Courts may help in reducing the pendency of cases and the judge-population ratio may be corrected by appointing more judges in the Subordinate Courts to reduce pendency. The Committee is of the view that an efficient judicial system which delivers quality justice in minimum time can reinforce the confidence of people in the rule of law.**

57. The Thirteenth Finance Commission has recommended a grant of Rs.5000 crore for the period 2010-15 to the States for improving delivery of justice which is to be utilized for setting up of morning/evening/shift/Special Magistrate Courts for reducing the backlog of cases, holding of Lok Adalats and Mega Lok Adalats, strengthening legal aid institutions, training of judicial officers and Public Prosecutors, creating and upgrading the Judicial Academies, providing Court Managers to assist courts/cases management.

58. **The Committee feels that regular conducting of morning/evening, holiday courts, lok adalats, alternative dispute redressal mechanisms etc. wherever feasible can help in reducing the problem of pendency of cases in Subordinate Judiciary. Sincere efforts are also required on the part of State governments to fill the existing vacancies at the Subordinate Courts, so that the disposal rate of cases may be**

enhanced. The National Mission for Justice Delivery and Legal Reforms which is formed to deal with the dual need of addressing the issues of delays and arrears in the Indian judicial system as well enforcing better accountability, including setting and monitoring of performance and enhancement of capacity through training at various levels can go a long way in reducing the problem of high pendency of cases, which is a major problem faced by the Subordinate judiciary.

59. The Committee considers that existing court procedures which are age old needs a thorough review. Many of such procedures are avoidable; consume inordinate time; and unnecessary complications; very often leads to the harassment of litigants; often misused/abused by the interested parties and; ultimately creates the hassles which result in pendency. The Committee, therefore, strongly believes that unless procedures are cut short and streamlined, howsoever best be our judge-population ratio, issue of pendency cannot be resolved. The Committee understands that it is a huge task but it has to be undertaken if we are really serious to tackle the issue of pendency. The Committee impress upon both the Central and State Governments to focus in this direction with a sense of urgency.

[Para Nos.47 to 59 of the Report]

ANNEXURE – V

Sanctioned Strength and Vacancies in Subordinate Courts as on 31.03.2012

S. No.	State/Union Territory concerned	Sanctioned Strength	Vacancies in Subordinate Courts
1	2	3	4
1	Uttar Pradesh	2102	268
2.	Andhra Pradesh	834	117
3.a	Maharashtra	2016	185
3.b	Goa	49	7
3.c	Daman, Diu and Silvasa	7	0
4.	West Bengal	933	156
5.	Chhattisgarh	276	38
6.	Delhi	623	158
7.	Gujarat	1727	852
8.a	Assam	356	108
8.b	Meghalaya	36	22
8.c	Tripura	92	27
8.d	Manipur	31	5
d.e	Nagaland	29	6
d.f	Mizoram	65	32
d.g	Arunachal Pradesh	2	0
9.	Himachal Pradesh	132	17
10.	Jammu and Kashmir	206	17
11.	Jharkhand	499	89
12.	Karnataka	945	174
13.a	Kerala	411	36
13.b	Lakshadweep	3	1
14.a	Tamil Nadu	866	123
14.b	Puducherry	20	7
15.	Madhya Pradesh	1321	151
16.	Odisha	625	79
17.	Bihar	1458	507
18.a	Punjab	493	116
18.b	Haryana	476	125
18.c	Chandigarh	20	0
19.	Rajasthan	922	180
20	Sikkim	13	4
21.	Uttarakhand	278	126
	TOTAL :	**17,866**	**3,732**

[Page Nos. 31-32]

ANNEXURE-VI

Statement of cases pending in Subordinate judiciary as on 31.03.2012

Sl. No.	Name of State	Total Cases pending as on 31.03.2012
1	2	3
1.	Uttar Pradesh	5798272
2.	Andhra Pradesh	917620
3.	Maharashtra	3144426
4.	Goa	30052
5.	Daman and Diu Silvasa	4997
6.	West Bengal	2638937
7.	Andaman and Nicobar	13384
8.	Chhattisgarh	266220
9.	Delhi	689766
10.	Gujarat	2197565
11.	Assam	264204
12.	Nagaland	4130
13.	Meghalaya	3357
14.	Manipur	14238
15.	Tripura	43954
16.	Mizoram	4426
17.	Arunachal Pradesh	6148
18.	Himachal Pradesh	195018
19.	Jammu and Kashmir	207588
20.	Jharkhand	298240
21.	Karnataka	1115280
22.	Kerala	1071305
23.	Lakshadweep	240
24.	Madhya Pradesh	1129432
25.	Tamil Nadu	1193541

[Page No. 33]

Appendix-U

PARLIAMENT OF INDIA
RAJYA SABHA

DEPARTMENT-RELATED PARLIAMENTARY STANDING COMMITTEE ON PERSONNEL, PUBLIC GRIEVANCES, LAW AND JUSTICE

TWENTY SEVENTH REPORT
ON
ACTION TAKEN REPLIES ON
LAW'S DELAYS : ARREARS IN COURTS

(PRESENTED TO THE RAJYA SABHA ON 29th APRIL, 2008)
(LAID ON THE TABLE OF THE LOK SABHA ON 29th APRIL, 2008)

सत्यमेव जयते

RAJYA SABHA SECRETARIAT

NEW DELHI

APRIL, 2008/VAISAKHA, 1930 (SAKA)

CHAPTER-I

RECOMMENDATIONS/OBSERVATIONS WHICH HAVE BEEN ACCEPTED BY THE MINISTRY

Recommendation/observation

1. Strength of Judges

The Committee is of the considered view that the Government may reconsider the recommendations of the 120th Report of the Law Commission and take steps to increase the strength of judges per million population, at the earliest. The Committee endorses the Law Commission's recommendations and suggests that variations can be made for different jurisdictions on the basis of pendency, rate of disposal and other relevant factors in consultation with the judiciary. The Committee understands that the States are generally not able or willing to provide the finances that are required to create courtrooms and other infrastructure consequent upon the number of the judges being increased. The Committee recommends that the Union Government must take the initiative to provide funds and create mechanisms to monitor their utilization. (Para 38.2)

Action Taken Reply

In so far as the Judge strength is concerned, the position is as follows :-

The Law Commission had recommended and the Supreme Court has spelt out that the existing Judge population ratio should be increased from 10.5 per million population to 50 Judges per million. This increase in Judge strength of 50 Judge per million population should be effected and implemented in a phased manner within a period of five years. The Central Government have requested the, Supreme Court through an Interlocutory Application to modify its order (dated 21.3.2002 in All India Judges Association Vs. Union of India) to allow creation of judge strength on the basis of work-load and not on the basis of population alone. The matter is still *sub judice*.

Judges strength in High Courts was reviewed in 2007. It has been decided to create 152 posts of Judges taking the strength of Judges in High Courts from 725 to 877.

Government proposes to set up Gram Nyayalayas and the Gram Nyayalaya Bill which was earlier referred to the Department related Parliamentary Standing Committee will be pursued in the Parliament with official amendments based on the

recommendations of the Department related Parliamentary Standing Committee. The strength of judicial officers of the country is expected to increase after such Nyayalayas are set up.

In so far as providing infrastructure facilities for the judiciary, it is the primary responsibility of the State Governments to provide such facilities for the High Courts and Subordinate judiciary. However to augment the resources of the State Governments, the Union Government initiated a Centrally Sponsored Scheme for development of infrastructure facilities for the judiciary since 1993 — under which grant is released for construction of court buildings and residential accommodation for judges and the States have to provide matching share. UTs are not required to provide matching share. From 1993-94 upto 2006-07, a sum of Rs.690.65 crore was released as Central share to the States/UTs. As per available information, States/UTs have spent Rs.1442.59 crore till 2006-07 including their share.

The Central Government also provides infrastructure support by way of computerization of the courts and presently has under implementation a scheme in this regard.

Recommendation/observation

2. Case load and Judicial manpower requirement

The Committee has carefully considered the computations made in the Department of Justice for the reduction of pendency of cases over a period of 3, 5 or 7 years, besides disposal of regular year to year institution of cases. The Committee notes that the Government has proceeded on the hypothesis that arrears should be cleared in a period of 6 years. The Committee questions the hypothesis. (Para 44)

The Committee is of the view that the aim should be to clear the arrears within three to four years, that the primary sanctioned strength should be maintained on the basis of an optimum judge population ratio worked out on the basis of the pendency and the rate of disposal, and that judges' strength should be augmented protem to deal with the accumulated arrears. The system should ensure a zero accrual of arrears beyond three years. The judges' strength should be

increased or augmented in the phased manner and without compromising the quality of judges for numbers can never be a substitute for quality. (Para 45)

Action Taken Reply

The recommendation has been forwarded to all the High Courts and State Governments and UT Administrations.

The Supreme Court has spelt out that the existing Judge population ratio should be increased from 10.5 per million population to 50 Judges per million. This increase in Judge strength of 50 Judge per million population should be effected and implemented in a phased manner within a period of five years. The Central Government have requested the Supreme Court through an Interlocutory Application to modify its order (dated 21.3.2002 in All India Judges Association Vs. Union of India) to allow creation of judge strength on the basis of work-load and not on the basis of population alone. The matter is still *sub judice*.

Judges strength in High Courts was reviewed in 2007. It has been decided to create 152 posts of Judges taking the strength of Judges in High Courts from 725 to 877.

The proposed Gram Nyayalayas is also expected to contribute in reduction of arrears.

Recommendation/observation

3. **Computerization of Courts**

The Committee strongly recommends that the task of computerization should be taken up on a high priority basis; proper networking should be achieved between the Supreme Court, High Courts and all Subordinate Courts within a specific time schedule which will definitely help in disposing of the cases faster. (Para 77)

Action Taken Reply

Government has approved a scheme of comprehensive computerization of all District and Subordinate Courts in the country and has commenced implementation of

the scheme which includes up gradation of the IT infrastructure in the Supreme Court and the High Courts and linking the lowest court to the highest court electronically. The scheme which is based on the National Policy and Action Plan presented by the E-committee is envisaged at a total estimated cost of Rs. 854 crore for implementation in a period of five years. Presently, the first phase of the scheme, at a total cost of Rs. 442 crore (with scope for 10 per cent enhancement) is under implementation for being completed in a period of two years.

The above mentioned scheme is being implemented by the Government as a Mission Mode Project called E-courts.

[Page Nos. 2-4]

Appendix-V

PARLIAMENT OF INDIA
RAJYA SABHA

DEPARTMENT-RELATED PARLIAMENTARY
STANDING COMMITTEE ON HOME AFFAIRS

EIGHTY-FIFTH REPORT
ON
LAW'S DELAYS: ARREARS IN COURTS

(PRESENTED TO HON'BLE CHAIRMAN, RAJYA SABHA
ON
31st DECEMBER, 2001)
(FORWARDED TO HON'BLE SPEAKER ON
31st DECEMBER, 2001)

(LAID ON THE TABLE OF RAJYA SABHA ON
7TH MARCH, 2002)

(LAID ON THE TABLE OF LOK SABHA
26TH FEBRUARY, 2002)

RAJYA SABHA SECRETARIAT
NEW DELHI
DECEMBER, 2001/PAUSA 1923 (SAKA)

CS (HA)-161

Vacancies of Judges

31.0 The following procedure was followed for filling up of vacancies of judges before the judgement of the Supreme Court.: Every Judge of the Supreme Court shall be appointed by the President by warrant under his hand and seal after consultation with such of the Judges of the Supreme Court and of the High Courts in the States as the President may deem necessary for the purpose. In the case of appointment of a judge other than the Chief Justice of India, the Chief Justice of India was always required to be consulted vide article 124 of the Constitution.

31.1 The Judges of the High Courts were appointed by the President after consultation with the Chief Justice of India, the Governor of the State and in the case of appointment of a Judge other than the Chief Justice, the Chief Justice of the High Court Vide article 217 (1) of the Constitution.

31.2 Pre-1993 Status: Before 1993, the process of appointment of Judges of High Courts and Supreme Court was required to be initiated by the Executive i.e. Department of Justice, as far as possible 6 months prior to the date of vacancy. There were delays in filling the vacancies during that period also but the Government was answerable and accountable to Parliament.

31.3 Post-1993 Scenario: After the Judgement of the Supreme Court in Advocates-on-Record Association vs. Union of India and others on October 6, 1993, a proposal for appointment of a Judge cannot be initiated by the Government. According to the Judgement of October 6, 1993, read with the Advisory Opinion of October 28, 1998, of the Supreme Court of India, the initiation of the proposal for appointment of a Judge in the Supreme Court must be by the Chief Justice of India and in the case of a High Court by the Chief Justice of that High Court. For transfer of a Judge/Chief Justice of a High Court to another High Court, the proposal has to be initiated by the Chief Justice of India.

31.4 As per the Revised Memorandum of Procedure for the appointment of Chief Justices and judges of the High Courts, the Governor, as advised by the Chief Minister, was required to forward his recommendation to the Union Minister of Law, Justice and Company Affairs an as early as possible but not later than six weeks from the date of

receipt of the proposal from the Chief Justice of the High Court. If the comments were not received within that time frame, it was to be presumed by the Union Minister of Law, Justices and Company Affairs that the constitutional authorities of the State (i.e. Governor or Chief Minister) have nothing to add to the proposal. The Union Minister of Law, Justice and Company affairs was then to consider the recommendations in the light of such other reports as might be available to the Government in respect of the names under consideration.

31.5. The complete material would then be forwarded to the Chief Justice of India for his advice. The Chief Justice of India would, in consultation with two senior most Judges of the Supreme Court, form his opinion in regard to a person to be recommended for appointment to the High Court. The Chief Justice of India and the collegium of two Judges of the Supreme Court were to take into account the views of the Chief Justice of the High Court and of those Judges of the High Court who have been consulted by the Chief Justice as well as views of those Judges in the Supreme Court who are conversant with the affairs of that High Court. After consultations, the Chief Justice of India was expected to send his recommendation to the Union Minister of Law, Justice and Company Affairs within four weeks. The Union Minister of Law, Justice and Company Affairs was required to put up as early as possible, preferably, within three weeks, the recommendation of the Chief Justice of India to the Prime Minister who would then advise the President in the matter of appointment.

Inordinate delay in filling up of vacancies

31.6 After the Judgment of the Supreme Court in 1993, the Government is bereft of role in initiating the process of filling up of the vacancies. The maximum the Government can do is to addresses letters to the Chief Minister of the States and the Chief Justices of the High Courts, from time to time requesting them to make their recommendations for appointment of judges in the High Courts to fill up vacancies expeditiously. There appears to be a widespread non-observance of any strict time frame at different levels in respect of filling up vacancies.

