

Pendency and Vacancies in the Judiciary

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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.

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

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

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.