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Arrears and Backlog: Creating Additional Judicial (wo)manpower

July, 2014

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D.O. No.6(3)224/2012-LC(LS)

07 July 2014

Dear Mr. Ravi Shankar Prasad ji,

Please find attached Report No. 245 on **Arrears and Backlog: Creating Additional Judicial (wo)manpower.**

The focus of the report is to examine and suggest additional judicial (wo)manpower needed and its optimal utilization.

The report is largely driven by the Hon'ble Supreme Court when in the matter of *Imtiyaz Ahmad v. State of U.P.*, Criminal Appeal Nos. 254-262 of 2012 (Arising out of SLP(Crl.) Nos. 1581-1598/2009) it asked the Law Commission to undertake an inquiry and submit its recommendations in relation to creation of additional courts to help in eliminations of delays, speedy clearance of arrears and deductions in costs.

I hope the report would be of some use to the government in framing its policy with regard to judicial reforms.

With warm regards,

Yours sincerely,

[Ajit Prakash Shah]

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The Commission deeply appreciates valuable inputs received from the Group it had constituted in finalising the report on "Imtiyaz Ahmad v. State of Uttar Pradesh and Ors (Criminal Appeal No.s254-262 of 2012)" to the Hon'ble Supreme Court of India and the present report. The group that initially comprised : Prof. Theodore Eisenberg, Henry Allen Mark Professor of law, Adjunct Professor of Statistical Sciences at Cornell University; Prof. Sital Kalantry, Clinical Professor of Law and Director, International Human Rights Clinic, University of Chicago Law School; Prof. Sri Krishna Deva Rao, Registrar, National Law University, Delhi (as representative of NLU Delhi); and Mr. Nicholas Robinson, Fellow at Centre of Policy Research was expanded when Dr. Aparna Chandra and Mr. Utkarsh Saxena, Consultant to Law Commission of India joined it. Mr. Madhav Mallya and Ms. Vrinda Bhandari, Research Associates, National Law University and Mr. Saral Minocha and Ms. Sonal Sarda, students of National Law University also helped in analysing and compiling the data. Enthusiasm and dedication apart from research inputs of Dr. Aparna Chandra deserves special mention.

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Arrears and Backlog: Creating Additional Judicial (wo)manpower

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TABLE OF CONTENTS

CHAPTERS	TITLE	PAGE
I.	**INTRODUCTION**	**1**
II.	**DEFINING KEY CONCEPTS: PENDENCY, DELAY, ARREARS, AND BACKLOG**	**3**
III:	**COMPUTING JUDGE STRENGTH**	**10**
A.	**OVER OF DATA AND ITS LIMITATIONS**	**10**
B.	**ANALYSIS OF DATA**	**12**
C.	**METHODOLOGIES FOR COMPUTING ADEQUATE JUDGE STRENGTH**	**19**
1.	JUDGE TO POPULATION RATIO & JUDGE TO FILING RATIO	19
2.	THE IDEAL CASE LOAD METHOD	20
3.	THE TIME BASED METHOD	22
4.	THE RATE OF DISPOSAL METHOD	24
IV.	**RECOMMENDATIONS**	**53**
	ANNEXURE – I	**57**
	ANNEXURE – II	**60**
	ANNEXURE – III	**66**
	ANNEXURE – IV	**71**
	ANNEXURE – V	**78**

CHAPTER I
INTRODUCTION

Denial of 'timely justice' amounts to denial of 'justice' itself. Two are integral to each other. Timely disposal of cases is essential for maintaining the rule of law and providing access to justice which is a guaranteed fundamental right. However, as the present report indicates, the judicial system is unable to deliver timely justice because of huge backlog of cases for which the current judge strength is completely inadequate. Further, in addition to the already backlogged cases, the system is not being able to keep pace with the new cases being instituted, and is not being able to dispose of a comparable number of cases. The already severe problem of backlogs is, therefore, getting exacerbated by the day, leading to a dilution of the Constitutional guarantee of access to timely justice and erosion of the rule of law. The present report is aimed at addressing this scenario that demands a multi-prong approach including more sensitive and rational judicial (wo)manpower planning.

It may be acknowledged that the present report is largely driven by the Hon'ble Supreme Court when in the matter of Imtiyaz Ahmad[1] it directed the Commission to undertake an inquiry and submit its recommendations in relation to the following:

> "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."

For arriving at informed understanding of the problem at hand and for making any meaningful suggestion(s), to deal with it, the Commission requested all the High Courts to provide data on litigation in each district within their jurisdiction. To facilitate orderly organization and supply of data, the High Courts were sent a prescribed format (Annexure I). Some very useful data was produced. However, most High Courts due to variety of reasons, could not fully provide the data / information sought.

Keeping in view insufficiency of the data received, after detailed in-house discussions and also involving experts that an additional questionnaire was sent to various High Courts. In response, no doubt, some relevant data was received. However, lack of scientific collection, collation and analysis still remained a

[1] See Imtiyaz Ahmad v. State of Uttar Pradesh and Ors., AIR SC 2012 642

serious constraint. Despite these constraints, reading and analyzing data received very closely, especially in the light of different methods of data analysis available that the Commission gave its response to queries and matter raised by the Hon'ble Supreme Court and the same has provided the basis of this report.

While acknowledging that the problem of delay is not only enormous but complex, the Commission in the present report has remained confined to developing more informed understanding of as to whether problem of delay and strength of judges is a related one in some ways and if so how? In the report, an attempt has been made to suggest number of judges as are required to reduce delays. In a way, the report provides a roadmap for judicial (wo)manpower planning. While agreeing that there exists no clear 'time standard' or a 'reference' to which a case can be classified as 'delayed'. How one defines 'timeliness' (and, therefore, how many cases are delayed) is crucial to suggest any kind of basis for computing how many additional judges are required to process cases in timely manner. Without arriving at some such definition, it is difficult to suggest any appropriate method for planning and computing additional resources required to contain problem of delay. Similarly, the Commission is fully aware as thus undermined in the report that terms, such as 'arrears', 'pendency' and 'backlog' which are so oftenly used in almost all kinds of discourse on working of justice administration system in India are used very vaguely and beg clear and precise definition. The report is an attempt to reflect and throw more light on some of these terms, and it is hoped that the policy makers and other stakeholders in the system may find these reflections and attempt to introduce some clarity by the present work of some use during their course of deliberations on judicial reforms.

As the pivotal issue for the report is to suggest some basis for computing as to how many additional judges are required to process cases in 'timely' manner to large extent, answer to this question depends on how one defines 'timeliness' (and, therefore, how many cases are delayed). As already mentioned in the foregoing paragraphs, it may be emphasized at the cost of sounding repetitive that without arriving at some such definition, it is difficult to suggest any appropriate method for planning and computing additional resources required to contain the delay. A significant portion of the report right at the start, after critical examination of various approaches to defining terms like 'arrears', 'pendency' and 'delay' as floating around in the literature on the subject incorporates Commission's own reflections. These reflections, while may provide little more clarity to assigning meaning to above referred terms which have been generally understood so ambiguously, the Commission still views that it may not be possible to devise any perfectly scientific and uniform definition of these concepts. Acknowledging such definitional limitation and of inadequacy of data received, present report culminates in making some suggestions on the additional resources required to dispose of the current pendency, and to prevent the backlog in future.

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. Based on a survey of various jurisdictions and previous reform efforts in India it is revealed that two approaches, and combinations thereof, are generally used in computing rational timeliness requirements.

The first approach, which can be called the ***Practice Assessment Approach***, involves studying the patterns of current filing, disposal, case-length and pendency. A comparative analysis of these patterns inter se and between jurisdictions, can help policy makers determine whether a particular Court takes

more or less time compared to either a system-wide average, or the median case in the system. This analysis does not tell the policy maker whether a particular Court or type of case is delayed. However, it does allow for a relative assessment of which Courts are taking longer than others, such that they may require targeted intervention in terms of greater allocation of resources, etc.[2] When a Court is a complete outlier in terms of its case processing time, the policy maker (or superior Court) may be able to draw an inference that cases in that Court are unacceptably delayed and are, therefore, in arrear.[3] Further, while current practice assessments are inadequate for defining delay, they can reveal when and where (in which Court and in which types of cases) backlog is being created, so that targeted intervention is possible to address the issue. In the absence of other measures, this is the approach that the Commission has adopted in examining the question of adequate judicial strength for the Subordinate Judiciary.

Another approach, which may be called the ***Normative Assessment Approach***, is to fix time standards for the disposal of cases. Cases that are disposed of within such time are not delayed; cases beyond such time are delayed; cases which exhibit unwarranted delay are in arrears. One of the means by which such standard setting can take place in a rigorous and rational manner is to begin by studying the current patterns of filing, disposal, pendency, length, etc. Based on this study, the policy maker can determine the average or median time taken for processing various types of cases. Studies based on interviews with stakeholders, examination of the life cycle of sample cases, etc, can then be undertaken to understand whether these time frames reflect an optimal standard for timely disposal. A committee of experts, drawn from persons with extensive experiential knowledge of the system, can then review the current patterns to determine optimality, keeping in mind resource constraints, Court cultures, system goals and constitutional and statutory requirements.[4] The Normative Approach,

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[2] *See, e.g.,* JUSTICE M. J. RAO COMMITTEE REPORT, JUDICIAL IMPACT ASSESSMENT IN INDIA, vol. 2, p. 46 (2008) (comparing Delhi and Australian disposal rates). Advocating a comparative approach based on current patterns of filing an disposal, the Approach Paper attached as Annexure I to the Committee's Report suggested that, "[b]ased on data for the previous couple of years there should be a data base of disposal rate [per judge] for every case type. It should be monitored that every judge is within a band of 10 % of this median value within his/her case type. If found otherwise, the reasons behind less disposal rate should be probed and if the reasons are unsatisfactory, then remedial measures needs to be designed. Moreover, if the clearance index for any particular judge falls below 0.90 for three consecutive months or is cumulatively below 0.90 compared to the previous quarter, then the disposal rate should be checked, and whether it conforms to the band of 10% should be verified." *See, id.* at p. 52-53.

[3] This relative assessment approach was followed by the Canadian Supreme Court in making a determination that an Ontario criminal Court was unacceptably delayed, such that the right to speedy trial of criminal defendants was being violated. *See* R. v. Askov, [1990] 2 S.C.R. 1199 (Canada Sup. Ct).

[4] This approach is often followed in other jurisdictions. *See, e.g.,* NATIONAL CENTER FOR STATE COURTS, MODEL TIME STANDARDS FOR STATE TRIAL COURTS (USA, 2011); TRIAL WITHIN A REASONABLE TIME: A

therefore, relies on an amalgam of past and current statistics, social science research techniques and experiential inputs to make a "rational" determination of "normal" case disposal times, and hence of delay.

One method of defining delay through the Normative Assessment Approach is by determining the normal time frame within which cases of a particular type should be processed through a Court. If a case takes longer than this time frame, then the case is delayed. ***Time frames*** can be in the nature of mandatory time limits, or they can provide general guidelines that are normally to be followed, but can be departed from in exceptional circumstances.

Countries like the US have limited mandatory time frames, for example under the US Speedy Trial Act, 1974.[5] However, India does not have general statutory time limits comparable to the US Speedy Trial Act. While the Civil Procedure Code, and the Criminal Procedure Code, have time frames for completing certain stages of the case, these statutes generally do not prescribe time limits within which the overall case should be completed, or each step in the trial should be concluded.[6]

On the judicial side, setting of mandatory time limits was attempted by the Supreme Court in a series of cases.[7] However, in 2002 a seven judge bench of the Court in *P. Ramchandra Rao v. State of Karnataka*[8] held that mandatory time limits could not be prescribed by the Court.[9] Though the Court was not in favour

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WORKING PAPER PREPARED FOR THE LAW REFORM COMMISSION OF CANADA, (Department of Justice, Canada, 1994).