31.7 The judiciary in whom the power and the responsibility now vest has failed to fill up the vacancies in judicial posts promptly and punctually and those vacancies of judges

in all courts contribute to the huge pendency in a big way. Though the vacancies in the Supreme Court have been filled up recently, but the situation has not improved in the High Courts and Subordinate Courts. Tabular presentation of status of vacancies of Judges in Supreme Court, High Court and Sub-ordinate Courts is given below. It is for the judiciary to identify and rectify the causes of delay in the existing system. It may be that the modes of collegiate consultation have led to a peculiar species of "the politics of the judiciary". Members of the collegium are prone to filed candidates of their choice. The give and take in the collegiate consultation has the potential of undermining merit. It is also fraught with the potential of undermining the office of the Chief Justice and his primacy. On the other hand, the Executive is unable to secure due consideration of its own inputs in respect of the personal and professional standing of the candidate. More often than not a transferred Chief Justice in a High Court is unfamiliar with the situation. As a result, there are unacceptable delay without the benefit of a higher quality in the intake. The challenge is for the judiciary, the Parliament and the Executive is to find a viable solution within the framework of "independence" and "accountability".

31.8 As on 21 November, 2001[1]8 the position of vacancies in all the courts was as follows:

	Judges in Position	Vacancies	Total approved Strength
Supreme Court	25	1	26
High Court	465	170[2]	647
Sub-ordinate Courts[3]	10,705	1500	12205

1 Source: Rajya Sabha Unstarred Question No. 848, answered on 26 November, 2001.
2 including 47 new posts.
3 as on 1.6.2000. (For State-wise detail please see **Annexures IX & X)**

42. Thus as per the Justice Department's calculation, an addition of 15,824 Judges is necessary in case the pending cases are to be cleared in one year. That Department has further calculated the number of additional judges required to clear the backlog of cases in 3,5 and 7 years. The Department's computation is as follows: in case the pending accumulated cases are to be cleared in a period of three years, the number of judicial officers required will be 5275; in case the accumulated pendency is to be cleared in a period of five years, the number of judicial officers required will be 3165; in case the cases are to be cleared in a period of seven years, the number of judicial officers required will be 2260. However, the number of posts of judicial officers vacant during 1998 was 1478. Hence, the additional posts actually required may be around 800 if the cases are to be cleared in seven years. If the cases are required to be cleared in five years, the additional posts required will be 1687 and if the cases are required to be cleared in three years the required number will be around 3800. Those computations are based on the assumption that all vacancies will be filled up. Although in some of the States like Andhra Pradesh, Arunachal Pradesh, Kerala, Rajasthan, etc. all posts of judicial officers have remained filled up during 1998, normally 5% of the posts do remain vacant due to many factors like resignation, deaths, litigation and suitable candidates not being available. This comes to figures of 607[22] in relation to the year 1998. Hence, the additional strength which may be required to clear the backlog of cases in a period of seven years is 800+607=1407 or say 1400; in a period of 5 years – 800+ 1687= 2487 or 2500 and the additional strength which may be required to clear the backlog in a period of the 3 years will be 800+ 3800= 4600, as per the Department's calculation.

[Para Nos.31 & 42, Page Nos. 17 & 21]

45. The Committee is of the view that the aim should be to clear the arrears within three to four years, that the primary sanctioned strength should be maintained on the basis of an optimum judge population ratio worked out on the basis of the pendency and the rate of disposal, and that judges' strength should be augmented protem to deal with the accumulated arrears. The system should ensure a zero accrual of arrears beyond three years. The judges' strength should be increased or augmented in the phased manner and without compromising the quality of judges for numbers can never be a substitute for quality.

[Para Nos. 45]

Appendix-W

(2002)4 SCC 247

ALL INDIA JUDGES ASSOCIATION AND ORS.

Vs.

UNION OF INDIA AND ORS.

Writ Petition (C) No. 1022 of 1989 decided on 21.3.2002

B.N. KIRPAL & G.B. PATTANAIK & V.N. KHARE

The Judgment of the Court was delivered by

KIRPAL, J. This Writ Petition pertains to the working conditions of the members of the Subordinate Judiciary throughout the country. This is third round before this Court.

2. In a decision entitled *All India Judges' Assn. v. Union of India and Ors.*[1], directions were given by this Court in regard to the working conditions and some benefits which should be given to the members of the Subordinate Judiciary. The directions were as follows: (SCC pp. 140-41, para 63)

"63. We would now briefly indicate the directions we have given in the judgment:

(i) An All-India Judicial Service should be set up and the Union of India should take appropriate steps in this regard.

(ii) Steps should be taken to bring about uniformity in designations of officers both in civil and the criminal side by 31-3-1993.

(iii) Retirement age of judicial officers be raised to 60 years and appropriate steps are to be taken by 31-12-1992.

(iv) As and when the Pay Commissions/Committees are set up in the States and Union Territories, the question of appropriate. pay scales of judicial officers be specifically referred and considered.

1 (1992)1 SCC 119: 1992 SCC (L&S) 9: (1992) 19 ATC 42

(v) A working library at the residence of every judicial officer has to be provided by 30-6-1992. Provision for sumptuary allowance as stated has to be made.

(vi) Residential accommodation to every judicial officer has to be provided and until State accommodation is available, Government should provide requisitioned accommodation, for them in the manner indicated by 31-12-1992. In providing residential accommodation, availability of an office room should be kept in view.

(vii) Every District Judge and Chief Judicial Magistrate should have a State vehicle, judicial officers in sets of five should have a pool vehicle and others would be entitled to suitable loans to acquire two wheeler automobiles within different time limits as specified.

(viii) In-service institute should be set up within one year at the Central and State or Union Territory level.

3. A number of directions which were given have been implemented. The Union of India, however, filed a review petition seeking certain modifications/ clarifications. This review petition was disposed of by the judgment entitled *All India Judges' Assn. v. Union of India*[2]. The relevant findings in the said decision are as follows:

(i) Each of the general and special objections of Union of India and States/UTs was dealt with and rejected. The distinction between judicial and other service specifically emphasized. (SCC paras 7 to 10).

(ii) "The service conditions of Judicial officers should be laid down and reviewed from time to time by an independent Commission exclusively constituted for the purpose, and the composition of such Commission should reflect adequate representation on behalf of the judiciary" (SCC p. 297, para 11).

(iii) "By giving the directions in question, this Court has only called upon the executive and the legislature to implement their imperative duties. The courts do issue directions to the authorities to perform their obligatory duties whenever there is a failure on their part

2 (1993)4 SCC 288: 1994 SCC (L&S) 148: (1993) 25 ATC 818

to discharge them.....The further directions given, therefore, should not be looked upon as an encroachment on the powers of the executive and the legislature to determine the service conditions of the judiciary. They are directions to perform the long overdue obligatory duties." (SCC p. 298, para 14).

"The directions are essentially for the evolvement of an appropriate national policy by the Government in regard to the judiciary's conditions. The directions issued are mere aids and incidental to and supplemental of the main direction and intended as a transitional measure till comprehensive national policy is evolved. (SCC p. 299 para 15) (emphasis supplied)."

(iv) The question of financial burden likely to be imposed is misconceived and should not be raised of discharge mandatory duties: (SCC p. 299, para 16)

"16. The contention with regard to the financial burden likely to be imposed by the directions in question, is equally misconceived. Firstly, the courts do from time to time hand down decisions which have financial implications and the Government is obligated to loosen its purse recurrently pursuant to such decisions. Secondly, when the duties are obligatory, no grievance can be heard that they cast financial burden. Thirdly, compared to the other plan and non-plan expenditure, we find that the financial burden caused on account of the said directions is negligible. We should have thought that such plea was not raised to resist the discharge of the mandatory duties. The contention that the resources of all the States are not uniform has also to be rejected for the same reasons. The directions prescribe the minimum necessary service conditions and facilities for the proper administration of justice. We believe that the quality of justice administered and the calibre of the persons appointed to administer it are not of different grades in different States, Such contentions are ill-suited to the issues involved in the present case."

(v) The directions given in the main judgment dated 13.11.1991 were maintained except as regards the following:-

(a) SCC p. 314, para 52 (a)

52 (a) "The legal practice of 3 years should be made one of the essential qualifications for recruitment to the judicial posts at the lowest rung in the judicial hierarchy.

Further, wherever the recruitment of the judicial officers at the lowest rung is made through the Public Service Commission, a representative of the High Court should be associated with the selection process and his advice should prevail unless there are strong and cogent reasons for not accepting it, which reasons should be recorded in writing.

The rules for recruitment of the judicial officers should be amended forthwith to incorporate the above directions."

(b) SCC p. 315, para 52(b)

52 (b) "The direction with regard to the enhancement of the superannuation age is modified as follows:

While the superannuation age of every subordinate judicial officer shall stand extended upto 60 years, the respective High Courts should, as stated above, assess and evaluate the record of the judicial officer for his continued utility well within time before he attained the age of 58 year by following the procedure for the compulsory retirement under the Service Rules applicable to him and give him the benefit of the extended superannuation age from 60 years only if he is found fit and eligible to continue in service. In case he is not found fit and eligible, he should be compulsorily retired on his attaining the age of 58 years.

The assessment in question should be done before the attainment of the age of 58 years even in cases where the earlier superannuation age was less than 58 years."

(c) SCC p. 316 para 52 (c)

"The direction for granting sumptuary allowance to the District Judges and Chief Judicial Magistrates stands withdrawn for the reasons given earlier."

(d) SCC p. 316, para 52(d)

"The direction with regard to the grant of residence-cum-library allowance will cease to operate when the respective State Government/ Union Territory Administration start providing the courts, as directed above, with the necessary law books and journals in consultation with the respective High Courts."

(e) SCC p. 316, para 52(e)

52 (e) "The direction with regard to the conveyance to be provided to the District Judges and that with regard to the establishment of the training institution for the Judges have been clarified by us in paragraphs 45(vii) and 49 (viii) respectively. It is the Principal District Judge at each district headquarter or the metropolitan town as the case may be, who will be entitled to an independent vehicle this will equally apply to the Chief Judicial Magistrate and the Chief Metropolitan Magistrate. The rest of the Judges and Magistrates will be entitled to pool-vehicles-one for every five Judges for transport from residence to court and back-and when needed, loans for two wheeler automobiles and conveyance allowance. The State Governments/Union Territory Administrations are directed to provide adequate quantity of free petrol for the vehicles, not exceeding 100 litres per month, in consultation with the High Court."

(f) SCC p. 316, para 52(f)

52.(f) "In view of the establishment of the National Judicial Academy, it is optional for the States to have their independent or joint training Judicial institutes."

(g) SCC pp. 316-17, para 52(h)

In view of the time taken to dispose of the Review Petitions, following orders were passed:

(i) "the time to comply with the direction for bringing about uniformity in hierarchy, designations and jurisdictions of Judicial officers on both civil and criminal sides is extended upto 31-3-1994";

(ii) "the time to comply with the directions to provide law books and law journals to all courts is extended up to 31-12-1993 failing which the library allowance should be paid to every judicial officer with effect from l-1-1994, if it is not paid already";

(iii) "the time to provide suitable residential accommodation, requisitioned or Government, to every judicial officer is extended up to 31-3-1994".

(iv) "the time to comply with the rest of the directions is maintained as it was directed by the judgment under review."

(v) Regarding uniform pay scales the Review Judgment emphasised the following: (SCC pp. 307-08 para 36)

"36. We have already discussed the need to make a distinction between the political and the administrative executive and to appreciate that parity in status can only be between Judges and the political executive and not between Judges and the administrative executive. Hence the earlier approach of comparison between the service conditions of the Judges and those of the administrative executive has to be abandoned and the service conditions of the Judges which are wrongly linked to those of the administrative executive have to be revised to meet the special needs of the judicial service, Further, since the work of the judicial officers throughout the country is of the same nature, the service conditions have to be uniform. We have also emphasised earlier the necessity of entrusting the work of prescribing the service conditions for the judicial officers to a separate Pay Commission exclusively set up for the purpose. Hence we reiterate the importance of such separate Commission and also of the desirability of prescribing uniform pay scales to the Judge all over the country. Since such pay scales will be the minimum deserved by the judicial officers, the argument that some of the States may not be able to bear the financial burden is irrelevant. The uniform service conditions as and when laid down would not, of course, affect any special or extra benefits which some States may be bestowing upon their judicial officers."

4. The question with regard to the pay scales in respect of the members of the Judicial Service was first referred to the Fifth Central Pay Commission. Subsequently by an amendment made on 24-10-1996, the reference to the Fifth Central Pay Commission with regard to the fixation of the pay scales of the Judicial Officers was deleted. We may here note that the Fifth Central Pay Commission submitted its report on 30-1-1997 which was accepted by the Government on 30-9-1997. It became applicable with retrospective

effect, that is to say, with effect from 1-1-1996. This is relevant, when considering the question as to with effect from which date the Report of the Shetty Commission is to become effective.

5. On 21-3-1996, pursuant to the directions issued by this Court in the review judgment, the Government of India by a Resolution constituted the First National Judicial Pay Commission under the Chairmanship of Mr. Justice K.J. Shetty. As per the said Resolution, the following were the terms of reference:

"(a) To evolve the principles which should govern the structure of pay and other emoluments of Judicial Officers belonging to the Subordinate Judiciary all over the country.

(b) To examine the present structure of emoluments and conditions of service of Judicial Officers in the States/UTs taking into account the total packet of benefits available to them and make suitable recommendations having regard, among other relevant factors, to the existing relativities in the pay structure between the officers belonging to subordinate Judicial service vis-a-vis other civil servants.

(c) To examine and recommend in respect of minimum qualifications, age of recruitment, method of recruitment etc., for Judicial Officers. In this context, the relevant provisions of the Constitution and directions of the Supreme Court in *All India Judges' Assn. case* and other cases may be kept in view.

(d) To examine the work methods and work environment as also the variety of allowances and benefits in kind that are available to Judicial Officers in addition to pay and to suggest rationalization and simplification thereof with a view to promoting efficiency in Judicial Administration, optimising the size of the Judiciary etc."

6. As the Fifth Central Pay Commission Report had been accepted but no relief was available to the members of the Judicial Subordinate Service, a question arose that pending the recommendation of the Shetty Commission whether any interim orders can be passed giving some relief. Accordingly, on 16-12-1997, another terms of reference was added according to which the Commission was empowered to consider and grant

such interim relief as it may consider just and proper to all categories of Judicial Officers of all the States/Union Territories. It was made clear that the interim relief, if recommended, was to be adjusted against and included in the package which may become admissible to the Judicial Officers on the final recommendations of the Commission.

7. By a preliminary Report dated 31-1-1998, some interim relief was granted by Justice Shetty Commission. It is not necessary for our purpose to refer to the relief so granted, except to note that wherever the relief has been granted the same was subject to adjustment on the acceptance, with or without modification, of the final Report of Justice Shetty Commission. The Interim Report has been fully implemented by the Union of India in respect of Union Territories and by the States.

After thorough deliberations, Justice Shetty Commission submitted its Report on 11-11-1999. By order dated 14-12-1999, the State Governments and the Union Territories were directed to send their responses to the Union of India so that it could correlate the responses and indicate its own stand on the recommendations of the Commission.

9. The recommendations of the Shetty Commission were in respect of the following topics:

(1) The High Courts were required to frame the rules specifying particular age of retirement and it was also recommended that the procedure prescribed for writing the confidential reports by the self-assessment process was better and more transparent and should be adopted by the High Court for Judicial Officers.

(2) The Commission recommended appropriate nomenclature to be given to the Judicial Officers. The recommendation was that they should be called "Civil Judge" in place of "Civil Judge (Junior Division)" and "Senior Civil Judge" in place of "Civil Judge (Senior Division)".

