

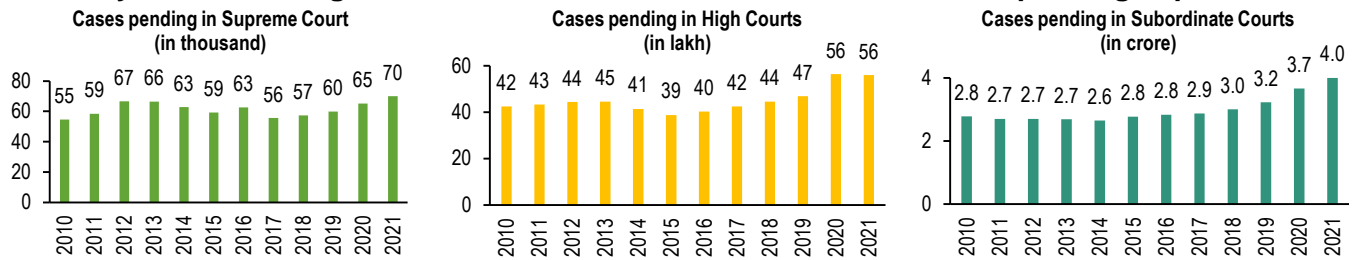


Vital Stats

Pendency and Vacancies in the Judiciary

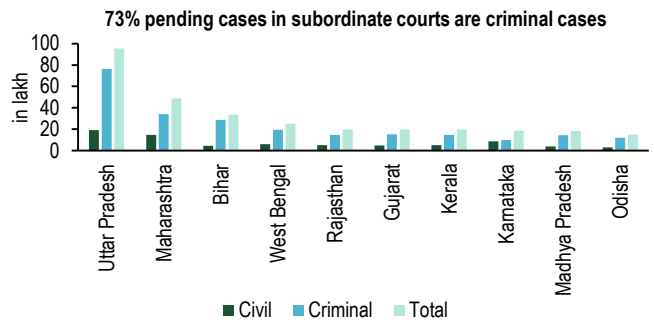
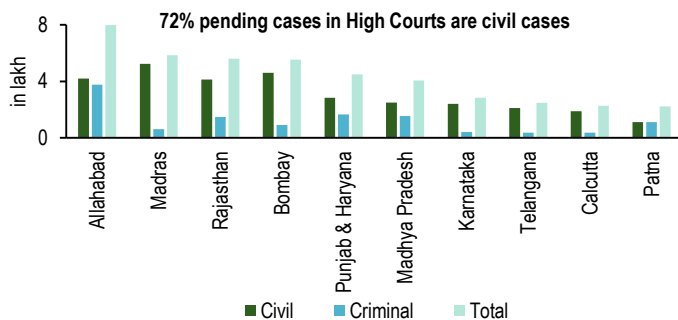
The Indian judiciary faces an increasing number of cases to be decided, and a large number of vacancies across all levels. The Supreme Court Collegium recently recommended the appointment of 129 High Court judges, soon after the appointment of seven judges to the Supreme Court. In this note, we present data related to pendency of cases and vacancies of judges at various levels of the judiciary.

Pendency of cases rising across courts; over four and a half crore cases pending at present



Note: 2021 data for the Supreme Court is as of September 4, 2021. 2021 data for High Courts and subordinate courts is as of September 15, 2021.

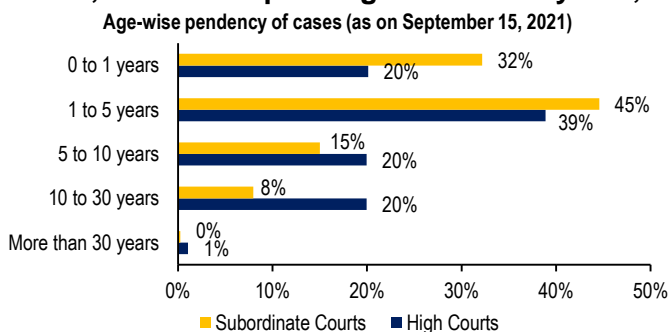
- Between 2010 and 2020, pendency across all courts grew by 2.8% annually. As of September 15, 2021, over 4.5 crore cases were pending across all courts in India. Of these, 87.6% cases were pending in subordinate courts and 12.3% in High Courts.
- This implies that, if no new cases were to be filed, the time taken by courts to dispose of all the pending cases at the current disposal rate would be 1.3 years for the Supreme Court and three years each for High Courts and subordinate courts.
- Between 2019 and 2020, pending cases increased by 20% in High Courts and 13% in subordinate courts. Note that in 2020, normal functioning of courts was restricted due to the COVID-19 pandemic. Therefore, while new cases in 2020 were much less than in preceding years, pendency increased because disposal rate was even slower than the rate of new cases filed.