[5] The U.S. Speedy Trial Act, 1974 provides for time limits which, subject to certain exceptions (*e.g.*, 18 U.S.C. § 3161(h)(7)(A) & (B)) and exclusions (*e.g.*, 18 U.S.C. § 3161(h)(1)–(8)) have to be followed. Any deviation can result in the imposition of prescribed sanctions and consequences. *See e.g.*, 18 U.S.C. § 3162. For example, indictment (corresponding to framing of charges under the Indian CrPC) must take place within 30 days (extendable in certain cases to 60 days) of arrest or service of summons. 18 U.S.C. § 3161(b). Trial should commence within 70 days after either (a) indictment, or (b) the date of the defendant's initial appearance before the Court, whichever is later. 18 U.S.C. § 3161(c). The trial of a defendant held in pretrial detention must also commence within ninety days of arrest. 18 U.S.C. § 3164(b).

[6] Examples of instances where time frames are prescribed include Order VIII, Rule 1, Civil Procedure Code, which prescribes a maximum time limit of 90 days from service of summons for filing of written statements. Similarly, Section 167 of the CrPC provides that the chargesheet should be filed within 60 or 90 days (depending on the type of case) of arrest of the accused. Section 309 Cr.PC. provides a general guidance that hearings should be conducted as expeditiously as possible and once examination of witnesses has commenced, hearings should be conducted on a day to day basis. However, no time frames have been set for the overall conduct of the trial, except in cases covered under Sections 376 to 376D, which should, as far as possible, be completed within 2 month from the date of commencement of examination of witnesses.

[7] Common Cause v. Union of India (1996) 4 SCC 33; Common Cause (II), (1996) 6 SCC 775; Raj Deo Sharma v. State of Bihar, (1998) 7 SCC 507; Raj Deo Sharma (II), (1999) 7 SCC 604.

[8] (2002) 4 SCC 578.

[9] *Ibid.* As per the Court,

of mandatory time limits, it did not find problematic the use of time frames as guidelines for the Court. The prescription of such non-binding, directory guidelines has been a common means of defining normal time frames and evaluating delay, both in India and abroad.[10] In India, previous Law Commissions and various Governmental Committees have suggested various directory time frames both as guidelines to Courts for the timely disposal of cases, and as standards by which delay in the system can be measured.[11] However, all these suggestions are based on ad-hoc prescriptions rather than grounded in empirical analysis and observation. And thus the concern raised by the Hon'ble Supreme

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> It is neither advisable, nor feasible, nor judicially permissible to draw or prescribe an outer limit for conclusion of all criminal proceedings. The time-limits or bars of limitation prescribed in the several directions made in Common Cause (I), Raj Deo Sharma (I) and Raj Deo Sharma (II) could not have been so prescribed or drawn and are not good law. The criminal Courts are not obliged to terminate trial or criminal proceedings merely on account of lapse of time, as prescribed by the directions made in Common Cause Case (I), Raj Deo Sharma case (I) and (II). At the most the periods of time prescribed in those decisions can be taken by the Courts seized of the trial or proceedings to act as reminders when they may be persuaded to apply their judicial mind to the facts and circumstances of the case before them and determine by taking into consideration the several relevant factors as pointed out in A.R. Antulay's case and decide whether the trial or proceedings have become so inordinately delayed as to be called oppressive and unwarranted. Such time-limits cannot and will not by themselves be treated by any Court as a bar to further continuance of the trial or proceedings and as mandatorily obliging the Court to terminate the same and acquit or discharge the accused.

[10] *See e.g.*, NATIONAL CENTRE FOR STATE COURTS, MODEL TIME STANDARDS FOR STATE TRIAL COURT 3 (2011). These Model Standards for US State Trial Courts were approved in August 2011 by the (US) Conference of State Court Administrators (COSCA); (US) Conference of Chief Justices; American Bar Association House of Delegates (ABA); and, The (US) National Association for Court Management.

[11] As far back as 1958, the 14th Report of Law Commission of India recognized that time lags between institution and disposal are necessary to complete the various stages of a Court based dispute resolution process, and that "[t]he 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 pressing 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." However, the Commission also recognized that even with these caveats it would still be possible to determine "limits of time within which judicial proceedings of various classes should…be *normally* brought to a conclusion in the Courts in which they are instituted." Based on this reasoning, the Commission provided a listing of time frames for different types of cases. LAW COMMISSION OF INDIA, 14TH REPORT: REFORM OF JUDICIAL ADMINISTRATION, vol. 1, p. 130 (1958).
This method was reiterated by the Law Commission in its 77th, 79th, and 230th Reports in 1979, 1979 and 2009, respectively. *See* LAW COMMISSION OF INDIA, 77TH REPORT ON DELAY AND ARREARS IN TRIAL COURTS (1979); LAW COMMISSION OF INDIA, 79TH REPORT ON DELAY AND ARREARS IN HIGH COURTS AND OTHER APPELLATE COURTS 9-10 (1979); LAW COMMISSION OF INDIA, 230TH REPORT ON REFORMS IN JUDICIARY SOME SUGGESTIONS 1.61 (2009).

More recently, the Malimath Committee recommended the use of a 2 year time frame as the norm by which delay and arrears in the system should be measured. MINISTRY OF LAW, GOVERNMENT OF INDIA, COMMITTEE ON REFORMS OF THE CRIMINAL JUSTICE SYSTEM (MALIMATH COMMITTEE p. 164 ¶ 13.3 (2003).

Court in *Imtiyaz Ahmad*, viz., of providing "a rationale and scientific definition of 'arrears' and 'delay' demands deeper study and rigorosity in terms of data.

Time frames serve as performance benchmarks and provide guidance to Courts as well as other stakeholders on what constitutes the timely disposal of a case, and enable them to determine both whether an individual case is being processed in a timely manner; and whether a Court or system as a whole is providing timely justice. Where time frames are not mandatory, they can be departed from, but only in limited circumstances, and often with the requirement of justification for why such departure from the time frame is necessary. This provides the flexibility needed to individualize case processing, while at the same time, taking care of the systemic concerns over timeliness.

Though general time frames of this type serve a useful benchmarking purpose, and are well suited as a time template for the run of the mill or average case, they require further fine tuning for cases which require less or more time. A standardized time frame is likely to be both over and under inclusive in determining the requirements of timely justice. The intention behind benchmarking performance is not to have all cases processed at the same time. Each case is different and might have different requirements. Therefore, apart from general guidance there is a requirement for case-specific determination of what would amount to a timely disposal of the case. ***Case-specific time tables*** are generally adopted to meet this object of individualized timely justice. Such time tables are fixed by the judge hearing a particular dispute, generally at a scheduling hearing held towards the start of proceedings, so that all parties know who has to perform what activity, and by when. Setting individualized time-tables allows the judge to mould the general time frame to suit the requirements of the individual case, while at the same time keeping in mind the needs of the overall case-load before the judge. The time table set at the beginning of the case proceedings then becomes the benchmark by which the timeliness of the proceedings is measured. Unforeseen events may de-rail the time-table, but the case, though delayed, would not be counted as an arrear, if the delay was warranted.

Case specific time-tables are used as timeliness standards, delay reduction methods, and yardsticks for measuring delays in the system in various

jurisdictions around the world, including U.S.,[12] U.K.,[13] and Canada.[14] In India the Supreme Court has also recently advocated the use of case-specific time tables for the timely disposal of cases, in the case of *Ramrameshwari Devi v. Nirmala Devi*.[15]

As a staple part of systematic case management strategies, such timetables provide clear time frames for dispute resolution, define litigant expectations of timeliness, and thus impact the litigant experience of delay. They allow the judge flexibility to take into account the specific aspects of an individual case in framing a time schedule for that case. When accompanied by general time frame guidelines, the possibility of abuse of the power by setting long time frames can be avoided.

When case-specific targets cannot be met because of systemic delays the system needs to take responsibility for allocating proper resources. Where the delay is because of the conduct of parties, the judge can provide sanctions for such behavior, including, dismissing the application, imposing costs, etc.

The Normative Assessment Approach requires state level studies to determine optimal time frames. High Courts are best placed to take into account state level concerns and circumstances in determining adequate time standards. Within the frame work of these time standards, individual Subordinate Court Judges can set time frames for individual cases. For this system to work, a strong monitoring frame work would be required, whereby the timeliness of the caseload of individual judges can be supervised by High Courts. Annual reporting of disposal

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[12] Federal Rules of Civil Procedure, Rule 16; AMERICAN BAR ASSOCIATION, STANDARDS RELATING TO TRIAL COURTS (1992), ¶ 2.51 ("Case Management"),

[13] Part 3 of the UK Criminal Procedure Rules, 2012 requires case specific management and scheduling by the judge in non-binding consultation with the parties. *See also* WOOLF COMMITTEE REPORT ON CIVIL JUSTICE REFORM (on requiring judges to establish and adhere to case specific timetables at the beginning of case proceedings).

[14] *See, e.g.*, Rule 77, Rules of Civil Procedure (Ontario). *See generally* LAW COMMISSION OF INDIA, CONSULTATION PAPER ON CASE MANAGEMENT, http://lawcommissionofindia.nic.in/adr_conf/ casemgmt%20draft% 20rules.pdf

[15] (2011) 8 SCC 249. As per the Court,

> At the time of filing of the plaint, the trial Court should prepare complete schedule and fix dates for all the stages of the suit, right from filing of the written statement till pronouncement of judgment and the Courts should strictly adhere to the said dates and the said time table as far as possible. If any interlocutory application is filed then the same [can] be disposed of in between the said dates of hearings fixed in the said suit itself so that the date fixed for the main suit may not be disturbed.

and timeliness data will also ensure public scrutiny and add another layer of accountability towards timeliness goals and standards.

As a beginning however, the Normative Assessment Approach requires extensive and sustained study over a period of time in order to provide a rational and scientific definition of delays and arrears. In the meantime, in the absence of such time frames, and for the purposes of the study of adequate judicial strength in India's Subordinate Judiciary, the Commission has examined the current patterns of institution, disposal and pendency, to address the question of whether more judicial resources are required (and where they should be targeted) in order to clear the current pendency and prevent the accumulation of backlog in the future.

Chapter III

COMPUTING JUDGE STRENGTH

A. Overview of Data and its Limitations

Lack of complete data was a great handicap in making critical analysis and more meaningful suggestions as responses to questionnaires received from many High Courts[16] were incomplete. However, data supplied by High Courts of Andhra Pradesh, Bihar, Delhi, Gujarat, Himachal Pradesh, Jammu & Kashmir, Jharkhand, Karnataka, Kerala, Punjab & Haryana, Sikkim, and Uttarakhand proved very useful in furnishing the basis for the present work. The analysis in this report is based on the data received from these High Courts.

High Courts have provided data for the period 2002 to 2012. All the data received has been computed on an annual basis. Therefore, for example, each High Court has provided data as on 31st December of each year, under the categories of institution, disposal, pendency, etc.

Some High Courts provided data that was disaggregated into two categories: Higher Judicial Service and Subordinate Judicial Service. Other High Courts provided data disaggregated by cadre, i.e., Higher Judicial Service, Civil Judge (Senior) Division, and Civil Judge (Junior) Division. For uniformity of analysis, all the data has been analysed in the two broad categories of Higher Judicial Service and Subordinate Judicial Service.

It is important to note that the data on institution, disposal and pendency *does not* indicate the actual number of cases in the system. High Courts count data in various ways. Some High Courts such as those of Himachal Pradesh, Jammu & Kashmir, Orissa and Sikkim count interlocutory applications before Subordinate Courts as separate institutions, disposals and pendencies. Kerala even counts committal proceedings as separate for purposes of institution, disposal and pendency. Therefore, a single case may be counted multiple times in some High Courts. Thus, the number of cases pending, instituted or disposed of by the Courts is **significantly smaller** than the overall pendency, institution or disposal figures would suggest.

