

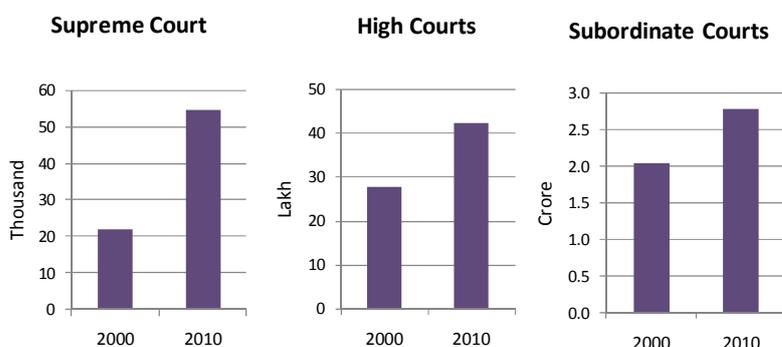
# Vital Stats

## Pendency of Cases in Indian Courts

The Union Law Minister recently launched the ‘Mission Mode Programme for Reduction of Pendency of Arrears in Courts’. According to media reports, the programme aims to dispose of 40 per cent of the cases pending in subordinate courts across the country, in the coming six months.<sup>1</sup>

As on 30<sup>th</sup> September, 2010, a total of 2.8 crore cases are pending in subordinate courts and 42 lakh in High Courts. Approximately 9% of these cases have been pending for over 10 years and a further 24% cases have been pending for more than 5 years.<sup>2</sup>

### Pendency of cases across Indian courts has increased by 38% in the last decade



- About 55,000 cases are currently pending with the Supreme Court, 42 lakh with High Courts and 2.8 crore with subordinate courts.
- Pendency has increased by 148% in the Supreme Court, 53% in High Courts and 36% in subordinate courts in the last 10 years.
- The Union Law Minister, in his reply to a question in Lok Sabha, spoke about the reasons for increase in pendency. These include: (i) increase in institution of fresh cases; (ii) inadequate number of judges and vacancies; (iii) inadequate physical infrastructure and staff; and (iv) frequent adjournments.<sup>3</sup>

### Despite some measures taken by the government, the backlog is still increasing

#### Filing and resolution of cases

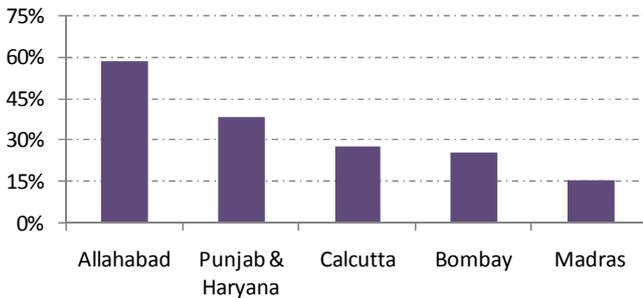
Category	Supreme Court (Thousand)	High Courts (Lakh)	Subordinate Courts (Crore)
Pending ( start of year)	56	40	2.7
Fresh cases filed	78	19	1.8
Cases resolved	79	17	1.7
Pending (end of year)	55	42	2.8

Note: Data spans duration of one year. However, due to lack of availability of information, the time periods are slightly staggered. Periods under consideration are: Supreme Court (Jan - Dec 2010), High Courts and Subordinate Courts (Oct 2009 – Oct 2010)

- Over the past few years, some measures have been taken by the government to facilitate expeditious disposal of cases. These include schemes for computerisation, infrastructural augmentation, promotion of Alternate Dispute Resolution mechanisms, Lok Adalats etc.<sup>4</sup>
- Despite these initiatives, the rate of case disposal has not kept pace with the rate of case institution. As a result, the total number of pending cases has increased.
- Between October 2009 and October 2010, subordinate courts settled 1.73 crore cases as compared to 1.24 crore in 1999, an increase of 49 lakh. During the same period, the fresh cases filed increased by 52 lakh.<sup>5,6</sup>

## Vacancies across courts are high; 60% of sanctioned strength of Allahabad HC is vacant<sup>6</sup>

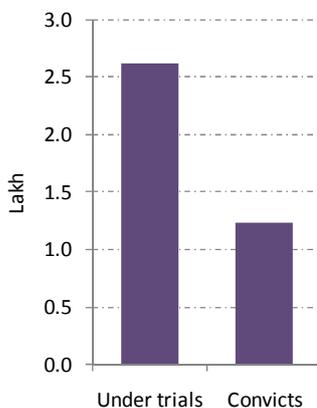
Vacancies in the larger High Courts



- The sanctioned strength of judges is 31 for the Supreme Court, 895 for the High Courts and 17,151 for the subordinate judges.
- 33% of the sanctioned positions in High Courts are currently vacant. Among High Courts, the highest number of vacancies are in the Allahabad High Court (60%), followed by the Punjab and Haryana High Court (38%) and the Calcutta High Court (28%).
- Vacancies in subordinate courts equal 18% of the total sanctioned strength. The corresponding figure for the Supreme Court is 6%.

## Number of undertrials in jails is double that of convicts

Prisoners in jails



- In June 2009, there were 3.8 lakh prisoners in Indian jails. Of these 2.6 lakh were undertrials.<sup>7</sup>
- Of the undertrials, several inmates have been in jail for many years, in large measure because of delays in the justice delivery system.<sup>8</sup>
- In early 2010, the government had launched a mission to reduce the number of undertrial prisoners in jails. Under this initiative, several cases related to undertrials have been taken up.<sup>8</sup>
- This is also expected to help in decongestion of prisons. At an all-India level, the number of prisoners in Indian jails is 3.8 lakh, which is 127% of the built capacity.<sup>7</sup>

1 'Nationwide programme to reduce pending court cases', The Hindu (July 2, 2010), <http://www.thehindu.com/todays-paper/tp-national/tp-newdelhi/article2152615.ece>

2 Text of Speech – Union Law Minister on the programme to reduce pendency in courts (July 1, 2011), <http://pib.nic.in/newsite/erelease.aspx?relid=72970>

3 Lok Sabha Unstarred Question No. 2569 (November 25, 2010)

4 Rajya Sabha Unstarred Question No. 1173 (March 07, 2011)

5 Text of Speech - Addresses by the Chief Justice of India at the joint conferences of Chief Ministers and Chief Justices, 2006, 2007 and 2009

6 Court News, Supreme Court of India, <http://supremecourtfindia.nic.in/courtnews.htm>

7 National Human Rights Commission, Prison Population Statistics (June, 2009), [http://nhrc.nic.in/PRISON\\_STATS\\_JUN\\_09\\_FOR\\_NIC.xls](http://nhrc.nic.in/PRISON_STATS_JUN_09_FOR_NIC.xls)

8 'Moily promises to free 2 lakh undertrials'. India Today, (January 26, 2010), <http://indiatoday.intoday.in/site/story/Moily+promises+to+free+2+lakh+undertrials/1/80972.html>

DISCLAIMER: This document is being furnished to you for your information. You may choose to reproduce or redistribute this report for non-commercial purposes in part or in full to any other person with due acknowledgement of PRS Legislative Research ("PRS"). The opinions expressed herein are entirely those of the author(s). PRS makes every effort to use reliable and comprehensive information, but PRS does not represent that the contents of the report are accurate or complete. PRS is an independent, not-for-profit group. This document has been prepared without regard to the objectives or opinions of those who may receive it.