(3) It further gave recommendation with regard to equation of posts of the Chief Metropolitan Magistrate and Chief Judicial Magistrate. While it recommended that the Chief Judicial Magistrate should be in the cadre of Civil Judge (Senior Division), in

respect of Chief Metropolitan Magistrate, it recommended that it should be placed in the cadre of District Judge. According to the learned Amicus Curiae, the Chief Metropolitan Magistrate and Chief Judicial Magistrate must be in the same cadre equivalent to Civil Judge (Senior Division) and that they should be on a par with each other. We shall deal with this aspect slightly later.

(4) Recommendations were made with regard to recruitment to the cadre of Civil Judge (Junior Division)-Cum-Magistrate First Class as well as recruitment to the post of Civil Judge (Senior Division). The recommendation in this regard was that the posts of Civil Judge (Senior Division) should only be filled by promotion.

(5) The Commission also made recommendation with regard to appointment to the post of District Judge which includes the Additional District Judge in the Higher Judicial Service. It pointed out some problems which had arisen as a result of direct recruitment to the post of District Judges, the problem really being with regard to the inter se seniority amongst them.

(6) The Commission also recommended that service Judges who were between 35 and 45 years of age should be made eligible for direct recruitment to the Higher Judicial Service which consists of the posts of District Judges and Additional District Judges and for this purpose, if necessary, there should be an amendment to Article 233(2) of the Constitution of India.

(7) With regard to inter se seniority between direct recruits and promotees, the Commission recommended that the promotees be given weightage of one year for every five years of Judicial Service rendered by them subject to a maximum of three years.

(8) The Report also recommended steps being taken for Judicial education and training.

(9) With regard to pay scales, the Shetty Commission set out the principles governing the pay structure of the Subordinate Judiciary. It referred to the *All India Judges' Assn. case* (supra) wherein it had been observed that the parity in status should be between the political Executive, the Legislatures and the Judges and not between the Judges and the Administrative Executive.

After taking into consideration the recommendations which had been made by the Fifth Central Pay Commission and the pivotal role of the subordinate Judiciary and the essential characteristics of a Judicial officer, the Shetty Commission evolved a Master Pay scale. It came to the conclusion that the number of pay scales should be equal to the number of clearly identifiable levels of responsibility. Scope for promotional avenues must also be taken into consideration. After considering all the relevant circumstances the Commission recommended the following scales of pay :

(i)	Civil Judges (Jr. Divn.)	Rs. 9000-250-10,750-300-13,150-350-14,530
(ii)	Civil Judges (Jr. Divn.) (I stage ACP Scale)	Rs.10,750-300-13,150-350-14,900
(iii)	Civil Judges (Sr. Divn.) (II Stage ACP Scale for Civl Judge) (Jr.Divn.)	Rs.12,850-300-13,150-350-15,950-400-17,550
(iv)	Civil Judge (Sr. Divn.) (I Stage ACP Scale)	Rs. 14,200-350-15,950-400-18,350
(v)	District Judges Entry Level + (II Stage ACP for Civil Judges (Sr. Divn.)	Rs. 16,750-400-19,150-450-20,500
(vi)	District Judges (selection Grade)	Rs. 18,750-400-19,150-21,850-500-22,850
(vii)	District Judges (super time Scale)	Rs. 22,850-500-24,850

In arriving at the aforesaid pay scales, the Commission noted that while fixing the maximum of the master pay scale it had been constrained by the vertical cap of the salaries of the High Court Judges. In other words the District Judges could not get more salary than a High Court Judge whose salary was statutorily fixed. It, however, recommended that as and when the salary of a High Court Judge is raised, then the salary of the Judicial Officers should also be increased by maintaining the ratio which it had recommended. According to the Commission, the pay scales recommended by it should

be deemed to come into force with affect from 1-1-1996, but the monetary benefit was to be payable with effect from 1-7-1996. Other allowances, which the Commission had recommended, were to be given affect to from 1-11-1999. Taking into consideration that there were at present 12771 posts on regular pay scales, the estimated impact of the introduction of the new pay scales was stated to be of the order of Rs. 95.71 crores for one year.

(10) The Commission recommended that administration of justice in the States should be the joint responsibility of the Centre and the States. It noted that the expenditure on the judiciary in India in terms of Gross National Product was relatively low : it was not more than 0.2%. The main recommendation of the Shetty Commission was that the Central Government must, in every States, share half of the annual expenditure on subordinate courts and quarters for Judicial Officers. This was to be without prejudice to the rights and privileges of the north-eastern States and State of Sikkim wherein about 90-92% of the expenditure of the States was to be made by the Central Government under the provisions for special category of States.

(11) The Commission also recommended Assured Career Progression Scheme and functional scales. Recommendations were also made with regard to dearness allowance, allowances for electricity and water charges, home orderly allowances, newspaper allowances, city compensatory allowance, robe allowance, conveyance allowance, sumptuary allowance, hill allowance and further recommended provisions with regard to medical facilities, leave travel concession, special pay, concurrent charge allowance, encashment of leave and level salary, composite transfer grant allowance, housing and house rent allowance, telephone facilities and advances of loans to the Judicial Officers.

(12) The Report also made recommendation to the effect that there should be an increase in the retirement, age of the Judicial Officers from 60 to 62 years and recommendations were also made with regard to retirement benefits.

(13) One more recommendation which was made for retired Judicial Officers was that cash payment of Rs. 1,250 per month should be given as domestic help allowance to enable the retired Judicial Officer to engage a Servant.

(14) Another recommendation which was made was for the establishment of an All India Judicial Service.

10. Pursuant to the order which was passed by this Court requiring the response of the various States to be given to the Union of India, it was noted in this Court's order of 27-8-2001 that six States, namely, those of West Bengal, Assam, Karnataka, Manipur, Kerala and Mizoram had accepted the recommendations of the Shetty Commission and had agreed to implement the same subject to the Union of India bearing 50 percent of the expenditure as envisaged in the Report. The States of Bihar and Jharkhand had also conveyed that they were accepting the Shetty Commission Report subject to the Union of India bearing 50 per cent of the expenditure and the Report being further modified and scaled down. Affidavits have also been filed by the States of Andhra Pradesh and Haryana with regard to the scales of pay accepted by them.

11. From the various affidavits which have been filed and the responses given to the Union of India, we find that none of the States has accepted the recommendation of the Shetty Commission with regard to the pay scales in toto.

12. Pursuant to an order dated 27-8-2001, an affidavit has also been filed by Shri Kamal Pande, Secretary, Government of India, Department of Justice detailing the decisions taken by the Central Government with regard to the Judicial Officers in the Union Territories. According to this affidavit, with regard to the Union Territory of Delhi the pay scales which have been accepted by the Union of India are as follows :

Civil Judge (Jr. Division)	Rs. 8,000-275-13,500
Civil Judge (senior time scale)	Rs. 10,650-325-15,850
Senior Civil Judge	Rs. 12,750-375-16,500
District Judge (Entry Level)	Rs. 15,100-400-18,300
District Judge (selection Grade) (20% of the posts of District Judges)	Rs. 18,400-500-22,400

13. We have heard the learned Amicus Curiae as well as the learned Solicitor General and the Advocates General for the State of Karnataka and other learned counsel. We will first deal with some of the contentious issues on which arguments have been addressed and also deal with the recommendations of the Shetty Commission which, in our opinion, need modification or cannot be accepted as such.

14. The most important point in these proceedings appears to us to be as to whether the recommendation of the Shetty Commission laying down different scales of pay should be accepted or not. It is to be borne in mind that pursuant to the judgment in the review case *(All India Judges case[2])* the Central Government had accepted the recommendation and had constituted the Shetty Commission. Correspondingly, it had deleted from the terms of reference of the Fifth Central Pay Commission the consideration in respect of the pay scales of the Judicial Officers. Therefore, it can safely be concluded that the Central Government had agreed to set up a Pay Commission specifically for Judicial Officers and normally the recommendations made in that behalf should be accepted unless for some specific and valid reason a departure was required to be made. We may here bear in mind that the Fifth Central Pay Commission Report which was submitted has been largely accepted by the Government of India with little or no modification. It was, therefore, rightly urged by Shri F.S. Nariman that there must be good and compelling reason for the States and the Central government in not accepting the recommendations of the Shetty Commission.

15. From the facts narrated hereinabove, it is clear that atleast eight of the States nave accepted the recommendations of the Shetty Commission provided the Central Government bears 50 percent of the expense. This means that in principle there is acceptance of the pay scales as determined by the Shetty Commission.

16. The Central Government, however, has evolved its own pay scales with regard to the Subordinate and the Higher Judicial Service in the Union Territories, including the Union Territory of Delhi. The pay scales which have now been approved by the Government of India had been formulated on the basis that there should be a parity between the Executive and the Judiciary. Mr. Nariman rightly contended that this basis is contrary to

the decision of this Court in the *All India Judges' Assn. case* (supra) as well as in the review judgment. It was stated in no uncertain terms that the Judiciary could not be equated with the Executive and it must have its own pay structure.

17. Even if we were to examine the two scales of pay, one for the I.A.S. officers after the Fifth Central Pay Commission Report and the scales of pay recommended for the Judicial Service, we find that there is a fundamental error which has been committed by the Union of India. The scales of pay approved for the I.A.S. officers are as follows :

Junior Scale	Rs. 8000-275-13500
Senior Scale : (i) Time Scale	Rs.10,650-325-15,850
(ii) Jr. Admn. Grade	Rs. 12,750-375-16,500
(iii) Selection Grade	Rs. 15,100-400-18,300
(iv) Super Time Scale	Rs. 18,400-500-22,400
(v) Above ST Scale	Rs. 22,400-525-24,500
Secretary to Govt. of India	Rs. 26,000 (fixed)
Cabinet Secretary	Rs. 30,000 (fixed)

18. What the Union of India has done is that it equated the District Judge at the entry level with the Selection Grade for the I.A.S. officers. The pay scale approved is Rs. 15,100-400-18,300. We, however, find that an I.A.S. officer enters the Selection Grade after having put in approximately 14 years of service. On the other hand, Civil Judge would normally enter the level of the District Judge, and is appointed first as an Additional District Judge, after having put in 18 to 20 years of service. As far as the I.A.S. Officers are concerned, after 17 years of service, an I.A.S. officer would normally enter the Super Time Scale of Rs. 18,400-500-22,400. If the number of years which are put in service, is a measure to be adopted in determining as to what should be the pay

scales, we find that the Government of India has erred in equating the District Judge at the entry level with the scale of pay of a Selection Grade I.A.S. Officer. The proper equation should have been between the District Judge at the entry level with a Super Time Scale of an I.A.S. Officer. It is on that basis that the scale of pay should have been determined upwards and downwards.

19. The Shetty Commission has trifurcated the scales of pay as far as the District Judges are concerned. It has recommended scales of pay of a District Judge at the entry level at Rs. 16,750-20,500, District Judge (Selection Grade) at Rs. 18,750-22,850 and District Judge (Super Time Scale) at Rs. 22,850-24,850. As we have already noted, a Judicial Officer would enter the District Judge (Entry Level) after having put in 18-20 years of service. The scale of pay of Rs. 16,750-20,500 recommended by the Shetty Commission is lower than the Super Time Scale for an I.A.S. Officer of Rs. 18,400-22,400, when such an officer enters the Super Time Scale after 17 years of service. A Judicial Officer enters the Selection Grade of a District Judge after having put in 21 to 25 years of service. The pay scale recommended by the Shetty Commission is Rs. 18,750-22,850. This is less than the scale above ST Scale recommended for an I.A.S. officer which is of Rs. 22,400-24,500 even though an I.A.S. officer enters that scale after having put in 25 years of service which is on a par with the number of years put in by a Judicial Officer on his entry into Selection Grade. It is only the District Judge (Super Time Scale) as recommended by the Shetty Commission which is comparable with the last scale of an I.A.S. Officer.

20. From the aforesaid, it is clear, and it is so mentioned in the Shetty Commission Report, that the said Commission has taken into consideration the recommendation of the Fifth Central Pay Commission while determining the pay scales for the Judicial Officers. In our opinion, the pay scales recommended by the Shetty Commission are just and reasonable. Considering the years of service put in by the Judicial Officer at different stages, the parity in the scale of pay recommended by the Shetty Commission for the Judicial Officers with the scales of pay of I.A.S. officers is not, by and large, disturbed. In fact, the scale of pay recommended by the Shetty Commission appear to us to be somewhat lower, on the average, than the scales of pay recommended for an I.A.S. officer is we take into consideration, as we must do, the number of years a Judicial officer has put in service. We are therefore, of the opinion that the pay scales

recommended by the Shetty Commission should be accepted. We wish to emphasise that even though in the earlier judgments, is has rightly been said that there should be no equation or parity between the Judicial Service and the Executive Service, nevertheless even on the basis that there should not be great distortion in the pay scales of the Judicial Officer vis-a-vis the Executive, we find the recommendations made by the Shetty Commission as just, fair and reasonable.

21. The next question which arose for consideration is whether the Shetty Commission was justified in recommending that 50 per cent of the expense should be borne by the Central Government. It has been contended by the learned Advocate General for the State of Karnataka as well as on behalf of the other States that the Judicial Officers working in the States deal not only with the State laws but also with the federal laws. They, therefore, submitted that, in fairness of things, the Central Government should bear half of the expense of the Judiciary.

22. The learned Solicitor General, however, submitted that the recommendation of the Shetty Commission that the Union of India should bear 50 per cent of the total expense was inconsistent with the Constitutional set-up. Had there been an All India Judicial Service, then the Union of India may have been under an obligation to bear the expense, but as the State Governments had not agreed to the establishment of the All India Judicial Service and no legislation had been passed under Entry 11-A of List III by the Parliament, therefore it will not be correct to direct the Central Government to bear 50 per cent of the expense on the Judicial system. The learned Solicitor General submitted that the obligation to meet the expenses of the Judicial Service, except for the Supreme Court and the Courts, in the Union Territories, was on the State Governments. He contended that when allocation of funds between the Centre and the States takes place the expenses which the States are required to meet in connection with the administration of justice is a factor which is taken into consideration. The provision for devolution of funds from the Union to the States is either by assignment of taxes or distribution of taxes or by grants-in-aid. As and when the need arises, either the Finance Commission or the Union of India allocates more funds to the States.

23. It has not been disputed that at present the entire expense on the administration of justice in the States is incurred by the respective States. It is their responsibility and they

discharge the same. Logically, if there is to be any increase in the expenditure on Judiciary, then it would be for the States to mobilise the resources in such a way whereby they can meet expenditure on Judiciary for discharging their constitutional obligations. Merely because there is an increase in the financial burden as a result of the Shetty Commission Report being accepted, can be no ground for fastening liability on the Union of India when none exists at present. Accordingly, disagreeing on this point with Justice Shetty Commission recommendations, we direct that the entire expenditure on account of the recommendations of the Justice Shetty Commission as accepted be borne by the respective States. It is for the States to increase the court fee or to approach the Finance Commission or the Union of India for more allocation of funds. They can also mobilise their resources in order to meet the financial obligation. If such a need arises and the States approach the Finance Commission or the Union of India for allocation of more funds, we have no doubt that such a request shall be favourably considered.

24. Mr. F.S. Nariman has drawn our attention to yet another important aspect with regard to dispensation of justice, namely, the huge backlog of undecided cases. One of the reasons which has been indicated even in the 120th Law Commission Report was the inadequate strength of Judges compared to the population of the country. Even the Standing Committee of Parliament headed by Shri Pranab Mukherjee in its 85th Report, submitted in February 2002, to Parliament, has recommended that there should be an increase in the number of Judges. The said Committee has noted the Judge-population ratio in different countries and has adversely commented on the judge- population ratio of 10.5 judges per 10 lakh people in India. The Report recommends the acceptance, in the first instance, of increasing the judge strength to 50 judges per 10 lakh people as was recommended by the 120th Law Commission Report.

25. An independent and efficient judicial system is one of the basic structures of our Constitution. If sufficient number of judges are not appointed, justice would not be available to the people, thereby undermining the basic structure. It is well known that justice delayed is justice denied. Time and again the inadequacy in the number of judges has adversely been commented upon. Not only have the Law Commission and the Standing Committee of Parliament made observations in this regard, but even the Head of the Judiciary, namely, the Chief Justice of India has had more occasioned than once to make observations in regard thereto. Under the circumstances, we feel it is our

constitutional obligation to ensure that the backlog of the cases is decreased and efforts are made to increase the disposal of cases. Apart from the steps which may be necessary for increasing the efficiency of the Judicial officers, we are of the opinion that time has now come for protecting one of the pillars of the Constitution, namely, the judicial system, by directing increase, in the first instance, in the Judge strength from the existing ratio of 10.5 or 13 per 10 lakhs people to 50 judges for 10 lakh people. We are conscious of the fact that overnight these vacancies cannot be filled. In order to have additional judges, not only will the posts have to be created but infrastructure required in the form of additional court rooms, buildings, staff, etc., would also have to be made available. We are also aware of the fact that a large number of vacancies as of today from amongst the sanctioned strength remain to be filled. We, therefore, first direct that the existing vacancies in the Subordinate Courts at all levels should be filled, if possible latest by 31-3-2003, in all the States. The increase in the Judge strength to 50 judges per 10 lakh people should be effected and implemented with the filling up of the posts in a phased manner to be determined and directed by the Union Ministry of Law, but, this process should be completed and the increased vacancies and posts filled within a period of five years from today. Perhaps increasing the Judge strength by 10 per 10 lakh people every year could be one of the methods which may be adopted thereby completing the first stage within five years before embarking on further increase if necessary.

26. The Shetty Commission had recommended that there should be an increase in retirement age from 60 to 62 years. In our opinion, this cannot be done for the simple reason that the age of retirement of a High Court Judge is constitutionally fixed at 62 years. It will not be appropriate, seeing the Constitutional framework with regard to the Judiciary, to have an identical age of retirement between the members of the Subordinate Judicial Service and a High Court. As of today, the age of retirement of a Supreme Court Judge is 65 years, of a High Court Judge it is 62 years and logically the age of retirement of a Judicial Officer is 60 years. This difference is appropriate and has to be maintained. However, as there is a backlog of vacancies which has to be filled and as the Judge strength has to be increased, as directed by us, it would be appropriate for the States in consultation with the High Court to amend the service rules and to provide for re-employment of the retiring Judicial Officers till the age of 62 years if there are vacancies in the cadre of the District Judge. We direct this to be done as early as possible.

27. Another question which falls for consideration is the method of recruitment to the posts in the cadre of Higher Judicial Service i.e. District Judges and Additional District Judges. At the present moment, there are two sources for recruitment to Higher Judicial Service, namely, by promotion from amongst the members of the Subordinate Judicial Service and by direct recruitment. The Subordinate Judiciary is the foundation of the edifice of the Judicial system. It is, therefore, imperative, like any other foundation, that it should become as strong as possible. The weight on the Judicial system essentially rests on the Subordinate Judiciary. While we have accepted the recommendation of the Shetty Commission which will result in the increase in the pay scale of the Subordinate Judiciary, it is at the same time necessary that the Judicial officers, hard-working as they are, become more efficient. It is imperative that they keep abreast of knowledge of law and the latest pronouncements, and it is for this reason that the Shetty Commission has recommended the establishment of a Judicial Academy which is very necessary. At the same time, we are of the opinion that there has to be certain minimum standards, objectively adjudged, for officers who are to enter the Higher Judicial Service as Additional District Judges and District Judges. While we agree with the Shetty Commission that the recruitment to the Higher Judicial Service i.e. the District Judge Cadre from amongst the advocate should be 25 per cent and the process of recruitment is to be by a competitive examination, both written and viva voce, we are of the opinion that there should be an objective method of testing the suitability of the Subordinate Judicial officers for promotion to the Higher Judicial Service. Furthermore, there should also be an incentive amongst the relatively junior and other officers to improve and to compete with each other so as to excel and get quicker promotion. In this way, we expect that the calibre of the members of the Higher Judicial Service will further improve. In order to achieve this, while the ratio of 75 per cent appointment by promotion and 25 per cent by direct recruitment to the Higher Judicial Service is maintained, we are, however, of the opinion that there should be two methods as far as appointment by promotion is concerned: 50 per cent of the total posts in the Higher Judicial Service must be filled by promotion on the basis of principle of merit-cum- seniority. For this purpose, the High Courts should devise and evolve a test in order to ascertain and examine the legal knowledge of those candidates and to assess their continued efficiency with adequate knowledge of case law. The remaining 25 per cent of the posts in the Service shall be filled by promotion strictly on the basis of merit through the limited departmental competitive examination for which the qualifying service as a Civil Judge (Senior

Division) should be not less than five years. The High Courts will have to frame a rule in this regard.

28. As a result of the aforesaid, to recapitulate, we direct that recruitment to the Higher Judicial Service i.e. the cadre of District Judges will be:

[1] (a) 50 per cent by promotion from amongst the Civil Judges (Senior Division) on the basis of principle of merit-cum-seniority and passing a suitability test;

(b) 25 per cent by promotion strictly on the basis of merit through limited competitive examination of Civil Judges (Senior Division) having not less than five years' qualifying service; and

(c) 25 per cent of the posts shall be filled by direct recruitment from amongst the eligible Advocates on the basis of the written and viva voca test conducted by respective High Courts.

[2] Appropriate rules shall be framed as above by the High Courts as early as possible.

29. Experience has shown that there has been a constant discontentment amongst the members of the Higher Judicial Service in regard to their seniority in service. For over three decades large number of cases have been instituted in order to decide the relative seniority from the officers recruited from the two different sources, namely, promotees and direct recruits. As a result of the decision today, there will, in a way, be three ways of recruitment to Higher Judicial Service. The quota for promotion which we have prescribed is 50 per cent by following the principle "merit-cum- seniority", 25 per cent strictly on merit by limited departmental competitive examination and 25 per cent by direct recruitment. Experience has also shown that the least amount of litigation in the country, where quota system in recruitment exists, in so far as seniority is concerned, is where a roster system is followed. For example, there is, as per the Rules of the Central Government, a 40-point roster which has been prescribed which deals with the quotas for Scheduled Castes and Scheduled Tribes. Hardly, if ever, there has been a litigation amongst the members of the Service after their recruitment as per the quotas, the seniority is fixed by the roster points and irrespective of the fact as to when a person is

recruited. When roster system is followed, there is no question of any dispute arising. The 40-point roster has been considered and approved by this Court in *R. K. Sabharwal v. State of Punjab*[3]. One of the methods of avoiding any litigation and bringing about certainty in this regard is by specifying quotas in relation to posts and not in relation to the vacancies. This is the basic principle on the basis of which the 40 point roster works. We direct the High Courts to suitably amend and promulgate Seniority Rules on the basis of the roster principle as approved by this Court in *R.K. Sabharwal's case*[3] (supra) as early as possible. We hope that as a result thereof there would be no further dispute in the fixation of seniority. It is obvious that this system can only apply prospectively except where under the relevant Rules seniority is to be determined on the basis of quota and rotational system. The existing relative seniority of the members of the Higher Judicial Service has to be protected but the roster has to be evolved for the future. Appropriate rules and methods will be adopted by the High Courts and approved by the States, wherever necessary by 31-3-2003.

30. We disapprove the recommendation of giving any weightage to the members of the Subordinate Judicial Service in their promotion to the Higher Judicial Service in determining seniority vis-a-vis direct recruits and the promotees. The roster system will ensure fair play to all while improving efficiency in the service.

31. As we have already mentioned, the Shetty Commission had recommended that Chief Metropolitan Magistrates should be in the cadre of District Judges. In our opinion, this is neither proper nor practical. The appeals from orders passed by the Chief Metropolitan Magistrates under the provisions of the Code of Criminal Procedure are required to be heard by the Additional Sessions Judge or the Sessions Judge. If both the Additional Sessions Judge and the Chief Metropolitan Magistrate belong to the same cadre, it will be paradoxical that any appeal from one officer in the cadre should go to another officer in the same cadre. If they belong to the same cadre, as recommended by the Shetty Commission, then it would be possible that the junior officer would be acting as an Additional Sessions Judge while a senior may be holding the post of Chief Metropolitan Magistrate. It cannot be that against the orders passed by the senior officer it is the junior officer who hears the appeal. There is no reason given by the Shetty Commission as to why the post of the Chief Metropolitan Magistrate be manned by the District Judge,

3 (1995)2 SCC 745: 1995 SCC (L&S) 548: (1995) 29 ATC 481

especially when as far as the posts of the Chief Judicial Magistrate are concerned, whose duties are on par with those of the Chief Metropolitan Magistrate, the Shetty Commission has recommended, and in our opinion rightly, that they should be filled from amongst Civil Judges (Senior Division). Considering the nature and duties of the Chief Judicial Magistrate and the Chief Metropolitan Magistrates, the only difference being their location, the posts of Chief Judicial Magistrate and Chief Metropolitan Magistrate have to be equated and they have to be placed in the cadre of Civil Judge (Senior Division). We order, accordingly.

32. In the *All India Judges' case*[2] (SCC 288 at p. 314) this Court has observed that in order to enter the Judicial Service, an applicant must be an Advocate of at least three year's standing. Rules were amended accordingly. With the passage of time, experience has shown that the best talent which is available is not attracted to the Judicial Service. A bright young law graduate after 3 year of practice finds the Judicial Service not attractive enough. It has been recommended by the Shetty Commission after taking into consideration the views expressed before it by various authorities, that the need for an applicant to have been an Advocate for at least 3 years should be done away with. After taking all the circumstances into consideration, we accept this recommendation of the Shetty Commission and the argument of the learned Amicus Curiae that it should be no longer mandatory for an applicant desirous of entering the Judicial Service to be an Advocate of at least three years' standing. We, accordingly, in the light of experience gained after the judgment in *All India Judges' case* direct to the High Courts and to the State Governments to amend their rules so as to enable a fresh law graduate who may not even have put in even three years of practice, to be eligible to compete and enter the Judicial Service. We, however, recommend that a fresh recruit into the Judicial Service should be imparted with training of not less than one years, preferably two years.

33. The Shetty Commission has recommended Assured Career Progressive Scheme and Functional Scales. We have accepted the said recommendation and a suggestion was mooted to the effect that in order that a Judicial Officer does not feel that he is stagnated there should be a change in the nomenclature with the change of the pay scale. A suggestion has been mooted by Shri F.S. Nariman, the learned Amicus Curiae that the nomenclature in each cadre should be as follows:

A. Civil Judge (Junior Division Cadre) at entry level:

1. Civil Judge

2. Civil Judge, Grade-II

3. Civil Judge, Grade-I

B. Civil Judge (Senior Division Cadre) at intermediary level:

1. Senior Civil Judge

2. Upper Senior Judge

3. Superior Senior Judge

34. These are only suggestions which are made and it will be more appropriate for each State, taking into consideration the local requirements, to adopt appropriate nomenclatures. It would be appropriate to mention at this stage that in some States, the entry point to the Judicial Services is at the level of a Munsiff or a Subordinate Judge. Those are nomenclature which are also to be considered but what is important is that in respect of each scale the nomenclature should be different. In this way a Judicial Officer will get a feeling that he has made progress in his Judicial career with his nomenclature or designation changing with an upward movement within the Service.

35. One of the recommendations of the Shetty Commission is in relation to the grant of the house rent allowance. The recommendation is that official accommodation should be made available to the members of the Judicial Service who should pay 12.5% of the salary as rent. The Commission further recommends that in addition to the allotment of the said premises, the Judicial Officer should also get house rent allowance. In our opinion, this double benefit is uncalled for. It is most desirable and imperative that free Government accommodation should be made available to the Judicial officers. Taking into consideration, the fact that the accommodation which is made available to the Judges of the Supreme Court as well as the High Courts is free of charge, we direct that the

official accommodation which is allotted to the Judicial Officers should likewise be free of charge but no house rent allowance will be payable on such an allotment being made. If, however, the Government for any reason is unable to make allotment, or make available official accommodation, then in that event the Judicial Officer would be entitled to get house rent allowance similar to that which has been as existing or as directed by the Shetty Commission whichever is higher. However it is made clear that once a Government or official accommodation is allotted to an officer and in pursuance thereof he occupies such an accommodation, he would not be entitled to draw house rent allowance.

36. There are a number of other allowances which nave been referred to by the Shetty Commission, some of which have not been accepted by the Central Government. For example, allowance of Rs. 2,500 to be paid to enable the engagement of a servant by a Judicial Officer. We do not think such a suggestion made by the Shetty Commission to be appropriate and the Central Government has rightly not accepted the same. Another suggestion which has been made by the Shetty Commission is that 50 per cent of the electricity and water charges of the residences of the Judicial Officers should be reimbursed by the Government. There is merit in this suggestion subject to a cap being placed so that the 50 per cent expense does not become very exorbitant. This allowance should be paid, inasmuch as Judicial Officers do and are required to work at their residence in discharge of their Judicial duties. Therefore, it will not be inappropriate that 50 per cent of the electricity and water charges should be borne by the State Government.

37. Subject to the various modifications in this Judgment, all other recommendations of the Shetty Commission are accepted.

38. We are aware that it will become necessary for service and other rules to be amended so as to implement this judgment. Firstly, with regard to the pay scales, the Shetty Commission has approved the pay scales with effect from 1-1-1996 but has directed the same to be paid with effect from 1-7-1996. The pay scales as so approved by us are with effect from 1-7-1996. However, it will take some time for the States to make necessary financial arrangements for the implementation of the revised pay scales. The Judicial officers shall be paid the salary in the revised pay scales as approved by this Court with effect from 1-7-2002. The arrears of salary between 1-7-1996 to 30-6-2002, will either be

paid in cash or the State may make the payment by crediting the same in the Provident Fund Account of the respective Judicial Officers. Furthermore, the payment by credit or otherwise should be spread over between the years 1-7-1996 to 30-6-2002 so as to minimise the income tax liability which may be payable thereon. In calculating the arrears, the Government will, of course, take into account the interim relief which had been granted and drawn by the Judicial Officers. The amount to be credited in the Provident Fund Account would also be after deducting the income tax payable.

39. The States as well as the Union of India shall submit their compliance report by 30-9-2002. Case be listed thereafter for further orders.

40. Any clarification that may be required in respect of any matter arising out of this decision will be sought only from this Court. The proceedings if any, for implementation of the directions given in this judgment shall be filed only in this Court and no other Court shall entertain them.

41. Before concluding, we record our high appreciation for the assistance rendered by the learned Amicus Curiae-Shri F. S. Nariman, Shri Subhash Sharma, Shri C.S. Ramulu, Shri A.T.M. Sampath and all other learned counsel.

Appendix-X

JT 2002 (4) SC 92

P. Ramachandra Rao Vs. State of Karnataka

S.P. BHARUCHA, CJI., SYED SHAH MOHAMMED QUADRI, R.C. LAHOTI, N. SANTOSH HEGDE, DORAISWAMY RAJU, RUMA PAL & ARIJIT PASAYAT, JJ. Dt. 16.4.2002

1. No person shall be deprived of his life or his personal liberty except according to procedure established by law-declares Article 21 of the Constitution. 'Life and liberty', the words employed in shaping Article 21, by the Founding Fathers of the Constitution, are not to be read narrowly in the sense drearily dictated by dictionaries; they are organic terms to be construed meaningfully. Embarking upon the interpretation thereof, feeling the heart-throb of the Preamble, deriving strength from the Directive Principles of State Policy and alive to their constitutional obligation, the Courts have allowed Article 21 to stretch its arms as wide as it legitimately can. The mental agony, expense and strain which a person proceeded against in criminal law has to undergo and which, coupled with delay, may result in impairing the capability or ability of the accused to defend himself have persuaded the constitutional courts of the country in holding the right to speedy trial a manifestation of fair, just and reasonable procedure enshrined in Article 21. Speedy trial, again, would encompass within its sweep all its stages including investigation, inquiry, trial, appeal, revision and re-trial - in short everything commencing with an accusation and expiring with the final verdict - the two being respectively the terminus a quo and terminus ad quem --of the journey which an accused must necessarily undertake once faced with an implication. The constitutional philosophy propounded as right to speedy trial has though grown in age by almost two and a half decades, the goal sought to be achieved is yet a far-off peak. Myriad fact-situations bearing testimony to denial of such fundamental right to the accused persons, on account of failure on the part of prosecuting agencies and executive to act, and their turning an almost blind eye at securing expeditious and speedy trial so as to satisfy the mandate of Article 21 of the Constitution have persuaded this Court in devising solutions which go to the extent of almost enacting, by judicial verdict bars of limitation beyond which the trial shall not proceed and the arm of law shall lose its hold. In its zeal to protect the right

to speedy trial of an accused, can the Court devise and almost enact such bars of limitation though the Legislature and the Statutes have not chosen to do so-is a question of far-reaching implication which has led to the constitution of this Bench of seven-Judge strength.

2. In Criminal Appeal No. 535/2000 the appellant was working as an Electrical Superintendent in the Mangalore City Corporation. For the check period 1.5.1961 to 25.8.1987 he was found to have amassed assets disproportionate to his known sources of income. Charge-sheet accusing him of offences under Section 13(1)(e) read with Section 13(2) of the Prevention of Corruption Act, 1988 was filed on 15.3.1994. The accused appeared before the Special Court and was enlarged on bail on 6.6.1994. Charges were framed on 10.8.1994 and the case proceeded for trial on 8.11.1994. However, the trial did not commence. On 23.2.1999 the learned Special Judge who was seized of the trial directed the accused to be acquitted as the trial had not commenced till then and the period of two years had elapsed which obliged him to acquit the accused in terms of the directions of this court.....

[Para Nos. 1-2]

8. .....Right to speedy trial and fair procedure has passed through several milestones on the path of constitutional jurisprudence. In Maneka Gandhi (supra) , this Court held that the several fundamental rights guaranteed by Part III required to be read as components of one integral whole and not as separate channels. The reasonableness of law and procedure, to withstand the test of Articles 21, 19 and 14, must be right and just and fair and not arbitrary, fanciful or oppressive, meaning thereby that speedy trial must be reasonably expeditious trial as an integral and essential part of the fundamental right of life and liberty under Article 21. Several cases marking the trend and development of law applying Maneka Gandhi and Hussainara Khatoon(I) principles to myriad situations came up for the consideration of this Court by a Constitution Bench in Abdul Rehman Antulay and Ors. v. R.S. Nayan and Ors.[9] , [(1992) 1 SCC 225] (A.R. Antulay, for short). The proponents of right to speedy trial strongly urged before this Court for taking one step forward in the direction and prescribing time limits beyond which no criminal proceeding should be allowed to go on, advocating that unless this was done, Maneka Gandhi and Hussainara Khatoon(I) exposition of Article 21 would remain a mere illusion and a platitude. Invoking of the constitutional jurisdiction of this Court so as to judicially

9 JT 1991 (6) SC 431

forge two termini and lay down periods of limitation applicable like a mathematical formula, beyond which a trial or criminal proceeding shall not proceed, was resisted by the opponents submitting that the right to speedy trial was an amorphous one something less than other fundamental rights guaranteed by the Constitution. The submissions made by proponents included that the right to speedy trial flowing from Article 21 to be meaningful, enforceable and effective ought to be accompanied by an outer limit beyond which continuance of the proceedings will be violative of Article 21. It was submitted that Section 468 of the Code of Criminal Procedure applied only to minor offences but the Court should extend the same principle to major offences as well. It was also urged that a period of 10 years calculated from the date of registration of crime should be placed as an outer limit wherein shall be counted the time taken by the investigation.

[Para No. 8]

20. A perception of the cause for delay at the trial and in conclusion of criminal proceedings is necessary so as to appreciate whether setting up bars of limitation entailing termination of trial or proceedings can be justified. The root cause for delay in dispensation of justice in our country is poor judge-population-ratio. Law Commission of India in its 120th Report on Manpower Planning in Judiciary (July 1987), based on its survey, regretted that in spite of Article 39A added as a major Directive Principle in the Constitution by 42nd Amendment (1976), obliging the State to secure such operation of legal system as it promotes justice and to ensure that opportunities for securing justice are not denied to any citizen several reorganisation proposals in the field of administration of justice in India have been basically patch work, ad hoc and unsystematic solutions to the problem. The judge-population-ratio in India (based on 1971 census) was only 10.5 judges per million population while such ratio was 41.6 in Australia, 50.9 in England, 75.2 in Canada and 107 in United States. The law Commission suggested that India required 107 judges per million of Indian population; however to begin with the judge strength needed to be raised to five-fold, i.e., 50 judges per million population in a period of five years but in any case not going beyond ten years. Touch of sad sarcasm is difficult to hide when the Law Commission observed (in its 120th Report, ibid) that adequate reorganisation of the Indian judiciary is at the one and at the same time everybody's concern and, therefore, nobody's concern. There are other factors contributing to the delay at the trial. In **A.R. Antulay's case**, vide para 83, the Constitution Bench has noted that in spite of having proposed to go on with the trial of a case, five days a week and week after week, it may not be possible to conclude the

trial for reasons, viz. (1) non-availability of the counsel, (2) non-availability of the accused, (3) interlocutory proceedings, and (4) other systemic delays. In addition, the Court noted that in certain cases there may be a large number of witnesses and in some offences, by their very nature, the evidence may be lengthy. In **Kartar Singh v. State of Punjab** 1994 (3) SCC 569 another Constitution Bench opined that the delay is dependent on the circumstances of each case because reasons for delay will vary, such as (i) delay in investigation on account of the widespread ramifications of crimes and its designed network either nationally or internationally, (ii) the deliberate absence of witness or witnesses, (iii) crowded dockets on the file of the court etc.....

[Para No. 20]

Appendix-Y

(2012) 6 Supreme Court Cases 502

(BEFORE A.K. PATNAIK AND SWATANTER KUMAR, JJ.)

BRIJ MOHAN LAL .. Petitioner

Versus

UNION OF INDIA AND OTHERS .. Respondents

".....the Government should not frame any policies or do any acts which shall derogate from the very ethos of the stated basic principle of judicial independence. If the policy decision of the State is likely to prove counter-productive and increase the pendency of cases, thereby limiting the right to fair and expeditious trial to the litigants in this country, it will be tantamount to infringement of their basic rights and constitutional protections. Thus, we have no hesitation in holding that in these cases, the Court could issue a mandamus"

[Para No. 111]

207. Without any intent to interfere with the policy decision taken by the Governments, but, unmistakably, to protect the guarantees of Article 21 of the Constitution, to improve the Justice Delivery System and fortify the independence of judiciary, while ensuring attainment of constitutional goals as well as to do complete justice to the lis before us, in terms of Article 142 of the Constitution, we pass the following orders and directions:

207.1. Being a policy decision which has already taken effect, we decline to strike down the policy decision of the Union of India vide letter dated 14th September, 2010 not to finance the FTC Scheme beyond 31st March, 2011.

207.2. All the States which have taken a policy decision to continue the FTC Scheme beyond 31.3.2011 shall adhere to the respective dates as announced, for example in the cases of States of Orissa (March 2013), Haryana (March 2016), Andhra Pradesh (March 2012) and Rajasthan (February 2013).

207.3. The States which are in the process of taking a policy decision on whether or not to continue the FTC Scheme as a permanent feature of administration of justice in the respective States are free to take such a decision.

207.4. It is directed that all the States, henceforth, shall not take a decision to continue the FTC Scheme on ad hoc and temporary basis. The States are at liberty to decide but only with regard either to bring the FTC Scheme to an end or to continue the same as a permanent feature in the State.

207.5. The Union of India and the State Governments shall re-allocate and utilize the funds apportioned by the Thirteenth Finance Commission and/or make provisions for such additional funds to ensure regularization of the FTC judges in the manner indicated and/or for creation of additional courts as directed in this judgment.

207.6. All the decisions taken and recommendations made at the Chief Justices and Chief Ministers' Conference shall be placed before the Cabinet of the Centre or the State, as the case may be, which alone shall have the authority to finally accept, modify or decline, the implementation of such decisions and, that too, upon objective consideration and for valid reasons. Let the Minutes of the Conference of 2009, at least now, be placed before the Cabinet within three months from the date of pronouncement of this judgment for its information and appropriate action.

207.7. No decision, recommendation or proposal made by the Chief Justices and Chief Ministers' Conference shall be rejected or declined or varied at any bureaucratic level, in the hierarchy of the Governments, whether in the State or the Centre.

207.8. We hereby direct that it shall be for the Central Government to provide funds for carrying out the directions contained in this judgment and, if necessary, by re-allocation of funds already allocated under the 13th Finance Commission for Judiciary. We further direct that for creation of additional 10 per cent posts of the existing cadre, the burden shall be equally shared by the Centre and the State Governments and funds be provided without any undue delay so that the courts can be established as per the schedule directed in this judgment.

207.9. All the persons who have been appointed by way of direct recruitment from the Bar as Judges to preside over the FTCs under the FTC Scheme shall be entitled to be appointed to the regular cadre of the Higher Judicial Services of the respective State only in the following manner:

(a) The direct recruits to the FTCs who opt for regularization shall take a written examination to be conducted by the High Courts of the respective States for determining their suitability for absorption in the regular cadre of Additional District Judges.

(b) Thereafter, they shall be subjected to an interview by a Selection Committee consisting of the Chief Justice and four senior-most Judges of that High Court.

(c) There shall be 150 marks for the written examination and 100 marks for the interview. The qualifying marks shall be 40 per cent aggregate for general candidates and 35 per cent for SC/ST/OBC candidates. The examination and interview shall be held in accordance with the relevant Rules enacted by the States for direct appointment to Higher Judicial Services.

(d) Each of the appointees shall be entitled to one mark per year of service in the FTCs, which shall form part of the interview marks.

(e) Needless to point out that this examination and interview should be conducted by the respective High Courts keeping in mind that all these applicants have put in a number of years as FTC Judges and have served the country by administering Justice in accordance with law. The written examination and interview module, should, thus, be framed keeping in mind the peculiar facts and circumstances of these cases.

(f) The candidates who qualify the written examination and obtain consolidated percentage as afore-indicated shall be appointed to the post of Additional District Judge in the regular cadre of the State.

(g) If, for any reason, vacancies are not available in the regular cadre, we hereby direct the State Governments to create such additional vacancies as may be necessary keeping in view the number of candidates selected.

(h) All sitting and/or former FTC Judges who were directly appointed from the Bar and are desirous of taking the examination and interview for regular appointment shall be given age relaxation. No application shall be rejected on the ground of age of the applicant being in excess of the prescribed age.

207.10. The members of the Bar who have directly been appointed but whose services were either dispensed with or terminated on the ground of doubtful integrity, unsatisfactory work or against whom, on any other ground, disciplinary action had been taken, shall not be eligible to the benefits stated in para 2.7.9 of the judgment.

207.11. Keeping in view the need of the hour and the Constitutional mandate to provide fair and expeditious trial to all litigants and the citizens of the country, we direct the respective States and the Central Government to create 10 per cent of the total regular cadre of the State as additional posts within three months from today and take up the process for filling such additional vacancies as per the Higher Judicial Service and Judicial Services Rules of that State, immediately thereafter.

207.12. These directions, of course, are in addition to and not in derogation of the recommendations that may be made by the Law Commission of India and any other

order which may be passed by the Courts of competent jurisdiction, in other such matters.

207.13. The candidates from any State, who were promoted as FTC Judges from the post of Civil Judge, Senior Division having requisite experience in service, shall be entitled to be absorbed and remain promoted to the Higher Judicial Services of that State subject to:

(a) Such promotion, when effected against the 25 per cent quota for out-of-turn promotion on merit, in accordance with the judgment of this Court in the case of All India Judges' Association (3)[12], by taking and being selected through the requisite examination, as contemplated for out-of-turn promotion.

(b) If the appointee has the requisite seniority and is entitled to promotion against 25 per cent quota for promotion by seniority-cum- merit, he shall be promoted on his own turn to the Higher Judicial Services without any written examination.

(c) While considering candidates either under category (a) or (b) above, due weightage shall be given to the fact that they have already put in a number of years in service in the Higher Judicial Services and, of course, with reference to their performance.

(d) All other appointees in this category, in the event of discontinuation of the FTC Scheme, would revert to their respective posts in the appropriate cadre.

208. In view of these orders, Writ Petition (Civil) No. 152 of 2011 has been rendered infructuous and is dismissed as such. We appreciate the valuable and able assistance rendered by the learned amicus curiae and all other Senior Counsel and assisting counsel appearing in the present writ petition.

209. All interim orders passed in any of the above petitions shall automatically stand vacated in terms of this order. With the above directions, all the appeals and other writ petitions are partially allowed while leaving the parties to bear their own costs.

[Para Nos. 207-209]

12 All India Judges' Assn. (3) v. Union of India, (2002) 4 SCC 247 : 2002 SCC (L&S) 508

Appendix-Z

MALIK MAZHAR SULTAN AND ANR.

VERSUS

U.P. PUBLIC SERVICE COMMISSION & ORS.

CIVIL APPEAL NO.1867 OF 2006 etc. etc. Dated: 04/01/2007

CORAM : HON'BLE Mr. JUSTICE Y.K. SABHARWAL, CJI AND HON'BLE MR. JUSTICE C.K. THAKKER

.....Before we issue general directions and the time schedule to be adhered to for filling vacancies that may arise in subordinate courts and district courts, it is necessary to note that selections are required to be conducted by the concerned authorities as per the existing Judicial Service Rules in the respective States/Union Territories. We may, however, note that, progressively, the concerned authorities would consider, discuss and eventually may arrive at a consensus that the selection process be conducted by the High Court itself or by Public Service Commission under the control and supervision of the High Court. In this regard, considerable progress has already been made. Reference can be made to the decision taken in a Conference held between the Chief Justices and Chief Ministers, minutes whereof show that in some of the States, selection of subordinate judicial officers at all levels of civil judges is already being made by the High Courts. Some States, where selection is still being made by the Public Service Commission, were agreeable to entrust the selection to the High Courts whereas Chief Ministers/Ministers of Himachal Pradesh, West Bengal, Punjab and Kerala were of the view that the present system may continue but the decision taken jointly was that in the said States [Himachal Pradesh, West Bengal, Punjab and Kerala] setting up of question papers and evaluation of answer sheets be entrusted to the High Court. Further decision taken was that in other States where selection of subordinate judicial officers is not being done by the High Courts, such selection be entrusted to the High Courts by amending relevant Rules. In this connection, with the affidavit filed on

behalf of the Calcutta High Court, a copy of the letter dated 15th September, 2006, addressed by the Registrar General of the said Court to the Secretary, Judicial Department, Government of West Bengal, has also been annexed. That letter refers to the aforesaid decision taken in the Conference of Chief Ministers and Chief Justices held on 11th March, 2006 requesting the State Government for effecting suitable amendment in the recruitment rules in terms of the decision in the Conference above-referred. At this stage, however, these are not the issues for our consideration. As already indicated, the selection is to be conducted by authorities empowered to do so as per the existing Rules.

Though no submission was made by any learned counsel appearing for any State Government that the constitution of selection committee by the Chief Justice of the High Court to monitor the timely appointment of judges at subordinate/district level would amount to interference with the independent functioning of the State Public Service Commission, but some State Governments in their responses have indicated so. In view of what we have already noted about the appointments to be made in accordance with the respective Judicial Services Rules in the States, the apprehension of interference seems to be wholly misplaced. A Committee constituted by the Chief Justice of the High Court to ensure that the vacancies are timely filled and the problem of delay in dispensation of justice is tackled to some extent under no circumstances be said to be interference with the independent functioning of the authorities under the Rules or of independent functioning of the State Public Service Commission.

For filling up of vacancies in the cadre of District Judges, accepting the proposal to which none has objected, except in the manner hereinafter noticed, we direct as under:

A. For filling of vacancies in the cadre of District Judge in respect of

(a) twenty five per cent vacancies to be filled by direct recruitment from the Bar; and

(b) twenty five per cent by promotion through limited competitive examination of Civil Judges (Senior Division) not having less than five years of qualifying service.

S. No.	Description	Date
1.	Number of vacancies to be notified by the High Court. Vacancies to be calculated including a] existing vacancies b] future vacancies that may arise within one year due to retirement. c] future vacancies that may arise due to elevation to the High Court, death or otherwise, say ten per cent of the number of posts. d] Vacancies arising due to deputation of judicial officers to other department may be considered as temporary vacancy.	31st March
2.	Advertisement inviting applications from eligible candidates	15th April
3.	Last date for receipt of application	30th April
4.	Publication of list of eligible applicants List may be put on the website	15th May
5.	Despatch/issue of admit cards to the eligible applicants	16th May to 15th June
6.	Written Examination Written examination may be a] objective questions with multiple choice which can be scrutinized by the computer; and	30th June

b] subjective/narrative

7.	Declaration of result of written examination a] Result may be put on the website and also published in the newspaper b] The ratio of 1 : 3 of the available vacancies to the successful candidates be maintained.	16th August
8.	Viva Voce	1st to 7th September
9.	Declaration of final select list and communication to the appointing authority a] Result may be put on the website and also published in the newspaper b] Select list be published in order of merit and should be double the number of vacancies notified. c] Select list shall be valid till the next select list is published.	15th September
10.	Issue of appointment letter by the competent authority for all existing vacant posts as on date	30th September
11.	Last date for joining	31st October

B. For filling of vacancies in the cadre of District Judge in respect of fifty per cent vacancies to be filled by promotion.

1.	Number of vacancies to be notified by	31st March

	the High Court. Vacancies to be calculated including a] existing vacancies b] future vacancies that may arise within one year due to retirement. c] future vacancies that may arise due to elevation to the High Court, death or otherwise, say ten per cent of the number of posts.	
2.	Publication of list of eligible officers a] The list may be put on the website b] Zone of consideration should be 1 : 3 of the number of vacancies	15th May
3.	Receipt of judgments from the eligible officers	30th May
4.	Viva Voce Criteria a] ACR for last five years; b] Evaluation of judgments furnished; and c] Performance in the oral interview	15th to 31st July
5.	Declaration of final select list and communication to the appointing authority a] Result may be put on the website and also published in the newspaper b] Select list be published in order of merit and should be double the number of vacancies notified.	31st August

6.	Issue of appointment letter by the competent authority for all existing vacant posts as on date	30th September
7.	Last date for joining	31st October

C. For filling of vacancies in the cadre of Civil Judge (Senior Division) to be filled by promotion.

S. No.	Description	Date
1.	Number of vacancies to be notified by the High Court. Vacancies to be calculated including a] existing vacancies b] future vacancies that may arise within one year due to retirement. c] future vacancies that may arise due to promotion, death or otherwise, say ten per cent of the number of posts.	31st March
2.	Publication of list of eligible officers a] The list may be put on the website b] Zone of consideration should be 1 : 3 of the number of vacancies	15th May
3.	Receipt of judgments from the eligible officers	30th May
4.	Viva Voce Criteria a] ACR for last five years;	1st to 16th August

	b] Evaluation of Judgments furnished; and c] Performance in the oral interview	
5.	Declaration of final select list and communication to the appointing authority a] Result may be put on the website and also published in the newspaper b] Select list be published in order of merit and should be double the number of vacancies notified.	15th September
6.	Issue of appointment letter by the competent authority for all existing vacant posts as on date	30th September
7.	Last date for joining	31st October

D. For appointment to the posts of Civil Judge (Junior Division) by direct recruitment.

S.No.	Description	Date
1.	Number of vacancies to be notified by the High Court. Vacancies to be calculated including a] existing vacancies b] future vacancies that may arise within one year due to retirement. c] future vacancies that may arise due to promotion, death or otherwise, say ten per cent of the number of posts.	15th January
2.	Advertisement inviting applications	1st February

	from eligible candidates	
3.	Last date for receipt of application	1st March
4.	Publication of list of eligible applicants The list may be put on the website	2nd April
5.	Despatch/issue of admit cards to the eligible applicants	2nd to 30th April
6.	Preliminary written examination Objective questions with multiple choice which can be scrutinized by computer	15th May
7.	Declaration of result of preliminary written examination a] Result may be put on the website and also published in the Newspaper b] The ratio of 1 : 10 of the available vacancies to the successful candidates be maintained	15th June
8.	Final Written examination Subjective/narrative	15th July
9.	Declaration of result of final written examination a] Result may be put on the website and also published in the Newspaper b] The ratio of 1 : 3 of the available vacancies to the successful candidates	30th August

	be maintained c] Dates of interview of the successful candidates may be put on the internet which can be printed by the candidates and no separate intimation of the date of interview need be sent.	
10.	Viva Voce	1st to 15th October
11.	Declaration of final select list and communication to the appointing authority a] Result may be put on the website and also published in the newspaper b] Select list be published in order of merit and should be double the number of vacancies notified.	1st November
12.	Issue of appointment letter by the competent authority for all existing vacant posts as on date	1st December
13.	Last date for joining	2nd January of the following year

These directions would not be applicable to the judiciary in the Sikkim High Court in view of a very small cadre of judiciary in that State.

We request the Chief Justice of each High Court to constitute a committee of two or three judges to monitor and oversee that timely selection and appointment of judicial officers is made. The Chief Justice is further requested to constitute a special cell in the name of `Selection and Appointment' in the High Court or under such other name as the learned Chief Justice may be consider proper with an officer of the rank of Registrar for

assisting the Committee and the Chief Justice for complying with the aforesaid time schedule.

The Registrar of the aforesaid selection and appointment committee shall send to the Registrar General of this Court by 31st January every year report as regards the filling up of vacancies with copies to Minister for Law and Justice in the Central Government and the Law Minister of the concerned State. The Registrar would also bring it to the notice of the Committee and the Chief Justice any deviation from the time schedule.

Insofar as the State of Bihar is concerned, the Patna High Court has suggested that due to feasibility of floods, the time schedule between June and November is not feasible and that the time schedule of one year may be modified so as to complete the selection process from December to June in the said State. Learned counsel for the State Government and the Public Service Commission has supported the view-point of the High Court. Accordingly, the High Court can suitably, after consulting with the Public Service Commission and the State Government, amend the aforesaid time schedule. The amended time schedule be filed in this Court.

Insofar as Delhi is concerned, it has been stated that entire selection process is conducted by the High Court and examination is held twice in a year for the Delhi Judicial Service. The High Court may, accordingly, amend the aforesaid time schedule so as to conduct the selection process twice in a year and the revised time schedule shall be placed on the record of this case. For the present, the Delhi High Court is permitted three months' time for publication of final result after the written examination.

The appointment letters shall be issued by the State Government within one month of receipt of the recommendations from the respective High Court/State Public Service Commission.

The select list prepared for all categories of officials shall be valid till

the next select list is published.

We further direct that ten per cent of unforeseen vacancies would be in respect of sanctioned posts and not vacancies occurring in a particular year.

List of candidates eligible to appear in the examination and final list shall also be published in the local newspaper and be personally intimated to the officers, in addition to the same being placed on the website.

The High Courts/State Governments/Union Territories shall be at liberty to apply to this Court for variation in the time schedule in case of any difficulty having regard to the peculiar geographical and climatic conditions in the State or other relevant consideration. However, till such time a different time schedule is permitted, the aforesaid time schedule shall be adhered to and appointments made accordingly.

We place on record our appreciation for the assistance rendered by Mr. Vijay Hansaria, learned amicus curiae.

For further directions, list the matter after four months.

Appendix-AA

(2012) 2 Supreme Court Cases 688

(Before A.K.GANGULY and T.S.THAKUR, JJ.)

IMTIYAZ AHMAD ..... Appellant;

Versus

STATE OF UTTAR PRADESH AND OTHERS ..... Respondents.

56. It is true that this Court has no power of superintendence over High Court as the High Court has over District Courts under Article 227 of the Constitution. Like this Court, High Court is equally a Superior Court of Record with plenary jurisdiction. Under our Constitution the High Court is not a court subordinate to this Court. This Court, however, enjoys appellate powers over the High Court as also some other incidental powers. But as the last court and in exercise of this Court's power to do complete justice which includes within it the power to improve the administration of justice in public interest, this Court gives the aforesaid guidelines for sustaining common man's faith in the rule of law and the justice delivery system, both being inextricably linked.

57. Certain directions are also given to the Law Commission which are as follows:

a) Since the Law Commission itself is seized with the problem and is making investigation having regard to its terms of reference specially clause 'H' thereof, this Court requests the Law Commission, which is headed by a distinguished retired judge of this Court, to undertake an enquiry and submit its recommendation in relation to the following matters:-

I. Keeping in view that timely justice is an important facet to access to justice, the immediate measures that need to be taken by way of creation of additional courts and other allied matters (including a rational and scientific definition of "arrears" and delay, of which continued notice needs to be taken), to help in elimination of delays, speedy clearance of arrears and reduction in costs. It is trite to add that the qualitative component of justice must not be lowered or compromised; and

II. Specific recommendations whenever considered necessary on the above aspects in relation to each State be made as a product of consultative processes involving the High Courts and other stake holders, including the

Bar.

b) In doing so, the Commission may take such assistance from the Central Government and the State Governments as it thinks fit and proper.

c) Accordingly, it is directed that on the Commission's request for assistance both the Central Government and the State Governments shall render all possible assistance to the Commission to enable it to discharge its functions, as directed by this Court in its order. The Commission shall at the discretion of its Chairman be free to co-opt for purposes of the enquiry to be undertaken by it, such legal and technical experts as may be considered necessary by it for an effective and early completion of the assignment hereby made.

d) The Commission is requested to submit its report within six months from the date of this order.

e) Such recommendations be sent to the Registrar General of this Court in sealed covers.

58. The matter may appear before the appropriate Bench after being nominated by the Hon'ble the Chief Justice on 7-8-2012 for further consideration by this court of the recommendations by the Law Commission and if necessary for further directions to be passed in these appeals.

[Para Nos. 56-58]

Appendix-BB

OFFICE ORDER FOR
ESTABLISHMENT OF
NATIONAL COURT MANAGEMENT SYSTEMS
SOURCED FROM
NCMS POLICY & ACTION PLAN

CHAPTER – 12

APPENDIX

Appendix - 'A'

"SUPREME COURT OF INDIA

[Office of Secretary General]

Ref. No.:4/SG/NCMS/2012

Dated :02.05.2012

OFFICE ORDER

Subject: Establishment of National Court Management Systems (NCMS) for enhancing timely justice.

WHEREAS a proposal was placed before Hon'ble the Chief Justice of India regarding the need to establish a comprehensive Court Management Systems for the country that will enhance quality, responsiveness and time lines of Court; and

WHEREAS it was mentioned that the Court Management Systems will need to include the following six main elements: -

(1)A National Framework of Court Excellence (NFCE) that will set measurable *performance standards* for Indian courts, addressing issues of quality, responsiveness and timeliness.

(2)A system for *monitoring* and enhancing the performance parameters established in the NFCE on quality, responsiveness and timeliness.

(3)A system of *Case Management* to enhance user friendliness of the Judicial System.

(4)A *National System of Judicial Statistics* (NSJS) to provide a common national platform for recording and maintaining judicial statistics from across the country. NSJS should provide real time statistics on cases and courts that will enable systematic analysis of key factors such as quality, timeliness and efficiency of the judicial system across courts, districts/states, types of cases, stages of cases, costs of adjudication, time lines of

cases, productivity and efficiency of courts, use of budgets and financial resources. It would enhance transparency and accountability.

(5)A *Court Development Planning System* that will provide a framework for systematic five year plans for the future development of the Indian judiciary. The planning system will include individual court development plans for all the courts.

(6)A *Human Resource Development* strategy setting standards on selection and training of judges of subordinate courts.

AND FURTHER WHEREAS Hon'ble the Chief Justice of India, after consulting Minister of Law and Justice in the Government of India, has been pleased to direct that National Court Management Systems, for enhancing timely justice, may be established.

NOW THEREFORE, By Order, following directions are given:-

(1) Under overall control of Hon'ble the Chief Justice of India, National Court Management Systems (NCMS) for enhancing timely justice is established as per Scheme annexed.