Further, the multiplicity of approaches in tabulating data make a cross-comparison between different High Courts problematic. For example, in the High Courts of Delhi, Andhra Pradesh, Bombay, Karnataka and Madhya Pradesh,

[16] See Annexure I and II.

interlocutory applications are not counted separately. In Punjab and Haryana, Jharkhand and West Bengal, the practice of counting or not counting differs from district to district. Similarly, while Karnataka does not count traffic and police challans as part of the institution, disposal and pendency figures, most other High Courts do. Given this variance, in the Commission's view a cross-comparison of States for making pan-India recommendations especially in view of the data currently available may not be very appropriate .

Besides gaining access to appropriate data from all High Courts, a major challenge was determining its accuracy. Potential errors could be seen upon close scrutiny of the data. For example, data received from the Delhi High Court indicates that in 2010, -40054 Negotiable Instrument Act, matters were instituted in the Delhi Subordinate Courts and 111517 were disposed of. Since a negative number of institutions is patently impossible, this number appears to have been inserted to balance the backlog tally and make up for a previous mistake in the number of pending negotiable instrument act matters.[17] It is not known how many other errors like this have not occurred. Also, such adjusting of the statistics to get a correct backlog tally then misrepresents the number of institutions in a given year, distorting the overall institution rate.

Similarly, the data on institution, disposal and pendency for many High Courts did not tally from year to year.[18] There were also inconsistencies between data sources. In some cases, the data received in response to the first Questionnaire (Annexure I) and the second Questionnaire (Annexure II) did not match. However, given these errors and unexplained inconsistencies, the Commission approached these data with caution used only for a broad trends analysis, in order to understand general and approximate patterns.

However, in the absence of any uniformity in data collection presently and certain lack of quality of data of various High Courts, the Commission strongly recommends that urgent steps be taken to evolve uniform data collection and data management methods. Such steps, if taken in earnest, would ensure transparency and more importantly facilitate policy prescriptions for the judicial system. At this stage, a caveat may be added, that so far as the present work is concerned, it relies largely on the latest information supplied by the High Courts.

[17] At the end of 2009 there were 416700 pending, while at the end of 2010 there were 265129.

[18] For example, the Pendency (P_N) in any given year (N) should be equal to Pendency in the Previous Year (P_{N-1}) + Institution in N (I_N) – Disposal in N (D_N). This formula can be represented as: (P_N) = (P_{N-1}) + I_N - D_N.

B. Analysis of Data

Annexure III provides the data on institution, disposal, pendency and judge strength for the period 2002-2012 for the higher judicial service category. The data shows that overall, institution, disposal and pendency have all been on the rise in this category in the last decade. The following chart illustrates this trend:

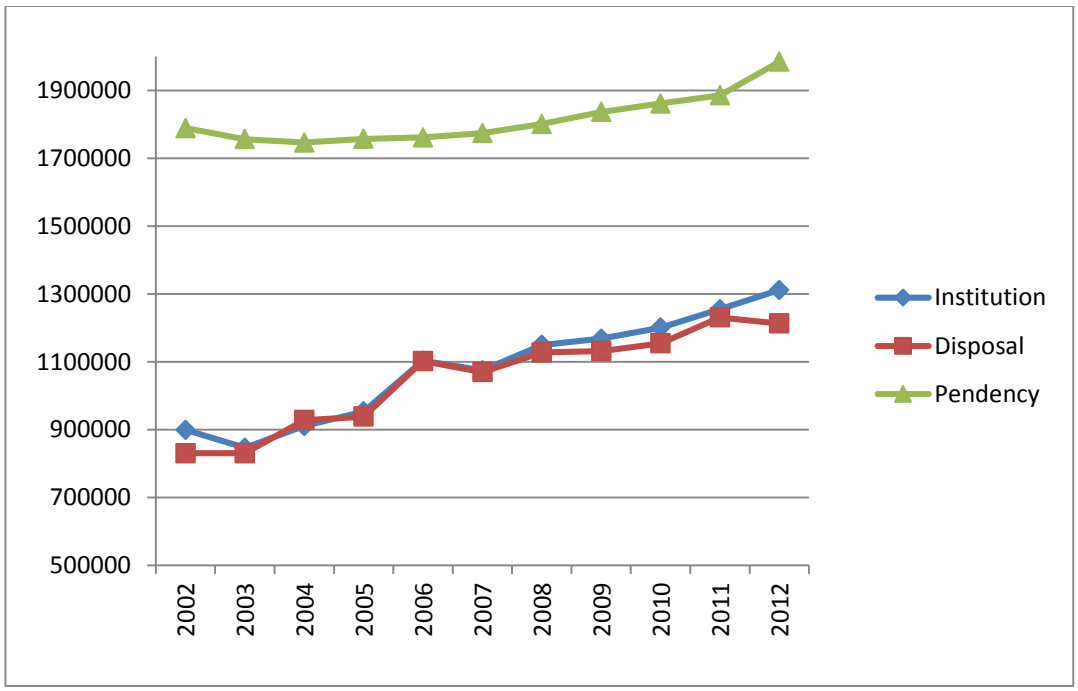

Figure 1: <u>Institution, Disposal, Pendency in the Higher Judicial Service, 2002-2012.</u>

Annexure IV provides data on institution, disposal, pendency and judge strength for the period 2002-2012 for the Subordinate Judicial Service category. The data shows that while the annual rate of institution, disposal and pendency has increased overall in the 2002-2012 period, in the last few years, pendency has been on a decline whereas institution and disposal are largely constant. The following chart maps this data:

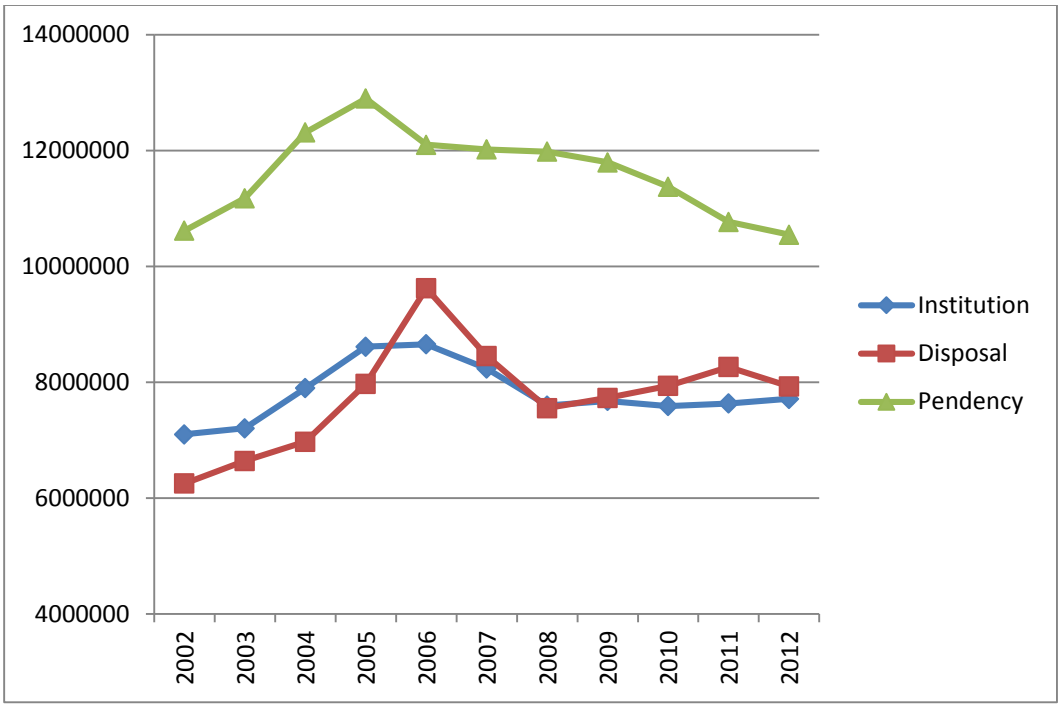

Figure 2: <u>Institution, Disposal, Pendency in the Subordinate Judicial Service, 2002-2012.</u>

The data for the Higher Judicial Service also indicates that in the 2002-2012 period, by and large, more cases have been instituted than have been disposed of in any given year. As a result, a backlog is being created in the system.

The following figures 3 and 4 show the Backlog Creation Rate for the period 2002-12. Backlog Creation Rate is the ratio of institution to disposal in any given year. If the ratio is greater than 1, this implies that more cases are being instituted than are being disposed of. If the ratio is less than one, then more cases are being disposed of, than are being instituted. A number less than 1, therefore, indicates that the judicial system is being able to handle new institutions.

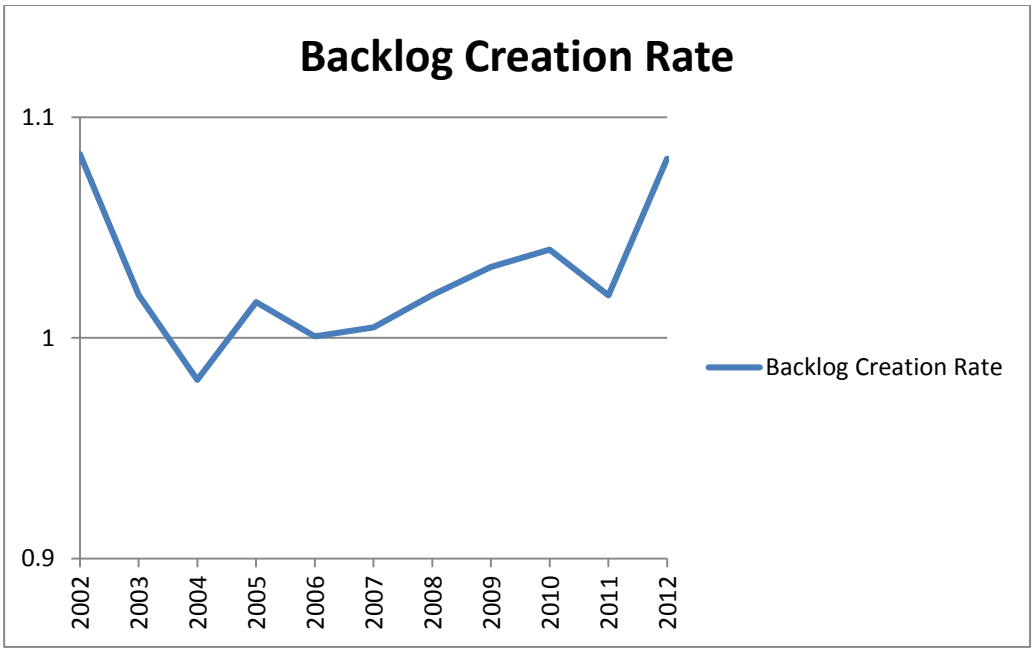

Figure 3: Backlog Creation Rate (Institution/Disposal) for the Higher Judicial Service, 2002-2012.

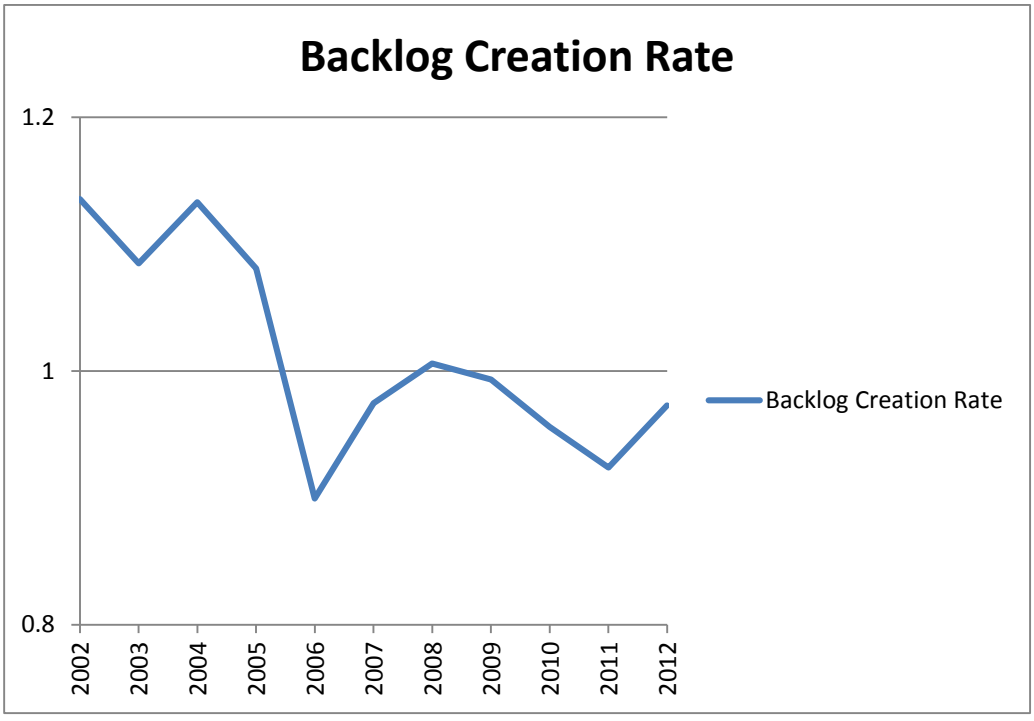

Figure 4: Backlog Creation Rate (Institution/Disposal) for the Subordinate Judicial Service, 2002-2012.

As the figures above indicate, the Higher Judicial Service is disposing of fewer cases than are being instituted. As such, it is adding to the backlog of cases in the system. On the other hand, in the Subordinate Judicial Service, the disposal rate is higher than the institution, implying that the backlog is being reduced. It should be pointed out here that the backlog creation analysis does not indicate whether the same cases that were filed in a given year were disposed of in that year. Rather, it takes a systemic perspective and looks at how many new cases are coming in, in relation to how many cases are going out. A low backlog creation rate, therefore, indicates that the system as a whole is incapable of dealing with the recurring annual demand for Judicial Services, and is, therefore, in need of additional resources.

As mentioned realier, the Backlog Creation Rate focuses on the number of cases going in and out of the system in a given year and does not take into account the already backlogged cases that carry forward from year to year.

To understand how well Courts are handling the already backlogged cases, the Pendency Clearance Time is useful. This figure is arrived at by dividing the pendency at the end of the year by the disposal that year, and indicates the amount of time it would take to dispose of all pending cases if no new cases were filed. The following figures indicate the annual pendency clearance time in the 2002-2012 period for the Higher Judicial Service and the Subordinate Judiciary, respectively.

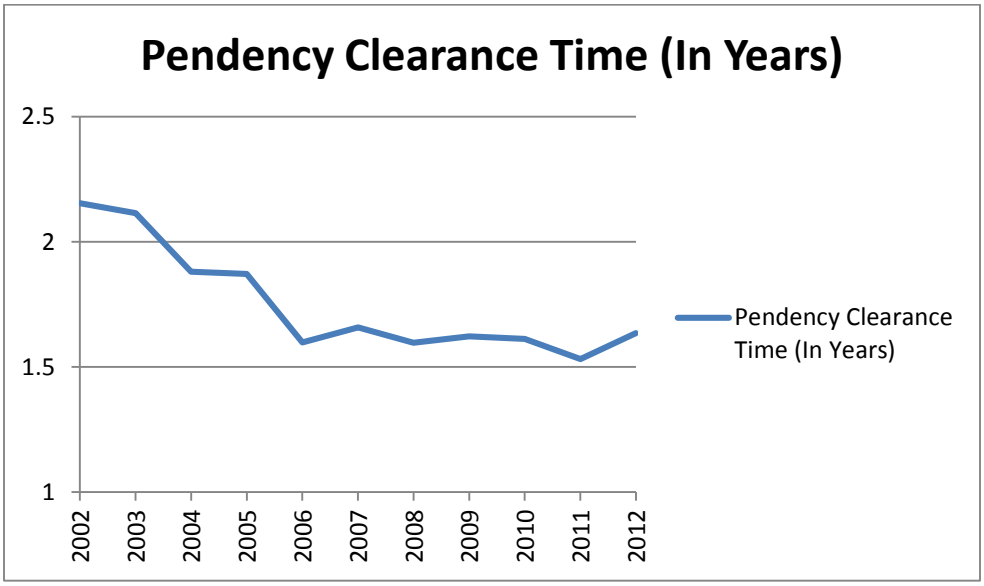

Figure 5: Pendency Clearance Time for the Higher Judicial Service, 2002-2012.

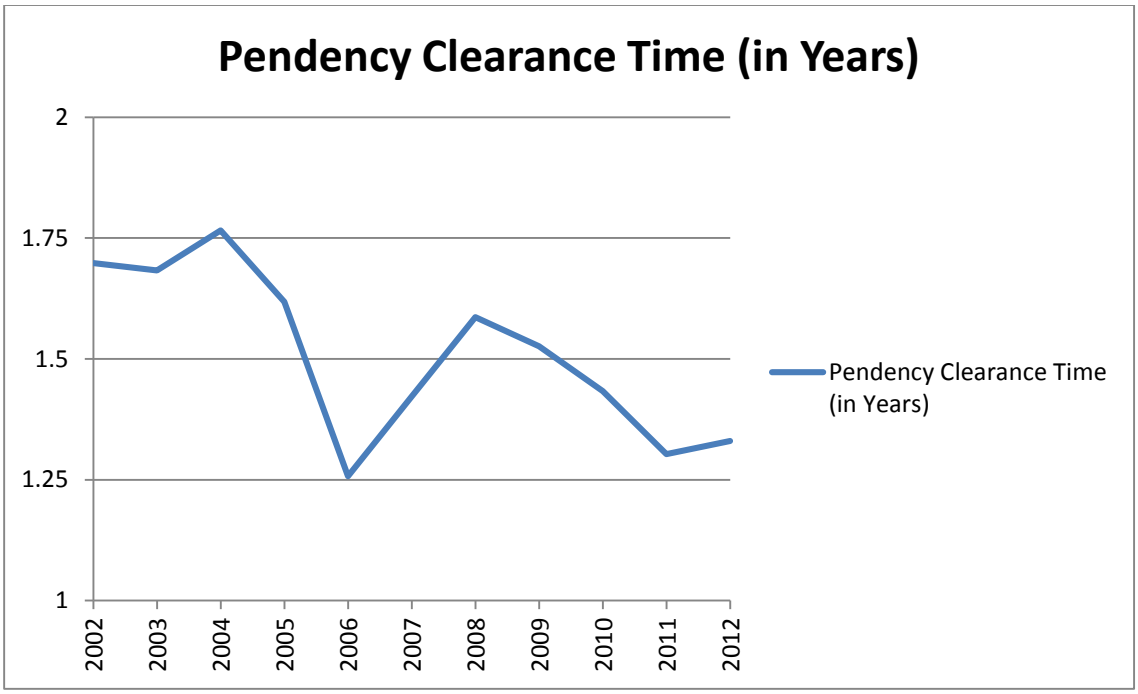

Figure 6: <u>Pendency Clearance Time for the Subordinate Judicial Service, 2002-2012.</u>

Figures 5 and 6 indicate that overall, for both the Higher Judicial Service and the Subordinate Judicial Service, the time it would take to clear pendency has declined in the 2002-2012 period. This implies that overall, the system is processing cases faster at the end of 2012 than it was in 2002. While these figures do not indicate the types of cases that are being processed through the system, the figures do provide an overall picture of the system and indicate the broad trajectory of the system in the past decade.

The data also indicates that in the High Courts under consideration, in the last three years 38.7% of institutions and 37.4% of all pending cases before the Subordinate Judicial Services were traffic and police challans.[19] An additional 6.5% and 7.8% cases account for institution and pendency respectively of Section 138 Negotiable Instruments Act, matters.[20] Annexure V provides the numerical data and the following figures provide State-wise breakup of institution and

[19] *See* Annexure 5. It is to be noted that Karnataka does not include traffic and police challan figures in their overall data on institution, disposal and pendency.

[20] *Id.* Bombay High Court did not provide information on the number of Negotiable Instruments Act matters pending before the subordinate Courts of that High Court. In addition, Kerala High Court provided Negotiable Instrument Act figures only for the cadre of Civil Judge Junior Division. Therefore, the percentage institution and pendency of Negotiable Instrument Act matters has been calculated on the overall institution and pendency figures for the civil judge junior division cadre.

pendency including data on traffic/police challans and Negotiable Instrument Act matters.

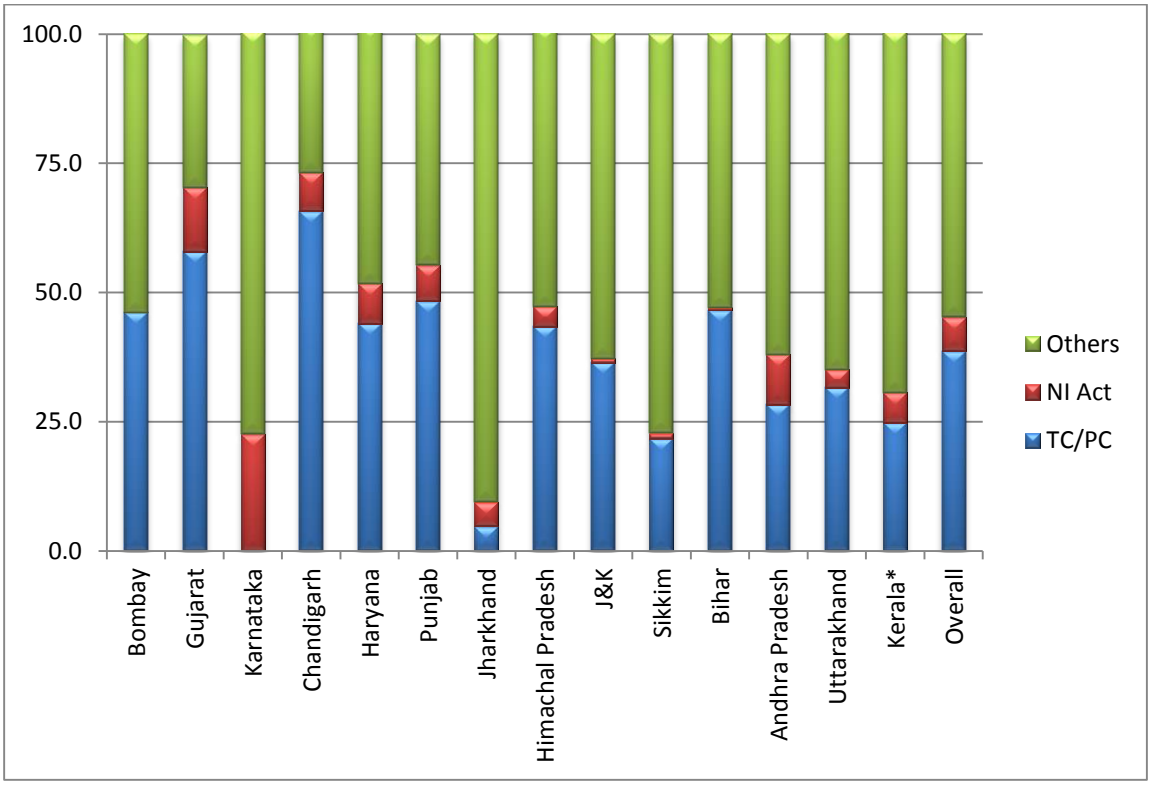

Figure 7: <u>Percentage of traffic/police challans and Negotiable Instrument Act matters in State-wise institution figures for the Subordinate Judicial Service, 2010-2012.</u>

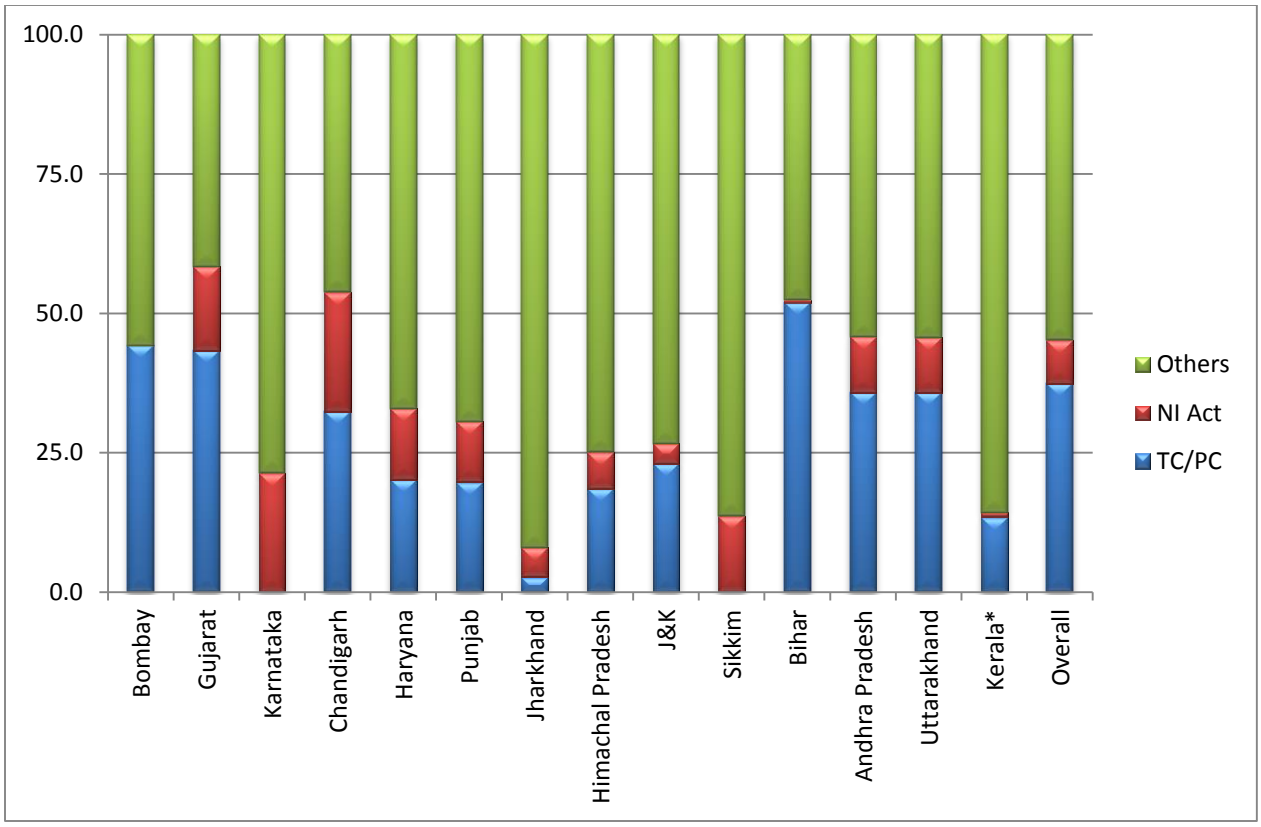

Figure 8: <u>Percentage of traffic/police challans and Negotiable Instrument Act matters in State-wise pendency figures for the Subordinate Judicial Service, end-2012.</u>

Cases of traffic and police challans generally do not require much judicial involvement. However, given the high volume of such cases, they cumulatively take up a significant amount of judicial time. The bulk of these cases deal with the payment of fines and are usually uncontested by parties. For such cases, automation of the system through the ability to pay fines online or at a designated counter in the Court complex, can significantly free up valuable Court time. For the remainder, the Commission considers that the creation of separate Special Traffic Courts, over and above the regular Courts, may significantly reduce the burden on regular Courts. These Special Courts can sit in two shifts (morning and evening). Since most such cases are not contested and do not involve lawyers, the shift system is not likely to inconvenience other stakeholders. In fact, the evening Court shift is likely to assist parties to come to Court after work hours and pay their fines. Recent law graduates can be recruited on a temporary basis

(e.g., for 3 year periods) to preside over these Courts.[21] However, cases in which there is a possibility of imprisonment, should be tried by regular Courts.

Thus, a simple analysis of data supplied shows that there is a large amount of double counting of institution, disposal and pendency figures in the Subordinate Judiciary, such that the total volume of cases being processed through the system is significantly less than the figures supplied by the High Courts. Tit is also evident from the data that a high proportion of cases before the Subordinate Judicial Service comprises of petty matters like traffic and police challans. As already suggested, it is reiterated that these petty matters can better be dealt with by special morning and evening Courts over and above the regular Courts. The burden on the regular Courts will be significantly reduced as a result.

C. Methodologies for Computing Adequate Judge Strength

Most oftenly referred methods in most discussions for computing adequate judge strength are: the judge-population ratio, the judge-filing ratio, the ideal case load method, time based methods, and the rate of Disposal Method. Briefly analyzing these methods and looking into their pros and cons the report finds greater favour with the rate of Disposal Method.

1. Judge to Population Ratio & Judge to Filing Ratio

One method commonly advocated for determining how many judges are required in the judicial system is the judge to population ratio, i.e., the number of judges per million persons in the population.[22] The Commission finds this method very wanting because there is no objective number by reference to which we can determine whether the judge to population ratio of any State is adequate. It is known that filings per capita vary substantially across geographic units. Filings

[21] An additional benefit of hiring recent law graduates for these posts is that presiding over the traffic Court will give these law graduates experience and insight into the working of the judicial system are is likely to be a valuable stepping stone for careers in litigation or the judicial services.

[22] All India Judges' Association v. Union of India, (2002) 4 SCC 247 ("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 lakh people to 50 Judges per 10 lakh people); P. Ramchandra Rao v. State of Karnataka, (2002) 4 SCC 578("The root cause for delay in dispensation of justice in our country is poor judge population ratio"); *More Judges Needed, states should take initiative, Manmohan Singh says*, TIMES OF INDIA, April 7, 2013 http://articles.timesofindia.indiatimes.com/2013-04-07/india/38345513_1_three-crore-cases-india-altamas-kabir-judicial-reforms (Prime Minister Manmohan Singh terming the current judge-to-population rate "grossly inadequate"); Law Commission of India, One Hundred Twentieth Report on Manpower Planning in Judiciary: A Blueprint (1987) (recommending a five-fold increase in the population-to-judge ratio and that India should have the same judge-to-population ratio by 2000 as the United States had in 1981).

per capita are associated with economic and social conditions and can vary across India's States by as much as a factor of 50.[23] The justice needs of different societies thus vary, and no universal standard can be prescribed in this regard. Therefore, while population might be the appropriate metric to measure the availability of other essential services like health care and nutrition, it is not an appropriate standard for measuring the requirement for Judicial Services.

Another similar method oftenly referred to on various discussions is to look at the Judge to Institution Ratio.[24] This would tell how many judges a State has relative to the existing pattern of demand for judicial services within that state. Here, again, however, there is no ideal number of judges per 1000 instituted cases, by reference to which one can determine whether or not a State needs more judges and by how much. Further, institution figures often vary depending upon the issue area and the social identity of those instituting cases. Socially marginalized groups are likely to have lower institution rates for reasons of lack of access to Courts.[25] Institution figures may also vary depending upon the geography. Far-flung areas, where physical access to Courts is a problem, may have low institution figures compared to the population. No doubt, while these are not by themselves reasons to discard the judge to institution ratio method but they do caution that merely meeting some ideal ratio will not necessarily fulfill the justice needs of a society.

2. The Ideal Case Load Method

Another method sometimes advocated for fixing the appropriate judge strength is the ideal case load method. This method requires a determination of the ideal number of cases that a judge should have on his/her docket. The total caseload (existing pendency plus new institutions) can then be divided by the ideal case load to estimate the number of judges required by the system. Where the number

[23] *See* Theodore Eisenberg, Sital Kalantry, and Nick Robinson, *Litigation as a Measure of Well-Being*, 62(2) DEPAUL 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).

[24] *See, e.g.*, Flango, Ostram & Flango, *How Do States Determine the Need for Judges?*, 17 STATE COURT JOURNAL 3 (1993) (explaining various methods, including the judge to institution/filing ratio as a method that is used in some states in the United States for calculating how many judges need to be appointed in a particular Court).

[25] *Id.*

of cases per judge is disproportionately higher than the ideal case load, additional judges are required to be recruited.[26]

The ideal case load method seems difficult to implement in practice. One is absence of any exhaustive study, one does not find any fixed criteria for determining what the ideal case load should be. Generally, ideal case loads are fixed on an ad hoc basis. To give one illustration, the Law Commission vide letter no. 6(3)/224/2012-LC(LS) dated 28.05.2012 had asked High Courts to provide "reasonable workloads that each category of Courts (DJ, Sr. Civil Judge, Jr. Civil Judge/Magistrate) can bear in order to establish better and speedy access to justice." However, the information received from various High Courts revealed that measurements of ideal case load for each cadre of judge varies widely across states. Thus for instance, the reasonable workload for the Higher Judicial Service was suggested to be 120 in Madhya Pradesh, 500 in Andhra Pradesh, 750 in Jammu and Kashmir and 1000 in Orissa. This wide variation across states is a result, in part, of the lack of a rational basis for determining the ideal case load.[27]

Second, different types of cases require different amounts of judicial time. A murder trial is generally likely to consume much more time, for example, than a summary trial in a petty offence. An ideal case load approach that looks only at the number of files before the judge, will treat both cases as equal even though a judge with 500 murder cases is likely to be over-stretched and one with 500 summary trials, under-utilized. To be fruitful, the ideal case load method requires some analysis of the types of cases likely to come up before a judge. Also, there is need to analyze as to the amount of time each type of case normally takes. Such analysis may probably give an idea of what should constitute 'ideal case load' before a judge. However, there is need to be cautious because the existing case mix can change fairly quickly, for instance, through the emergence of new laws and increased rights awareness. For example, The present section 138 of the Negotiable Instruments Act, was a result of an amendment in 2002 vide the Negotiable Instruments (Amendment and Miscellaneous Provisions) Act, 2002 (55 of 2002). This provision has been wide used and has drastically changed the number and type of cases in the case mix before the Subordinate Judiciary.

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[26] *See, e.g.,* National Court Management Systems: Policy and Action Plan 34(September 2012), at ¶ 5.3; Resolutions of the Chief Justices' Conference, 2004 (proposing a norm of 500 cases per year for senior judges and 600 cases for junior civil judges and Metropolitan Magistrates).

[27] In another example, the Chief Justices' Conference 2004proposed a norm of 500 cases per year for senior judges and 600 cases for junior civil judges and Metropolitan Magistrates. These figures have been critiqued for not being based on any detailed analytical and empirical assessment. *See* India Development Foundation, *Judicial Impact Assessment: An Approach Paper* 72 (2008) *available at* <http://lawmin.nic.in/doj/justice/judicialimpactassessmentreportvol2.pdf>.

Finally, if we were to do the study into the case mix and case times required to operationalize the ideal case load method, this information can be directly used to determine the appropriate number of judges required by the system. The via media of ideal case load would not be required. The method to determine the appropriate number of judges by using case mix and case times is discussed below.

3. The Time Based Method

Another model often used, as for example in the US, for determining the number of judges required by the judicial system is the Time Based Method.[28] Broadly speaking, this method determines the time required to clear the existing judicial caseload. It then determines the time available per judge for judicial work. Dividing the first number by the second provides the number of judges required to deal with the existing caseload.

In more detail, the time based method involves determining the ideal or actual time taken by judges in deciding a particular type of case on average. Then it requires determining the average number of cases of that type being instituted and pending in the Courts. Multiplying the number of cases with the time required per case, gives the number of judicial hours required to deal with cases of that type. Dividing this by the number of judicial hours available per year gives the number of judges required to deal with cases of that type. Adding this information for all types of cases that a particular category of judges deals with gives the number of judges required for disposing of the caseload.

In the United States where this approach is followed, the National Centre for State Courts ("NCSC") conducts studies to determine the number of minutes it takes judges to resolve certain cases. Judges are interviewed and are often required to keep time sheets in order to determine the time value of each type of case.[29]

The Time-Based Method, as followed by the NCSC computes the number of judges using four pieces of data:

1) The number of cases instituted by Court, district, and type of case

[28] A good overview of this approach as undertaken in the U.S. federal Courts can be found in FEDERAL JUDICIAL CENTER, 2003-2004 DISTRICT COURT CASE-WEIGHTING: FINAL REPORT TO THE SUBCOMMITTEE ON JUDICIAL STATISTICS OF THE COMMITTEE ON JUDICIAL RESOURCES OF THE JUDICIAL CONFERENCE OF THE UNITED STATES (2005)

[29] *See* National Center for State Courts, "The California Judicial Workload Assessment," 2007; National Center for State Courts, "Minnesota Judicial Workload Assessment," 2002; and National Center for State Courts, "North Carolina Superior Court Judicial Workload Assessment," 2001.

2) The average bench and non-bench time a judge requires to resolve each type of case within the Court
3) The amount of time a judge has available to complete case-related work per year
4) The number of active judges by Court and district

All the information required to run this model for Indian Courts is not available. In India, the system does not have any information about the time required by judges to resolve each type of case. This lack of information points to a larger systemic problem. Any effort at delay reduction has to first determine how many cases in the system are delayed. This requires determining what the normal time frame for a particular type of case should be, such that anything beyond this time frame is considered delayed. The judicial system has no such benchmark and, therefore, has no data on how many cases are delayed (as opposed to pending).

One proxy for time could be units. Since judges are required to complete a certain number of units per month, and one knows the time available per judge for judicial work per month, and can calculate the time value of each unit. One can then determine the time value of each type of case by looking at the number of units allotted to that type of case. This would give the data required in point 2 above. However, two problems arise:

1. Units are not a good proxy for time. Units serve as performance benchmarks for judges. As such they are used for different purposes. Often units are used to incentivize the quick disposal of certain types of cases, for example, cases pending for a certain number of years. Second, they are used to incentivize greater productivity. Therefore, for the same type of case, more units per case is sometimes awarded if a judge completes a certain number of such cases. Therefore, the allocation of units is not based solely on time.
2. The data about institution, disposal and pendency that High Courts record, often do not map well against the information available on units. For example, while it is known that the number of Section 302, IPC cases instituted and pending before the Sessions Courts of Delhi, it is not clear how many witnesses are required to be deposed in each case. Units though are awarded, *inter alia*, on the basis of the number of witnesses in a particular case. Hence, even if one knew the time value of each unit, one would not know the unit value of each murder case instituted or pending before the Court.

For these reasons, the Commission feels that any approach that uses “unit as a proxy for time” may not be a sound approach. There is no other proxies for time

and further no scientific data in this regard is available. The time Based Method as practiced elsewhere may not be applicable or feasible in Indian context.

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 amongst retired judges, for the purpose of clearing backlog.[31] Most

[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.

[31] *See e.g.,* LAW COMMISSION 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

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 information supplied by the Department of Justice to the

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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 Minister Dr. Manmohan Singh, at the Conference of Chief Justices and Chief Ministers, *at*

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.

The method is as below:

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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 14th 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.

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

[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. (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.

Average 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 required 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

D_{2010}, D_{2011}, D_{2012} =Annual Disposal for that year

J_{2010}, J_{2011}, J_{2012} =Annual Working Strength of Judges for that year

J= Current Working Strength of Judges

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 of 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.

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 >1 yr. 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 >1 yr. 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								
Disposal	73613	60378	59961	67591.7	199.2	339.3	**50**	184746	**928**	**464**	**310**
No. of judges	356	328	290								
RoD	206.8	184.1	206.8								
SUBORDINATE JUDICIAL SERVICE											
Institution	158113	158498	183773								
Disposal	137583	125927	133575	166794.7	213.2	782.2	**164**	1038598	**4871**	**2436**	**1624**
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 >1 yr. 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								
Disposal	77850	71949	71073	72041.0	446.8	161.2	**-10**	45669	**103**	**52**	**35**
No. of judges	165	158	172								
RoD	471.8	455.4	413.2								
DELHI JUDICIAL SERVICE											
Institution	133655	129171	161981								
Disposal	273922	301447	271171	141602.3	1115.9	126.9	**-130**	231452	**208**	**104**	**70**
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 >1 yr. on 31.12.2012	No. of Judges required for clearing backlog in		
									1 year	2 years	3 years
HIGHER JUDICIAL SERVICES											
Institution	152663	149947	152041								
Disposal	161848	155290	169598								
No. of judges	141	149	175	151550.3	1053.1	143.9	**-31**	267853	**255**	**1282**	**85**
RoD	1147.9	1042.2	969.1								
SUBORDINATE JUDICIAL SERVICE											
Institution	530434	367726	366585								
Disposal	541640	385527	384200								
No. of judges	671	673	859	421581.7	609.1	692.1	**-166**	1122354	**1843**	**922**	**615**
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 >1 yr. 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								
Disposal	29913	29829	31815	31430.7	1291.6	24.3	**0**	11477	**9**	**5**	**3**
No. of judges	24	22	25								
RoD	1246.4	1355.9	1272.6								
SUBORDINATE JUDICIAL SERVICE											
Institution	92379	99456	171699								
Disposal	84246	95473	125235	121178.0	1339.0	90.5	**16**	85307	**64**	**32**	**22**
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 >1 yr. 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								
Disposal	36275	49275	25994	39214.7	757.9	51.7	**2**	25152	**34**	**17**	**12**
Judges	45	52	50								
RoD	806.1	947.6	519.9								
SUBORDINATE JUDICIAL SERVICE											
Institution	130290	150082	160276								
Disposal	123008	137873	167278	146882.7	1246.9	117.8	**-4**	83431	**67**	**34**	**23**
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 >1 yr. 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 >1 yr. 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 >1 yr. 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											
	2010	2011	2012	Average Institution	Average rate of disposal per Judge	Breakeven No.	Additional no. of Judges required to Breakeven	No. of cases pending >1 yr. on 31.12.2012	No. of Judges required for clearing backlog in		
									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								
SUBORIDINATE 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 >1 yr. 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 >1 yr. 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								

In light of foregoing, the number of Additional Subordinate Court Judges to be appointed by these High Courts is as follows:

TABLE XIII: ADDITIONAL NUMBER OF JUDGES REQUIRED							
	Additional no. of Judges for Breakeven	**No. of judges to clear backlog in:**			**Vacancies (Dec.'12)**	**Sanctioned Strength (Dec.'12)**	**Total Number of judges required**
		1 yr	**2 yrs**	**3 yrs**			
ANDHRA PRADESH SUBORDINATE COURTS							
HIGHER JUDICIAL SERVICE	3	121	61	41	43	179	Need for an additional 44 to 124 judges in the higher judicial service and 247 to 779 judges in the subordinate judicial service.
SUBORDINATE JUDICIAL SERVICE	-20	799	400	267	64	661	
BIHAR SUBORDINATE COURTS							
HIGHER JUDICIAL SERVICE	50	928	464	310	201	503	Need for an additional 360 to 978 judges in the higher judicial service and 1788 to 5035 judges in the subordinate judicial service.
SUBORDINATE JUDICIARY	164	4871	2436	1624	356	984	
DELHI SUBORDINATE COURTS							
HIGHER JUDICIAL SERVICE	-10	103	52	35	31	226	Need for an additional 25 to 93 judges in the higher judicial service and 0 to 78 judges in the subordinate judicial service.
SUBORDINATE JUDICIARY	-130	208	104	70	115	382	
GUJARAT SUBORDINATE COURTS							
HIGHER JUDICIAL SERVICE	-31	255	1282	85	137	312	Need for an additional 54 to 224 judges in the higher judicial service and 449 to 1677 judges in the subordinate judicial service.
SUBORDINATE JUDICIARY	-166	1843	922	615	492	1351	
HIMACHAL PRADESH SUBORDINATE COURTS							
HIGHER JUDICIAL SERVICE	0	9	5	3	3	43	Need for an additional 3 to 9 judges in the higher judicial service

SUBORDINATE JUDICIARY	16	64	32	22	11	89	and 38 to 80 judges in the subordinate judicial service.
JAMMU AND KASHMIR SUBORDINATE COURTS							
HIGHER JUDICIAL SERVICE	2	34	17	12	11	67	Need for an additional 14 to 36 judges in the higher judicial service and 19 to 63 judges in the subordinate judicial service.
SUBORDINATE JUDICIARY	-4	67	34	23	11	139	
JHARKHAND SUBORDINATE COURTS							
HIGHER JUDICIAL SERVICE	17	193	97	65	47	174	Need for an additional 82 to 210 judges in the higher judicial service and 198 to 580 judges in the subordinate judicial service.
SUBORDINATE JUDICIAL SERVICE	7	573	287	191	58	329	
KARNATAKA SUBORDINATE COURTS							
HIGHER JUDICIAL SERVICE	22	148	74	50	119	332	Need for an additional 72 to 170 judges in the higher judicial service and 250 to 688 judges in the subordinate judicial service.
SUBORDINATE JUDICIAL SERVICE	30	658	329	220	220	754	
KERALA SUBORDINATE COURTS							
HIGHER JUDICIAL SERVICE	-6	126	63	42	6	134	Need for an additional 36 to 120 judges in the higher judicial service and 82 to 196 judges in the subordinate judicial service.
SUBORDINATE JUDICIAL SERVICE	25	171	86	57	22	281	
PUNJAB SUBORDINATE COURTS							
HIGHER JUDICIAL SERVICES	6	47	24	16	28	128	Need for an additional 22 to 53 judges in the higher judicial service and 6 to 160 judges in the subordinate judicial service.
SUBORDINATE JUDICIAL SERVICE	-71	231	116	77	57	403	
HARYANA PRADESH SUBORDINATE COURTS							
HIGHER JUDICIAL SERVICE	-2	56	28	19	21	153	Need for an additional 17 to 54 judges in the higher judicial service and 16 to 159 judges in the subordinate judicial service.
SUBORDINATE JUDICIAL SERVICE	-56	215	108	72	70	375	

CHANDIGARH SUBORDINATE COURTS							
HIGHER JUDICIAL SERVICE	1	5	3	2	0	6	Need for an additional 3 to 6 judges in the higher judicial service and 0 to 4 judges in the subordinate judicial service.
SUBORDINATE JUDICIAL SERVICE	-3	7	3	2	0	14	
SIKKIM SUBORDINATE JUDICIARY							
HIGHER JUDICIAL SERVICE	2	1	1	1	5	9	Need for an additional 3judges in the higher judicial service and 0 judges in the subordinate judicial service.
SUBORDINATE JUDICIAL SERVICE	-2	1	1	1	2	8	
UTTARAKHAND SUBORDINATE JUDICIARY							
HIGHER JUDICIAL SERVICE	-5	21	11	7	9	51	Need for an additional 2 to 16 judges in the higher judicial service and 29 to 82 judges in the subordinate judicial service.
SUBORDINATE JUDICIAL SERVICE	3	79	40	26	62	170	

A closer look at the foregoing analysis of the data and evaluating various methods as discussed the Commission considers it important to emphasize the following:

1. **Appointment of judges on a priority basis**: As this data indicates, the situation is indeed grim, and is getting worse by the moment. In all states, there is a significant backlog of cases which requires a massive influx of judicial resources even if one takes a 3 year time frame for clearing backlog. Bihar, for example, requires an additional 1624 judges to clear backlog in three years. The problem of backlogs is compounded by the fact that in some states, Courts are unable to even keep pace with the new filings, thus adding to the already huge backlog. As the data shows, even where the Courts are breaking even, the system is severely backlogged and requires urgent intervention.[38] Given the large number of judges required to clear backlog and the time it will take to complete selection and training processes, the Law Commission recommends that the recruitment of new judges should, therefore, focus, as a matter of priority, on the number of judges required to breakeven, and to dispose of the backlog in a 3 year time frame. This has to be dealt with on a priority basis, otherwise the already severe problem of backlogs will only get worse.
2.

2. Special Traffic Courts: The figures for institution and disposal do not include traffic challans/police challans. As mentioned in Part III A above, the Law Commission recommends that these cases be dealt with by Special Courts, over and above the regular Courts. The Special Courts can function in morning and evening shifts. Much of the work of these Courts is likely to require very little judicial involvement. Therefore, recent law graduates can be appointed for short durations, e.g., 3 years, to preside over these Courts. Providing online facilities for the payment of fines, or separate counter facilities in Court precincts for this purpose, can ease the work load of these Courts considerably. In order to ensure fair process, Special Traffic Courts should deal only with cases which involve fines. Where imprisonment is a likely consequence, the matter should be heard by a regular Court. Staffing such Courts with recent law graduates will also have the added benefit of providing such graduates with a meaningful stepping stone for careers in litigation or the judicial services.

[38] Where the additional number of judges required to breakeven is in the negative, this implies that disposal is higher than institution in such Courts. In these cases, the number of judges over and above the breakeven number, can be deployed for disposing of the backlog. The number of additional judges required to dispose of the backlog should be proportionately reduced.

It is to be noted that the Backlog figures do not exclude traffic challans. Data on what proportion of pending traffic/police challans were more than a year old were not available. However, given that these cases generally do not require much judicial involvement, most of these cases are not likely to be backlogged.

4. <u>Periodic Needs Assessment for the Judiciary</u>: The present work is based on analysis of institution, disposal and pendency data for the time period 2010-12. Institution and disposal trends can and will change over time. New laws, greater awareness of rights, changing social circumstances, and even the reduction of judicial delay are likely to lead to an increase in the number of cases being instituted. At the same time, better infrastructure, more support staff, access to time-saving technology and better training are likely to increase the efficiency levels (and hence, rate of disposal) of judges. Since the method of calculating Additional number of Judges depends on these figures, the Law Commission recommends that the trend of institutions and disposals should be constantly monitored by the High Courts, in order to meet the evolving needs of the judiciary. Using the formula provided above, judge strength should be increased periodically, particularly when institution rates start climbing over disposal rates. The Commission also recommends that in order to engage in this analysis, High Courts should put in place reliable and regular data collection and management systems.

5. <u>Efficient Deployment of Judicial Resources</u>: The Commission recognizes that apart from increasing the judge strength, there is also need for efficient deployment of the additional judicial resources. While the rate of Disposal Method indicates how many additional judges are required it does not indicate how these additional judicial resources should be allocated (e.g., which Courts, which districts, what types of cases) to best meet the goal of delay reduction. Further, the Commission also recognizes that the most efficient allocation of resources will depend upon various local factors and micro level analyses, for which pan-India recommendations may be inappropriate. Therefore, the Law Commission recommends that once appointments are made, High Courts should make appropriate allocation of judicial work, keeping in mind the following factors:

a. In this report, all cases pending for less than a year have been treated as current cases. All cases pending for more than a year have been categorized as backlogged cases. The Commission recognizes that this division is ad hoc. However, as elaborated earlier in this report, we do not have any established metric for determining when a case can be considered delayed for purpose of counting only delayed cases in the backlogged category. In the absence of this information, a time frame of one year has been taken as the period for considering a case as current or backlogged. It is possible that a Court with high pendency of backlogged cases might have many recently filed pending cases whereas another Court with a relatively lower backlog may have a high proportion of very old pending cases. High Courts

should, therefore, allocate more resources for Courts with more old pending matters than those with relatively new case loads.

b. It is also important to note that not every case requires the same amount of judicial time or resources. A petty case may be considered delayed if it takes more than 3 months whereas a murder case may be considered disposed of well in time if it takes 6 months for disposal. However, the rate of Disposal Method does not take this complexity into account. The Commission has taken one, two and three years as the time frames within which pending cases should be disposed of. However, one year might be too much time for some cases, and too little for others. A benchmark to determine delay and the requisite age wise break up of cases by subject area, can help to determine what percentage of cases are delayed and hence require targeted intervention. On the general principle of first in, first out for each type of case, High Courts should allocate more resources for Courts with more *delayed* pending cases.

c. Similarly, even if a Court has a relatively high rate of disposal, some cases in that Court might be very old and moving at a very slow pace, compared to the bulk of the case load, which may be simpler and moving at a much faster rate. Since the overall rate of disposal averages out the rate of disposal of specific types of cases, a high overall rate of disposal may mask the fact that some cases such are stagnating for long periods within such a Court. Therefore, even if some Courts have a very high rate of disposal, the High Court should not re-allocate judicial resources in those Courts, without first determining how current their case loads are.

d. Relatedly, even though the general picture that emerges lets system know how much extra judicial time is required to clear up the backlog and prevent the system from getting backlogged in the near future, the Rate of Disposal Method does not tell anything about how judicial time and effort should be spent so as to cater to the needs of the socially and legally marginalized who are often likely to need more judicial resources in order to meet their basic legal needs. The method does not provide a way to tailor judicial resource allocation based on the different needs of different groups. It treats all cases as similar from the point of view of delay reduction regardless of the nature of the right being asserted or the person making the assertion. Therefore, High Courts should provide guidelines to Subordinate Courts to ensure that older or more complex or more priority cases (for example, those relating to sexual violence) do not stagnate in the system.

e. Finally, even if judges of a particular category are disposing of cases at a high rate, this indicates nothing about the quality of decision-making of such judges. The focus of the method is on the quantitative output without compromising the *current* qualitative standard. However, there might be trade-offs involved between the quantity and the quality of decision-making that the model does not take into account. If some judges are actually compromising on the quality of decision-making and are thus being able to dispose of more cases, the model will recommend a lesser number of additional judges, compared to the additional judges that would be required to dispose of the same number of cases in a more qualitatively sound

manner.[39] The Commission, therefore, recommends that in allocating the additional judicial resources, High Courts should pay heed to the quality of decision making in the Courts concerned.

In sum, therefore, the rate of Disposal Method described in this report should be seen as giving an approximation of required judicial strength that can then be adjusted and allocated on the basis of other considerations, which can include, but are not limited to: (1) adjustments made for inaccuracies in available data; (2) a particularly large number of cases that have been pending for an excessive period of time which may indicate a need for more judicial resources and (3) relevant feedback about pendency and judicial functioning in the State and particular districts from stakeholders.

6. <u>Timely filling of vacancies; increase in age of retirement of the Subordinate Judiciary</u>: As Table XIII indicates, most High Courts have a high vacancy in Subordinate Courts. Additionally, every year many vacancies are created through retirement. It takes time to select and train new judges to replace the retiring ones. In the meantime, the backlog piles up. To deal with this concern, the Commission recommends that in addition to recruiting new judges, the age of retirement of subordinate judges be raised to 62 in order to meet the need for a large number of adequately trained judicial officers. The benefit of increase in the retirement age can be made available to judicial officers in terms of the directions of the Supreme Court in *All India Judges' Association v. Union of India.*[40] Further, the directions of the Supreme

[39] It is pertinent to note that in its order dated February 1, 2012, in the present case, the Supreme Court noted that "access to justice must not be understood in a purely quantitative dimension. Access to justice in an egalitarian democracy must be understood to mean qualitative access to justice as well. Access to justice is, therefore, much more than improving an individual's access to Courts, or guaranteeing representation. It must be defined in terms of ensuring that legal and judicial outcomes are just and equitable."

[40] In *All India Judges' Association v. Union of India*, decided on November 13, 1991, AIR 1992 SC 165, the Supreme Court had directed that the age of superannuation be for subordinate Court Judges be raised to 60 years. Modifying this direction in an order dated August 24, 1993, the Court held that

> The benefit of the increase of the retirement age to 60 years, shall not be available automatically to all judicial officers irrespective of their past record of service and evidence of their continued utility to the judicial system. The benefit will be available to those who, in the opinion of the respective High Courts, have a potential for continued useful service. It is not intended as a windfall for the indolent, the infirm and those of doubtful integrity, reputation and utility. The potential for continued utility shall be assessed and evaluated by appropriate Committees of Judges of the respective High Courts constituted and headed by the Chief Justices of the High Courts and the evaluation shall be made on the basis of the judicial officers' past record of service, character rolls, quality of judgments and other relevant matters.
>
> The High Court should undertake and complete the exercise in case of officers about to attain the age of 58 years well within time by following the procedure for compulsory retirement as laid down in the respective Service Rules applicable to the judicial officers. Those who will not be found fit and eligible by this standard should not be given the benefit of the higher retirement age and should be compulsorily retired at the age of 58 by following the said procedure for compulsory retirement.

Court in *Malik Mazhar Sultan v. U.P. Public Service Commission*,[41] regarding the time bound filling of vacancies, needs to be strictly adhered to.

7. <u>Need for system wide judicial reforms</u>: From a litigant's point of view, what matters is not just the timely disposal of his/her case at the trial Court level, but at all levels of the judiciary. Therefore, judicial reform targeted at delay reduction is required not only in the trial Court, but throughout the judicial system. In particular,

a. If the number of judges in the trial Courts increases significantly the number of cases being disposed of by the trial Courts will rise sharply. The total number of cases being appealed to the High Courts will also increase. The case load of High Courts will, therefore, increase. If a corresponding increase is not made in the judge strength at the High Court level, the system as a whole is likely to remain backlogged.

Data obtained from the Supreme Court publication *Court News* shows that High Courts are already backlogged and are not being able to keep pace with new filings. The recent annual data from Court News is for the time period 01.10.2011 to 30.9.2012. In this time period, though 1909543 fresh institutions were made in High Courts, only 1764607 matters were disposed of. The backlog, therefore, increased by 144936. On average, in this time period, High Court judges disposed of 2821.07 cases per judge. As of 30.9.2012, 4407861 matters were pending before all the High Courts. At the current rate of disposal, High Courts require an additional **56 judges** to breakeven and an additional **942 judges** to clear the backlog. It is relevant to note here that the sanctioned strength of the High Courts is 895. As on 31.12.2012, 31.4% of these positions were vacant. Therefore, there is already a massive shortage of judges in the High Courts. The increase of judge strength in the Lower Judiciary is likely to further exacerbate the problem.

b. Without adequate infrastructure or support staff, an increase in judge strength will not be effective as a delay reduction strategy. A systemic perspective, encompassing all levels of the judicial hierarchy, is, therefore, needed for meaningful judicial reform.

c. Other approaches like encouraging Alternative Dispute Resolution methods, where appropriate, can divert cases outside the Court system and lead to an overall reduction

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The Commission's recommendation in this report is along the same lines, with the exception that we recommend that the service of judges who are about to retire be extended till such time as the vacancy caused by their retirement is filled, subject to a maximum period up to which such extension is possible.

[41] (2008) 17 SCC 703.

in pendency in the judicial system.[42] Therefore, a piecemeal approach to delay reduction should be eschewed in favour of a systemic perspective.

[42] The Law Commission is examining this issue separately and intends to come out with a report on Alternative Dispute Resolution Mechanisms.

CHAPTER IV

CONCLUSIONS AND RECOMMENDATIONS

In conclusion, it would not be wrong to say that at general level and in nutshell, the present report in a way deals with the issue of arrears and delay and problem of judicial (wo)manpower planning - a problem that for quite many years remained ignored. Undermining this, the Law Commission, in its 120th Report: "Manpower Planning in Judiciary: A Blue Print" had observed, "*The Commission was of the view that the question of judicial manpower planning had generally been ignored in India's planned development. The developing science of manpower planning has not attracted the attention of policy opinion makers in the field of administration of justice in India. All reorganization proposals are basically patch work, ad-hoc, unsystematic solutions to the problem".* Importantly, the report, while confessing its limitations and inability said: "*Commission itself is in no position, given the fact of its present structure, to provide this kind of technical analysis only on which sound programme of change can be envisaged. Of course, the Commission has done the next best thing and elicited extensive opinion of those knowledgeable in the field and the general public. But we must admit that, all said and done, this is a very poor substitute for sound scientific analysis."* The Commission, thus, while being expressly conscious of limitations inherent in suggesting any scientific method to deal with problem of arrears and delay relied on the judge population ratio method as a way for judicial manpower planning. In making such suggestion, the Commission was inspired by prevalence of such method in few other countries. The Commission in its report recommended that there was strong justification to increase the then existing ratio from 10.5 judges per million to at least 50 judges per million of Indian population. Thus, it is primarily because of non-availability of data and their scientific analysis, that the Commission simply adopted the simple approach of Judge-Population Ratio. In fact, the report had no occasion to analyse strengths, weaknesses and relevance of adopting Judge-Population Ratio method in Indian context especially the context that has its own peculiarities different in many respects from the systems where Judge-Population Ratio method prevail.

No doubt, in recent years, the issue of arrears and delay and problem of Judicial (wo)man power planning has attracted attention of almost all major stakeholders including the judiciary, executive, media, policy makers, and public in general. However, despite this spurt of rising attention, it is largely due to the dearth of any uniform and scientific approach to data collection and its analysis that arriving at more scientific and futuristic suggestions with regard to judicial (wo)manpower planning to deal with issue of arrears and delay still remains a challenge.

However, the present report, while fully realises the frustration expressed by the Commission and consequent failure in making deeper analysis of the problem when submitting 120th Report, is an attempt to deal with the problem somewhat more analytically and scientifically. As the Commission, in the process of preparing the

present report and response submitted to the Hon'ble Supreme Court adopted every possible venue and opportunity that could be thought of for collecting data including through questionnaires and personal interviews and subjecting information thus collected to rigorous analysis adopting various tools of data analysis available in the domain of research methodology.

Analysis of data and information thus made was then examined in light of various methods of judicial (wo)manpower planning practised in many other systems while keeping in view peculiarities of Indian judicial and profession's culture. Adopting this approach, the Commission has finally arrived at making following suggestions and recommendations:

Rate of Disposal Method

1. That, given the existing availability of data, the Rate of Disposal Method and formulae be followed for calculating adequate judge strength for Subordinate Courts, instead of Judge-Population or Judge-Institution Ratio, Ideal Case Load Method or the Time Based Method.

Number of judges to be appointed on a priority basis

2. That, data obtained from High Courts indicates that the judicial system is severely backlogged, and is also not being able to keep pace with current filings, thus exacerbating the problem of backlogs. The system requires a massive influx of judicial resources in order to dispose of the backlog and keep pace with current filings. The data indicates the need for taking urgent measures for increasing judge strength in order to ensure timely justice and facilitate access to justice for all sections of society.

   That, as per the resolution of the Advisory Council of the National Mission for Justice Delivery and Legal Reforms, the resolution of the Chief Justices and Chief Ministers Conference, 2013, and public addresses of the Prime Minister and the Law Minister, the current judge strength is being doubled over the next five years. Given the large number of judges required to clear backlog and the time that it will take to complete selection and training processes and to create adequate infrastructure, the Law Commission recommends that the recruitment of new judges should focus, as a matter of priority, on the number of judges required to breakeven and to dispose of the backlog, in a 3 year time frame.[43]

Increasing the age of retirement of Subordinate Court Judges

3. That, in order to meet the need for a large number of appropriately trained Subordinate Court Judges, the age of retirement of Subordinate judges be raised to 62 The benefit of increase in the retirement age be made available to judicial officers in terms of the directions of the Supreme Court in *All India Judges' Association v. Union of India.*[44]

Creation of Special Courts for Traffic/Police Challan Cases

4. That special morning and evening Courts be set up for dealing with Traffic/Police Challan cases which constituted 38.7% of institutions and 37.4% of all pending cases

[43] *See* Table XIII above.

[44] In *All India Judges' Association v. Union of India*, Supreme Court of India, order dated August 24, 1993.

in the last three years, before the Subordinate Judicial Services. These Courts should be in addition to the regular Courts so that they can reduce the case load of the regular Courts. In addition, facilities be made available for online payment of fines as well as the payment of fines at designated counters in the Court complex. This measure will further reduce pendency before such Special Courts. Recent law graduates may be appointed for short durations, e.g., 3 years, to preside over these special traffic Courts. These special Courts should only deal with cases involving fines. Cases which may involve imprisonment should be tried before regular Courts in order to ensure fair process.

That, if Special Traffic/Police Challan Courts are not created, the number of judges required in the regular cadres should be further increased to take into account traffic and police challan cases.

Provision for Staff and Infrastructure

5. That, adequate provisions be made for staff and infrastructure required for the working of additional Courts.[45]

Periodic Needs Assessment by High Courts

6. That the present work is based on analysis of institution, disposal and pendency figures upto 2012. Needless to say, over time these figures are likely to change, affecting the requirement for additional Courts to keep pace with filings and disposals. The Law Commission does not have sufficient information to predict by how much institution is likely to vary in the coming years.[46] Therefore, the High Courts may be required to carry out Periodic Judicial Needs Assessment to monitor the rate of institution and disposal and revise the judge strength periodically, based on institutions, disposals, pendency and vacancy, using the formula given above.

7. That, in the light of revelation before the Commission about the lack of uniformity in data collection and concerns with the quality of data recorded and provided by High Courts,[47] the Commission strongly recommends that High Courts be directed to evolve uniform data collection and data management methods in order to ensure transparency and to facilitate data based policy prescriptions for the judicial system.

Need for system-wide Reform

8. That a systemic perspective, encompassing all levels of the judicial hierarchy, is needed for meaningful judicial reform. Taking measures for the timely disposal of cases at all levels of the judicial system, including by monitoring and increasing judge strength throughout the system; encouraging Alternative Dispute Resolution Methods, where appropriate and more efficient allocation and utilization of resources is required to fulfill the goal of providing timely justice to litigants. In particular, the Commission

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[45] *See* All India Judges Association v UOI, (2002) 4 SCC 247 ("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").

[46] *See* discussion in footnote 38 above.

[47] *See* Section III. A above.

emphasizes the urgent need to increase judge strength in High Courts to ensure that appeals/revisions from additional cases disposed of by the newly created Subordinate Courts, are dealt with in a timely manner, and that the already heavy backlog in the High Courts is adequately addressed. Therefore, a piecemeal approach to delay reduction should be eschewed in favour of a systemic perspective.

9. That, as the Supreme Court recognized in its order in *Imtiyaz Ahmad* dated February 1, 2012, the creation of additional Courts is one amongst various measures required to ensure timely justice and facilitate access to justice. The Commission recognizes that apart from increasing judge strength, many other measures have to be undertaken for reducing delays, including the application of good judicial management practices such as putting into place timeliness and performance benchmarks. As discussed earlier in this report, the Commission emphasizes the need for establishing, based on rational criteria, non-mandatory time frames for the resolution of different types of cases.[48] Unless judges and litigants have clear expectations of how soon their cases are likely to resolved, there will be little accountability for delays, and systemic problems are likely to increase. Therefore, the Commission seeks to highlight an urgent need to fix rational, non-mandatory time frames for different types of cases, and use such time frames as a basis for setting judge performance standards, litigant expectations, and making more robust policy recommendations for the judiciary.

(Justice A.P. Shah)
Chairman

(Justice S.N. Kapoor)
Member

(Prof. (Dr.) Moolchand Sharma)
Member

(Justice Usha Mehra)
Member

(N.L. Meena)
Member-Secretary

(P.K. Malhotra)
Ex-officio Member

[48] The Commission does not recommend mandatory time-frames for the disposal of cases. The Supreme Court has categorically stated in a seven judge bench decision in *P. Ramchandra Rao v. State of Karnataka*, (2002) 4 SCC 578, that "[i]t is neither advisable, nor feasible, nor judicially permissible to draw or prescribe an outer limit for conclusion of all criminal proceedings…. At the most the periods of time prescribed … can be taken by the Courts seized of the trial or proceedings to act as reminders when they may be persuaded to apply their judicial mind to the facts and circumstances of the case before them and determine by taking into consideration the several relevant factors as pointed out in A.R. Antulay's case and decide whether the trial or proceedings have become so inordinately delayed as to be called oppressive and unwarranted. Such time-limits cannot and will not by themselves be treated by any Court as a bar to further continuance of the trial or proceedings and as mandatorily obliging the Court to terminate the same and acquit or discharge the accused."

ANNEXURE-1

न्यायमूर्ति पी० वी० रेड्डी
(पूर्व न्यायाधीश, भारत का उच्चतम न्यायालय)
Justice P. V. REDDI
(Former Judge, Supreme Court of India)
अध्यक्ष
भारत का विधि आयोग
Chairman
Law Commission of India

ANNEXURE I

नई दिल्ली/New Delhi
दूरभाष/Tele : 2301 9465 (R)
2338 4475 (O)
फैक्स/Fax : 2379 2745 (R)

25TH May, 2012.

Dear Chief Justice Madan Lokur ji

In the case of Imtiyaz Ahmed Vs. State of U.P. (reported in 2012 2 SCC 688), Hon'ble Supreme Court requested the Law Commission of India to make an assessment of number of additional Courts required for the country in order to establish better access to justice. The relevant part of judgment of the Supreme Court is enclosed herewith for ready reference. Before proceeding further, it is necessary to have data relevant for the purpose of undertaking in-depth study and furnishing a report. The Joint Secretary of the Law Commission has addressed a letter to the Registrar-General of your High Court enclosing therewith a proforma of information/data required. The copy of proforma is sent herewith for ready reference.

I am thinking of preparing an interim report and placing it before the Court on the next date of hearing i.e., in the first week of August, 2012.

I shall be grateful if you could give instructions to the Registry to compile the data/information on priority basis and pass it on to my office at the earliest, may be within a month or six weeks. It will be helpful if an officer of Registry is nominated to coordinate with my office. Perhaps, the Judicial Academy/JTI may also be involved in the task of collating the data and furnishing answers to some of the queries.

With regards & good wishes,

[P.V. REDDI]

Hon'ble Sri Justice Madan B. Lokur,
Chief Justice,
Andhra Pradesh High Court,

HYDERABAD.

9/3

LAW COMMISSION ISSUED Dt. 30/5/12 BY... Post A/C

Re: Addl. Court Project

Data as on 31-12-2011 may please be furnished

1. Number of Subordinate Courts of various categories in the State presently functioning (cadre-wise and District-wise) and the sanctioned strength;
   a) Courts of DJs/ADJs/CMMs – regular and Fast-track, Special Courts (for e.g. PC Act cases) