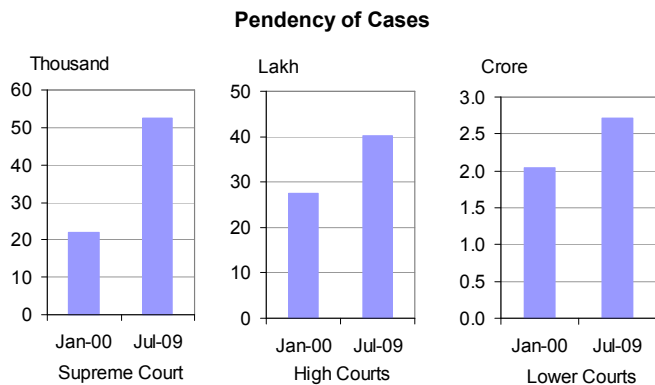


Vital Stats

Pendency of Cases in Indian Courts

The UPA 100 day program includes a road-map for judicial reform. Recently, at the Conference of Chief Justices and Chief Ministers, both the Prime Minister and the Chief Justice of India talked about the need to ensure speedy justice. In this note, we examine the track record of Indian Judiciary and benchmark its strength against other developed economies.

Number of pending cases across Indian Courts has been increasing...



- As of July 2009, 53000 cases are pending with the Supreme Court, 40 lakh with High Courts and 2.7 crore with Lower Courts. This is an increase of 139% for the Supreme Court, 46% for High Courts and 32% for Lower Courts from their pendency numbers in January 2000.¹
- In 2003, 25% of pending cases with High Courts had remained unresolved for more than 10 years.²
- In 2006, 70% of all prisoners in Indian Jails were undertrials.³

...as fresh cases outnumber those being resolved

Filing, Resolution & Pendency of Cases in 2008⁴

Category	Supreme Court	High Courts	Lower Courts
Pending at end 2007	46,926	3,743,060	25,418,165
Cases filed in 2008	70,352	1,668,706	16,410,217
Cases resolved in 2008	67,459	1,531,921	15,385,389
Pending at end 2008	49,819	3,874,090	26,409,011

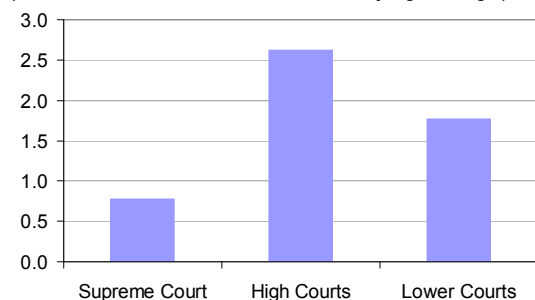
Source: Court News, Supreme Court of India

- Since fresh cases exceed the number of cases getting resolved, this leads to an increase in pendency.
- Interestingly, the number of cases that are resolved each year has increased substantially over the last decade. However, this has not kept pace with the increase in fresh filings.
- In 2008, Lower Courts settled 1.54 crore cases as compared to 1.24 crore in 1999, an increase of 30 lakh. However, 1.64 fresh cases were filed in 2008, 37 lakh higher than the 1.27 crore figure for 1999.¹

Overtime equivalent to 9 months would be needed to clear the backlog in Supreme Court

Estimate of effort (time) required to clear backlog

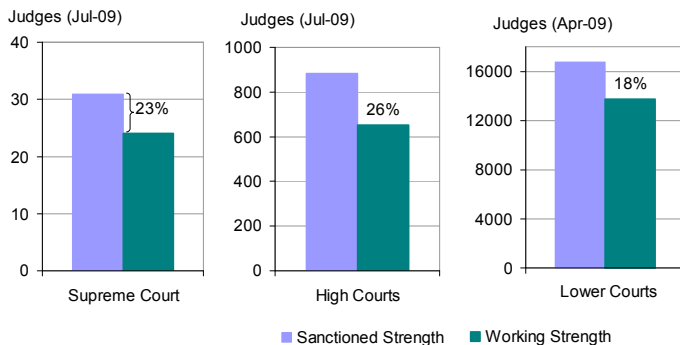
No. of years required
(if no fresh cases are filed, no increase in judge strength)



- Assuming there are no fresh cases and no increase in judge strength, it would take 9 months for the Supreme Court to clear all pending cases.
- On average, High Courts would need about 2 years and 7 months, and Lower Courts about 1 year and 9 months.
- However, this figure would vary within High Courts (and Lower Courts). Allahabad HC, for example, would need about 6 years to clear its backlog while Sikkim HC would need 1 year and 2 months.

Clearing of backlog is unlikely till existing vacancies are filled up...

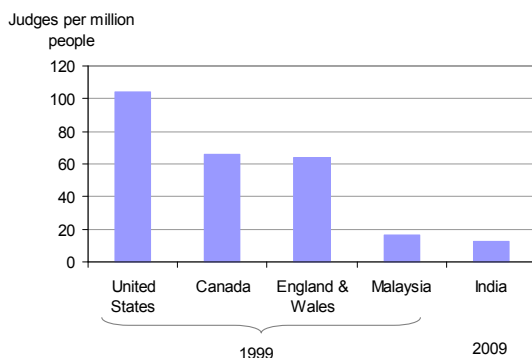
Vacancies in Indian Courts



- High vacancy in courts and low judges-to-population ratio are the two main reasons usually cited to explain high pendency of cases.
- Currently, 23% of sanctioned strength of the Supreme Court is vacant. The corresponding figure for High Courts is 26%, and for Lower Courts it is 18%.
- Among large High Courts, vacant positions in Allahabad HC amount to 45%, followed by 32% in Punjab and Haryana HC.

...and the overall strength of the Judiciary increased

International comparison - Judges to Population ratio



- India's judges-to-population ratio is significantly lower than developed economies.^{5,6}
- In 1987, the Law Commission noted the low Indian ratio of 10.5 judges per million people and recommended increasing it to 50 with immediate effect and to over 100 by 2000.⁷
- This recommendation was reiterated by a Parliamentary Standing Committee in February 2002.
- India's current judge-to-population ratio stands at approx. 12.5 judges per million people⁸, compared to 104 for the US (1999).

Notes:

- Text of Speech - Addresses by the Chief Justice of India at the joint conferences of Chief Ministers and Chief Justices, 2006, 2007 and 2009.
- Lok Sabha Starred Question No. 285 (August 8, 2003).
- National Human Rights Commission, Prison Population Statistics (December 31, 2005).
- Cases are sometimes amalgamated. Hence, the exact relationship between table variables might not hold true.
- Galanter & Krishnan (2004), "Bread for the Poor": Access to Justice and the Rights of the Needy in India.
- Seventh United Nations Survey of Crime Trends and Operations of Criminal Justice Systems.
- Law Commission, 120th Report on "Manpower Planning in Judiciary – A Blue Print" (July, 1987).
- Calculated by dividing the current working strength of Judiciary (14399 Judges) by the population of India (1148 mn).
- Data on filing, resolution and pendency of cases, and vacancy for the period January 2007 to July 2009 has been sourced from the quarterly Court News published by the Supreme Court of India.

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