(2) There shall be National Court Management Systems Committee (NCMSC) which shall consist of the following:

Chair:

A Jurist/Domain Expert nominated by the Hon'ble Chief Justice of India. He will be paid honorarium and given such facilities as may be decided by Hon'ble the Chief Justice of India for Chairing N.C.M.S.C.

Members:

1. Four Sitting Judges (preferably one from each zone in India) nominated by the Hon'ble Chief Justice of India.

2. Secretary General of the Supreme Court (ex-officio).

3. Joint Secretary and Mission Director (National Mission for Judicial Delivery and Legal Reforms), Department of Justice, Government of India (ex officio)

4.Registrar Generals of three High Courts nominated by the Hon'ble Chief Justice of India.

5.Director, National Judicial Academy.

6. Two practising Advocates nominated by the Hon'ble Chief Justice of India.

7. An expert Statistician, nominated by the Chief Statistician of India.

8. An expert in management of decision making systems and process re-engineering, nominated by the Hon'ble Chief Justice of India.

9. An expert in Computer Technology relevant to Court Management, nominated by the Hon'ble Chief Justice of India.

10. A representative of a NGO working for improving access to justice and user friendliness of courts, nominated by the Chief Justice of India

11. Additional Registrar, Information and Statistics, Supreme Court of India (ex-officio) Member Secretary

(3) The Committee shall be supported by necessary staff and facilities as following:

a.	Branch Officer (In the pay-scale as applicable in the Registry of Supreme Court of India)	-	One
b.	Senior Personal Assistant (In the pay-scale as applicable in the Registry of Supreme Court of India)	-	One
c.	Personal Assistant (In the pay-scale as applicable in the Registry of Supreme Court of India)	-	One
d.	Court Assistant (In the pay-scale as applicable in the Registry of Supreme Court of India)	-	One
e.	Junior Court Assistants (In the pay-scale as applicable in the Registry of Supreme Court of India)	-	Two
f.	Chauffeur (In the pay-scale as applicable in the Registry of Supreme Court of India)	-	One
g.	Junior Court Attendants	-	Three

(In the pay-scale as applicable in the Registry of Supreme Court of India)

The staff shall be on establishment of Supreme Court of India and/or called on deputation on such terms, conditions and facilities as Hon'ble the Chief Justice of India may decide. They shall be under overall supervision of Additional Registrar, Information and Statistics, Supreme Court of India for day-to-day functioning.

(4) Advisory Committee:

The NCMS Committee shall be advised by an Advisory Committee consisting of two Judges of Supreme Court of India and such other Chief Justices/Judges of High Courts as may be nominated by the Hon'ble Chief Justice of India.

The Chair of the NCMS Committee shall be a member of the Advisory Committee.

Secretary, Department of Justice, Government of India, shall be Ex-Officio Member of the Advisory Committee.

The Secretary-General of the Supreme Court shall be the convenor of the Advisory Committee.

(5) Office of Registrar (Admn. I), Supreme Court of India shall separately take directions regarding creation of posts as above. The Systems will start functioning initially from present Office of Additional Registrar (Information), Supreme Court of India and, later on, will expand to share space in the Office of E-Committee at Lok Nayak Bhawan, Khan Market, New Delhi.

(6) All expenses in connection with the functioning of the NCMS, including salary and allowances, etc., of the Staff, will be met from the sanctioned Budget of the Supreme Court of India.

S/d-
(A.I.S. Cheema)
Secretary General

[Page Nos. 47 to 51]

Appendix-CC

S U P R E M E C O U R T O F I N D I A

NATIONAL COURT MANAGEMENT SYSTEMS

(NCMS)

POLICY & ACTION PLAN

RELEASED BY:

HON'BLE THE CHIEF JUSTICE OF INDIA

PREPARED BY

"NATIONAL COURT MANAGEMENT SYSTEMS COMMITTEE"
IN CONSULTATION WITH
"ADVISORY COMMITTEE"

SUPREME COURT OF INDIA

NATIONAL COURT MANAGEMENT SYSTEMS (NCMS)
POLICY AND ACTION PLAN

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CHAPTER-2

THE SCHEME

2.1 Hon'ble The Chief Justice of India has been pleased to approve the following Scheme on 02.05.2012.

"**SCHEME OF NATIONAL COURT MANAGEMENT SYSTEMS (NCMS) FOR ENHANCING TIMELY JUSTICE**

A. Background and Rationale

India has one of the largest judicial systems in the world – with over 3 crores of cases and sanctioned strength of some 16,000* Judges. The system has expanded rapidly in the last three decades, reflecting India's social, economic and political development in this period. It is estimated that the number of Judges/Courts expanded six fold while the number of cases expanded by double that number – twelve fold. The judicial system is set to continue to expand significantly over the next three decades, rising, by the most conservative estimate, to at least about 15 crores of cases requiring at least some 75,000 Courts/Judges[1]

1 Global and national experience shows that the number of new cases filed into a judicial system increases with literacy and economic wealth (for example, Kerala, with a literacy rate of over 90%, has some 28 new cases per thousand population as against some 4 cases per thousand population in Jharkhand which has a literacy rate of some 53%). As India's literacy rate and per capita income increases the number of new cases filed per thousand population is likely to increase from the current rate of about 15 (up from roughly around 3 cases per thousand cases some three decades ago) to about 75 cases in the next three decades. By this time India's population should be about 1.5billion. This will mean that at least some 15 crores of cases may be filed into the judicial system each year by then. To achieve a ratio of 50 judges per million population, at 1.5 billion population, India will need to have 75,000 judges

*Subsequently collected data shows this figure as 18871 as on 31.12.2011. Please see Para 3.4.

Some* 74% of the cases in Indian courts are less than five years old, of which some *40% are less than 1 year old. There is an urgent need to make the Judicial System 'five plus free' (i.e., free of cases more than five years old) by addressing the *26% of cases that are older than five years. There is an equally urgent need to shorten the average life cycle of all cases – not only time spent within each court, but also total time in the judicial system as a whole, to bring the average to no more than about one year in each court. There is also need to systematically maintain and continuously seek to enhance quality and responsiveness of justice.

Addressing these challenges will require substantial upgrading of court management systems. Today, data on cases filed in the Indian judicial system is still gathered and maintained in manual data systems by courts across the country (especially data of subordinate courts where nearly 90% if the litigation resides) involving manual recording of case and court information in over 50-60 registers or manuals (or more). Each month, considerable time is spent by local courts compiling data from manual registers to submit reports to higher courts. There are a few exceptions where information is entered and maintained in computerized systems at the subordinate court level. There are inconsistencies across States in terms of the data categories and criteria applied to the data (for example, in some states supplementary matters, or sometimes even each prayer for relief, may be counted as a separate case whereas in other states only the main case may be counted as a case; the.....

[Para No. 2.1, Page Nos 1, 4 to 5]

B. <u>Objectives</u>

Against the above background, the Hon'ble Chief Justice of India, Hon'ble Justice S.H. Kapadia has expressed a desire to establish comprehensive Court Management Systems for the country that will enhance quality, responsiveness and timeliness of courts.

Hon'ble the Chief Justice of India, after consulting the Minister of Law and Justice in the Government of India, is pleased to establish National Court Management Systems.

* Subsequently crystallized data may be seen in Chapter-3.

The National Court Management Systems will be under overall control of Hon'ble the Chief Justice of India. It will primarily deal with policy issues. NCMS will include the following six main elements:

(1)A National Framework of Court Excellence (NFCE) that will set measurable *performance standards* for Indian courts, addressing issues of quality, responsiveness and timeliness.

(2)A system for *monitoring* and enhancing the performance parameters established in the NFCE on quality, responsiveness and timeliness.

(3)A system of *Case Management* to enhance user friendliness of the Judicial System.

(4)A *National System of Judicial Statistics* (NSJS) to provide a common national platform for recording and maintaining judicial statistics from across the country. NSJS should provide real time statistics on cases and courts that will enable systematic analysis of key factors such as quality, timeliness and efficiency of the judicial system across courts, districts/states, types of cases, stages of cases, costs of adjudication, time lines of cases, productivity and efficiency of courts, use of budgets and financial resources. It would enhance transparency and accountability.

(5)A *Court Development Planning System* that will provide a framework for systematic five year plans for the future development of the Indian judiciary. The planning system will include individual court development plans for all the courts.

(6)A *Human Resource Development Strategy* setting standards on selection and training of judges of subordinate courts.

[Page Nos. 7-8]

CHAPTER – 9

JUDGE-POPULATION RATIO

9.1 Hon'ble Supreme Court of India, in the matter of "All India Judges Association v. Union of India" [2002 (4) SCC 247], observed as under: -

> "25. An independent and efficient judicial system is one of the basic structures of our Constitution. If sufficient number of Judges are not appointed, justice would not be available to the people, thereby undermining the basic structure. It is well known that justice delayed is justice denied. Time and again the inadequacy in the number of Judges has adversely been commented upon. Not only have the Law Commission and the standing committee of Parliament made observations in this regard, but even the head of the judiciary, namely, the Chief Justice of India has had more occasions than once to make observations in regard thereto. Under the circumstances, we feel it is our constitutional obligation to ensure that the backlog of the cases is decreased and efforts are made to increase the disposal of cases. Apart from the steps which may be necessary for increasing the efficiency of the judicial officers, we are of the opinion that time has now come for protecting one of the pillars of the Constitution, namely, the judicial system, by directing increase, in the first instance, in the Judge strength from the existing ratio of 10.5 or 13 per 10 lakhs people to 50 Judges for 10 lakh people. We are conscious of the fact that overnight these vacancies cannot be filled. In order to have Additional Judges, not only the post will have to be created but infrastructure required in the form of Additional Court rooms, buildings, staff, etc., would also have to be made available. We are also aware of the fact that a large number of vacancies as of today from amongst the sanctioned strength remain to be filled. We, therefore, first direct that the existing vacancies in the subordinate Court at all levels should be filled, if possible, latest by 31st March, 2003, in all the States. The increase in the

Judge strength to 50 Judges per 10 lakh people should be effected and implemented with the filling up of the posts in phased manner to be determined and directed by the Union Ministry of Law, but this process should be completed and the increased vacancies and posts filled within a period of five years from today. Perhaps increasing the Judge strength by 10 per 10 lakh people every year could be one of the methods which may be adopted thereby completing the first stage within five years before embarking on further increase if necessary."

9.2 The above observations of Hon'ble Supreme Court of India made on 21.03.2002 still require attention and Judge-Population ratio requires to be narrowed down. Sufficient Court Rooms, Buildings and staff are yet to be made available. States are required to act in this regard.

9.3 While examining this, it may be important to keep in mind the actual amount of litigation and other relevant factors in various States to determine the Judge-Population Ratio.

[Para Nos. 9.1 to 9.3, Page Nos. 42-43]

CHAPTER – 10

BUDGET

10.1 In Taluka Courts, District Courts and High Courts, experience shows that the clerical staff picks up demands as were made in the earlier years for funds and grants and the same is forwarded to the Government by taking signature of the Judges in the Districts or Registrar General at the level of High Court. Most of the Judicial Officers are not proficient in the art of planning and preparation of Budgets so that the Budget meets the requirements for the next year and is neither excessive nor short. Need of expert assistance at these levels is matter of consideration.

10.2 Providing sufficient Budget to Judiciary has to be the highest priority of the State. Appropriate facilities have to be made available to maintain judicial independence, efficiency and dignity.

10.3 For proper preparation of Budget, posts of professional Accountants need to be created.

10.4 Requirement of financial autonomy needs to be pursued.

10.5 System for timely audit of accounts, needs to be put in place.

[Para Nos. 10.1 to 10.5, Page No. 44]

Appendix-DD

NATIONAL FRAMEWORK OF COURT EXCELLENCE

Report by the Sub-Committee headed by Justice G. Rohini, assisted by Justice C. Praveen Kumar, Judge, High Court of Andhra Pradesh, Sri G. Shyam Prasad, Metropolitan Sessions Judge, Hyderabad, Sri V. Seetharama Avadhani, Director, A.P. Judicial Academy, Hyderabad and Sri G. Butchaiah Sastry, PS to Justice G. Rohini.

NCMS BASELINE REPORT

on

NATIONAL FRAMEWORK OF COURT EXCELLENCE (NFCE)

REPORT OF THE SUB-COMMITTEE

HEADED BY HON'BLE MS. JUSTICE G. ROHINI

Each Hon'ble High Court determines and applies standards for Court Management for itself and its Subordinate Courts as it may consider appropriate. This Report sets out suggestions gathered from various High Courts across the country, as well as suggestions from concerned subject matter experts and comparable global experience, on what may be considered minimum national common standards on Court Management Systems. The Report is purely advisory in nature and may be considered by the respective State Court Management Systems Committees of High Courts if they deem appropriate in accordance with the circumstances and needs of each State. It is a dynamic working document and will be revised and updated from time to time as needed based on feedback received from State Court Management Systems Committees of High Courts and NCMS experience and guidance. It is intended to facilitate a dialogue amongst National and State Court Management Systems Committees on minimum national common standards for Court Management Systems at a policy level. Suggestions from judges and subject matter experts are therefore welcome through the respective State Court Management Systems Committees. The contents of this report do not necessarily reflect the views of the Supreme Court of India, members of the NCMS Advisory Committee or members of the NCMS Committee in their individual capacity.

C H A P T E R – IV

Performance Areas for Court Excellence

4.1 There is rapid increase during the past three decades in the institution of cases and radical change in the pattern of litigation. The absence of adequate number of judges on par with the increase in the institution of cases has resulted in mounting arrears and backlog of cases and many cases are pending in the trial courts for more than five years. The reasons for delay in disposal of cases may broadly be identified as under:

(i) Inadequate Judge-strength

(ii) Lack of supporting staff and essential infrastructure.

(iii) Lengthy call work consuming quality time of the Courts.

(iv) Repeated adjournment of cases resulting in rescheduling court process and disrupting the progress of the case.

(v) Lack of mechanism for segregating the simple cases which can be disposed of within the shortest possible time compared to complex cases involving number of witnesses.

(vi) Lack of coordination between the Bench and the Bar.

[Chaper 4, Page No. 11]

Appendix-EE

REPORT OF THE SUB-COMMITTEE HEADED BY JUSTICE DIPANKAR DATTA ON 'HUMAN RESOURCE DEVELOPMENT STRATEGY'

NCMS BASELINE REPORT

on

HUMAN RESOURCE DEVELOPMENT STRATEGY

REPORT OF THE SUB-COMMITTEE
HEADED BY HON'BLE MR. JUSTICE DIPANKAR DATTA

Each Hon'ble High Court determines and applies standards for Court Management for itself and its Subordinate Courts as it may consider appropriate. This Report sets out suggestions gathered from various High Courts across the country, as well as suggestions from concerned subject matter experts and comparable global experience, on what may be considered minimum national common standards on Court Management Systems. The Report is purely advisory in nature and may be considered by the respective State Court Management Systems Committees of High Courts if they deem appropriate in accordance with the circumstances and needs of each State. It is a dynamic working document and will be revised and updated from time to time as needed based on feedback received from State Court Management Systems Committees of High Courts and NCMS experience and guidance. It is intended to facilitate a dialogue amongst National and State Court Management Systems Committees on minimum national common standards for Court Management Systems at a policy level. Suggestions from judges and subject matter experts are therefore welcome through the respective State Court Management Systems Committees. The contents of this report do not necessarily reflect the views of the Supreme Court of India, members of the NCMS Advisory Committee or members of the NCMS Committee in their individual capacity.