Note: Data as of September 15, 2021.

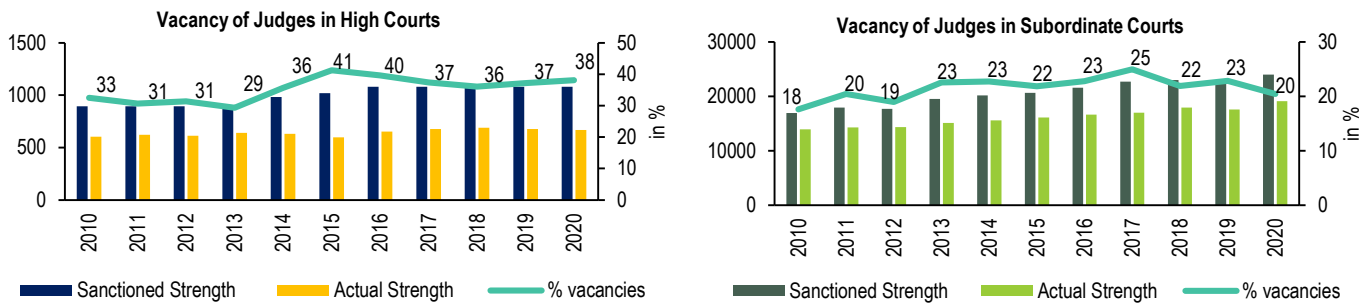
- Generally, High Courts and subordinate courts that serve a larger population have a higher number of pending cases. However, the High Courts of Madras, Rajasthan, and Punjab and Haryana have much higher pendency than the High Courts of Calcutta and Patna (which serve relatively larger populations).
- Between 2010 and 2020, pendency decreased in only four High Courts (Allahabad, Calcutta, Odisha, and Jammu and Kashmir and Ladakh). Among subordinate courts, between 2010 and 2020, courts in most states (including Uttar Pradesh, Maharashtra, and Bihar) witnessed an increase in pending cases. Pending cases declined in the subordinate courts of a few states including West Bengal and Gujarat.

In HCs, 21% cases pending for over ten years; in subordinate courts, 23% cases for over five years



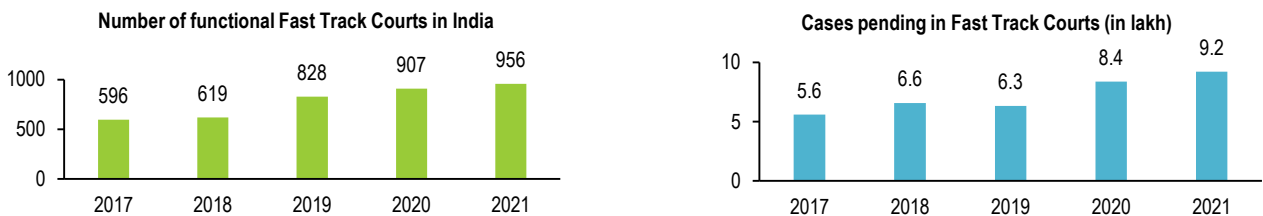
- In High Courts, 41% cases have been pending for five years or longer. In subordinate courts, nearly one in every four cases has been pending for at least five years.
- A total of almost 45 lakh cases have been pending before subordinate courts and High Courts for over ten years. 21% cases in High Courts and 8% cases in subordinate courts have been pending for over ten years.