CHAPTER-II

SELECTION OF JUDGES

.....A judge who has the knack of indulging in research would utilize the rest of the hours. The nature of hard work would necessarily require the judge to have a healthy body. It is, therefore, of utmost importance that the selectors give due weight to the health of the aspirant, apart from those referred to above.

Although quite a few of the High Courts in the country are presently conducting the process of recruitment in the subordinate judiciary, the Public Service Commissions of the other States have been entrusted to select judges based on competitive examinations conducted by them. They seem to be over-burdened. The delays in the process make the system unworkable. It would not at all be a bad idea to entrust a committee, by whatever name called, with the task of recruitment at all levels of the courts subordinate to the High Courts. The committee of each State, to supervise and monitor the recruitment procedure, may comprise of two/three puisne Judges of the High Court, and an expert nominated by the Hon'ble the Chief Justice of that High Court. It should be the earnest endeavor of each player in the system to provide support to the committee for engaging men of merit, viz. retired judges, academics, retired bureaucrats, etc., for conducting the process of selection viz. setting of questions, evaluating the answers, moderation of results, and holding personality tests. Support staff with impeccable character traits ought to be made available to the committee, since the process is bound to involve impartiality and confidentiality of the highest standards but at the same time has to be fair and transparent. Selection by such committee would be in line with the directions passed by the Hon'ble Supreme Court on 4th January, 2007 in Civil Appeal No. 1869 of 2006 (Malik Mazhar Sultan and anr. v. U.P. Public Service Commission and ors.) wherein reference was made to a decision taken in a conference held between the Chief Justices and the Chief Ministers that selection of the subordinate judicial officers at all levels ought to be entrusted to the High Courts.

Vacancy at all levels of the judiciary is regarded as one of the important causes for the mounting arrears. It is of utmost significance, therefore, that the process of recruitment commences and concludes, as far as practicable, in line with the schedule fixed by the Supreme Court in Malik Mazhar Sultan (supra).

Although increasing the number of courts, inter alia, is considered to be a panacea

for treating the ills from which the system suffers, attention must be devoted to fill up the existing vacancies first within the shortest possible time frame so that no court is vacant, albeit by men/women of quality, as stressed above. The system is bound to benefit if the courts are allowed to work with its full strength. Increasing the strength of judges without provision for commensurate infra-structure and support staff would hardly be of any effect and frustrate the object of making the system 'five plus free'.

Insofar as direct recruitment to 25% and jump promotion to 10% posts of the cadre of District Judge are concerned, it has been experienced in the past that while the former quota remains unfilled, suitable candidates far outnumber the latter quota. This has a two-pronged adverse effect on the system. First, the system has to work without adequate number of judicial officers manning the Additional District and Sessions courts, and secondly, those who qualify in the examinations conducted for the purpose but are unfortunate in not being promoted may feel morose and lose the interest and vitality to perform, at least till they overcome the shock. It would be in the best interest of the system if the unfilled posts of the 25% quota for a particular year are filled up from amongst the in-service candidates found suitable but who are unable to secure a promotion having regard to the limited number of vacancies.

[Chapter II, Page Nos. 4 and 5]

Appendix-FF

RESOLUTIONS ADOPTED

IN THE

CHIEF JUSTICES' CONFERENCE, 2016

[22ND & 23RD APRIL, 2016]

****

[1] PROGRESS ON IMPLEMENTATION OF THE RESOLUTIONS ADOPTED IN THE PREVIOUS CHIEF JUSTICES' CONFERENCE HELD ON APRIL 3 – 4, 2015.

The progress made by the High Courts for the implementation of the resolutions adopted in the Conference of Chief Justices held on 3 and 4 April 2015 is reviewed and noted.

The Conference **resolved** that the Chief Justices will set up a Cell or Committee for monitoring the implementation of the resolutions passed in the Chief Justices' Conferences. Each High Court shall create a mechanism for submitting progress reports to the Supreme Court on the implementation of the resolutions by periodically updating feedback formats. The Conference resolves to affirm the desirability of creating a mini Secretariat for tracking the progress made in implementing the resolutions which have been agreed upon.

[Page No. 1]

[2] INFRASTRUCTURE IN SUBORDINATE COURTS:

…….....PART – B

(i) Creation of new posts/revision of cadre strength at all levels along with supporting staff and requisite infrastructure

(ii) Filling up of existing and additional vacancies

(iii) Vesting of power to the High Courts for selection and appointment of Judicial Magistrates in the State

Having reviewed the data emanating from the State judiciaries in regard to:

(i) sanctioning and creation of new posts;

(ii) revision of cadre strength at all levels;

(iii) availability of supporting staff with requisite infrastructure;

(iv) position of vacancies of Judges and of supporting staff in the state judiciaries; and

(v) recruitment at the induction level of Judicial Magistrates by the High Courts themselves in some States and through Public Service Commissions in others,

Resolved that

(i) the Chief Justices shall take effective steps in coordination with the State Governments

(a) to ensure an increase in the cadre strength of the district judiciary commensurate with the needs of their states and in compliance with the judgment of the Supreme Court in **Brij Mohan Lal Vs Union of**

India (2002) 5 SCC 1;

(b) to ensure compliance with the time schedule and directions laid down in the judgment of the Supreme Court in **Malik Mazhar Sultan & Anr. Vs U P Public Service Commission & Ors. (2006) 9 SCC 507**.

(ii) the Chief Justices shall, in particular, ensure that the Selection and Appointment Committees in the High Courts periodically monitor the process of filling up of vacancies in the District Judiciary; and

(iii) the Chief Justices constitute, where such Cells have not been constituted, Special Cells in the High Courts with an officer in the rank of Registrar for assisting the Selection and Appointment Committee in complying with the time schedule;

(iv) urgent steps be taken by the High Courts to ensure that posts of administrative staff in the District Judiciary are filled up at the earliest, and if found to be feasible, by centralizing the process of recruitment;

(v) an on-line portal be developed for continuous monitoring of vacancies.

Resolved further that it be left to each High Court to determine, having regard to the needs and exigencies of the State and upon a review of the existing procedure for selection, whether any alteration is required to be made in current procedure followed for the appointment of Judicial Magistrates in the states.

[Page Nos. 4-6]

Appendix-GG

RESOLUTIONS ADOPTED

IN THE

CHIEF JUSTICES' CONFERENCE, 2015

[03RD & 04TH APRIL, 2015]

*****

[1] PROGRESS ON IMPLEMENTATION OF THE RESOLUTIONS ADOPTED IN THE PREVIOUS CHIEF JUSTICES' CONFERENCE HELD ON APRIL 5 - 6, 2013.

Resolved that though considerable progress has been made, more efforts are required to be undertaken for effective implementation of the Resolutions adopted in the previous Chief Justices' Conference held in 2013.

[2] (i) CONTINUATION OF MORNING/EVENING COURTS

(ii) DIVERSION OF UNUTILISED FUNDS EARMARKED BY THE RECOMMENDATION OF 13TH FINANCE COMMISSION FOR MORNING/EVENING COURTS.

Resolved that :

(a) the High Courts will review the working of morning/evening courts and continue such courts as are.....

[3] DELAY AND ARREARS COMMITTEE **[Page No. 1]**

…....**Resolved** that **:-**

(a) each High Court shall establish an Arrears Committee, if not already established and shall prepare an action plan to clear backlog of cases pending for more than five years;

(b) the High Courts will endeavour to evolve a uniform nomenclature for all categories of cases in coordination with the e-Committee for the entire country; and (c)

for statistical purposes, the High Courts will count the main cases only towards pendency and arrears. Interlocutory applications will continue to be separately numbered in original proceedings before the High Courts exercising original jurisdiction.

[4] SALARIES AND EMOLUMENTS OF THE SERVING CHIEF JUSTICES/JUDGES OF THE HIGH COURTS

Resolved that keeping in view constitutional office of the Chief Justices/Judges of the High Courts and the nature of their duties and the observations of Dr. B.R. Ambedkar, Chairman, Drafting Committee, in the Constituent Assembly of India on 12th October 1949, the Hon'ble the Chief Justice of India is requested to take up the matter with the Central Government to establish a National Judicial Pay Commission to consider pay, emoluments, perquisites, etc. of the Chief Justices/Judges of the High Courts and of the Supreme Court.

[5] AUGMENTING OF POST-RETIRAL BENEFITS OF HIGH COURT CHIEF JUSTICES/JUDGES

The House noted that different High Courts have been granting different post-retiral benefits to retired Chief Justices/Judges of High Courts in the matters of medical facilities, protocol facilities, secretarial allowance, etc.

Resolved to request Hon'ble the Chief Justice of India to constitute a Committee for recommending grant of minimum post-retiral benefits to retired Chief Justices/Judges of the High Courts on a uniform basis.

[6] GRANTING FINANCIAL AUTONOMY TO THE HIGH COURTS

It was discussed in the House that the State Governments need to provide necessary assistance to the High Courts for preparing budget estimates for the State Judiciary.

It was discussed that once the State Governments make budget allocations after considering the proposal sent by the respective High Courts for all expenses (recurring and non-recurring) for the State Judiciary, the State Governments do not release the funds in time and very often release them belatedly, almost at the fag end of the financial year, making it difficult for the High Courts to utilise the grants. Further, in the absence of financial autonomy to the Chief Justices, including the powers of re-appropriation of the sanctioned funds under different heads of expenses, the budgetary grants lapse.

[Page No. 2 to 5]

Appendix-HH

CHIEF JUSTICES' CONFERENCE-2013

[APRIL 05-06, 2013]

MINUTES

1. Confirmation of Minutes of Resolutions adopted in Chief Justices' Conference held on August 14th -15th, 2009.

Minutes of the Resolutions adopted in the Chief Justices' Conference held on August 14th - 15th , 2009, are read and confirmed.

2. Progress on implementation of the Resolutions adopted in the previous Chief Justices' Conference held on 14th -15th August, 2009.

A. Morning/Evening Courts functioning under the recommendation of the 13th Finance Commission.

Action Taken Reports furnised by the High Courts and the Department of Justice, Ministry of Law and Justice, Government of India were perused and it was noticed that not much progress had been achieved.

The issue regarding continuation of Morning/Evening Courts was deliberated upon and it was decided that Morning/Evening Courts may continue, subject to the decision to be taken by the High Courts, considering the geographical conditions. The Chief Justices shall take up the matter, wherever required, for increasing the strength of Judges to man these Courts.

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…....keeping scope for revision in the light of the final suggestion and recommendations that may be approved by the National Court Management Systems.

4. Creation of new posts of Judicial Officers at all levels along with support staff and requisite infrastructure to narrow down judge-population ratio; and

8. Filling up of vacancies at all levels.

RESOLVED

That

In order to narrow down Judge-population ratio, the Chief Justices will take requisite steps for creation of new posts of Judicial Officers at all levels with support staff and requisite infrastructure in terms of the judgments of the Hon'ble Supreme Court in the cases of All India Judges Association's case [2002 (4) S.C.C. 247], Brij Mohan Lal vs. Union of India Ors, [2012 (6) S.C.C.502] and letter dated 21st February, 2013, written by Hon'ble the Chief Justice of India to Hon'ble the Prime Minister of India, in order to provide effective, efficient and efficacious dispensation of justice.

In the matter of appointment and training of new recruits, the decision rendered by the Supreme Court in the All India Judges' Association case be strictly followed and appropriate amendments be effected to the Recruitment Rules, wherever necessary.

The High Courts may take into account the requirement of staff and infrastructure while preparing the proposals for creating new posts of Judicial Officers.

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Appendix-II

CHIEF JUSTICES' CONFERENCE –2009

[AUGUST 14-15, 2009]

R E S O L U T I O N S

1] Progress on implementation of the Resolutions passed in the previous Chief Justices' Conference held on 17th and 18th April, 2008.

RESOLVED

That

a] Action Taken Reports furnished by the High Courts and the Department of Justice, Ministry of Law and Justice, Government of India, are perused.

b] Wherever required, the Chief Justices will take up the matter at the highest level of the State Governments for providing adequate funds for the implementation of the Resolutions.

2] Steps required to be taken for reduction/elimination of arrears and ensure speedy trial within a reasonable period.

RESOLVED

That

a] The High Courts will make scientific and rational analysis as regards accumulation of arrears and devise a roadmap for itself and jurisdictional courts to arrest arrears of cases taking into account average institution, pendency and disposal of cases and to ensure speedy trial within a reasonable period of time.

b] The following Resolutions passed in the Chief Justices' Conference, 2008,

are reiterated:

[i] The High Courts will make efforts to set-up at least one Family Court in each district, besides additional Family Courts, wherever required.

[ii] The High Courts will make efforts to set-up additional Courts of Special Judges, exclusively for trial of corruption cases investigated by Central Bureau of Investigation under Prevention of Corruption Act."

3] Augmenting the infrastructure of subordinate courts.

RESOLVED

That

a] The High Courts shall take assistance of an expert in accounts for the purpose of preparation of the Scheme and total expenditure required therefor and thereafter submit a proposal to the State Governments.

b] The Chief Justices will also take into consideration "the National Judicial Infrastructure Plan", with such modifications as may be required, while taking up the cause with the State Governments.

c] The Chief Justices of the High Courts shall take up the matter with the State Governments on the aspect of supply of electricity to subordinate courts during working hours and to impress upon the State Governments to ensure that no power cuts be allowed during courts working hours and generator sets, as back-up supply for electricity, be installed in the court complexes, especially in rural areas having acute power shortage. In order to ascertain the areas in the States facing acute power shortage, the Chief Justices of the High Courts will submit a proposal to the State Governments after receiving a report in that regard from the Judge in-charge of the district concerned.

d] The matter be also taken up at the Joint Conference of Chief Ministers and Chief Justices to be held on August 16, 2009.

4] Progress made in setting up and functioning of evening/morning courts in subordinate courts.

RESOLVED

That

The Chief Justices of the States, where morning/evening courts in subordinate courts have not so far been set-up, will take up the matter with their respective State Governments to implement the Resolutions passed …..... Instruments Act, 1881

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13] Increase in the strength of Judges of the High Courts and Subordinate Courts.

RESOLVED

That

a] The following Resolution passed in the Chief Justices' Conference, 2008, is reiterated:

" The High Court will take immediate steps for filling-up of the vacancies of Judicial Officers in their respective jurisdictions and will adhere to the schedule laid down by the Hon'ble Supreme Court in Malik Mazhar Sultan & Anr. Vs. Uttar Pradesh Public Service Commission & Ors. for appointment of subordinate Judges.'

b] The matter be taken up with the Central Government that 1/4th of the increased sanctioned strength in the High Courts be of additional Judges and remaining 3/4th will be of permanent Judges.

c] The Chief Justices will make recommendation for increase in strength of Judges of the High Courts and subordinate courts, after taking into consideration the pendency of cases and other relevant criteria for calculating the requirement of number of judges.

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