Vacancies in the judiciary also contribute to high pendency of cases



- There is a shortage of judges to decide cases. As on September 1, 2021, the Supreme Court had one vacancy out of the sanctioned strength of 34 judges. In the High Courts, 42% of the total sanctioned posts for judges were vacant (465 out of 1,098). Five High Courts (Telangana, Patna, Rajasthan, Odisha, and Delhi) had more than 50% vacancies. High Courts of Meghalaya and Manipur had no vacancies.
- As on February 20, 2020, in subordinate courts, 21% posts out of the sanctioned strength of judges were vacant (5,146 out of 24,018). Amongst states having a sanctioned strength of at least 100 judges, subordinate courts in Bihar had the highest proportion of vacancies at 40% (776), followed by Haryana at 38% (297) and Jharkhand at 32% (219).

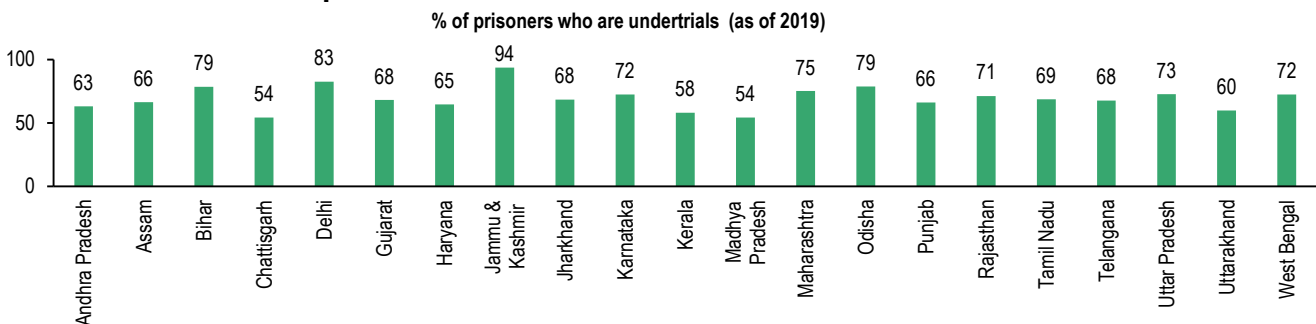
Tribunals and special courts also witness significant pendency and vacancies



Note: Data for 2021 is as on May 31, 2021.

- Tribunals and special courts (such as Fast Track Courts and Family Courts) which were set up to ensure speedy disposal of cases also witness high pendency and vacancies. For instance, at the end of 2020, 21,259 cases were pending before the National Company Law Tribunal (NCLT). As of April 2021, the NCLT had 39 members out of a sanctioned strength of 63.
- In the two decades since Fast Track Courts were first set up, pending cases in both subordinate courts as well as these Fast Track Courts have continued to increase. As on May 31, 2021, over 9.2 lakh cases were pending in 956 Fast Track Courts across 24 states/UTs (the remaining do not have functional Fast Track Courts).

Number of undertrials in prisons more than twice the number of convicts



Note: The chart shows data for all states and UTs where there are at least 2,000 undertrials.

- Pendency of cases for long periods has resulted in a large number of undertrials (accused persons who are either awaiting or undergoing trial) in India’s prisons. As on December 31, 2019, almost 4.8 lakh prisoners were confined in Indian jails. Of these, over two-thirds were undertrials (3.3 lakh).
- 5,011 undertrials were confined in jails for five years or longer. Uttar Pradesh (2,142) and Maharashtra (394) accounted for over half of such undertrials.

Sources: Court News (2010-2018), Annual Report (2019-20), Supreme Court of India; National Judicial Data Grid for High Courts and Subordinate Courts (last accessed on September 15, 2021); Vacancy Statements (2019-2021), Brief Note on the Scheme of Fast Track Courts (Non-Plan), Department of Justice; Report No. 101, Standing Committee on Personnel, Public Grievances, Law and Justice (2020); Rajya Sabha Unstarred Questions: (i) No. 3458 (March 25, 2021), (ii) No. 1214 (February 11, 2021), (iii) No. 2666 (March 18, 2021); Madras Bar Association vs. Union of India, Supreme Court of India, Writ Petition (Civil) No. 502 of 2021, July 14, 2021; Crime in India (2019, 2020), Prison Statistics India (2019), National Crime Records Bureau; PRS.

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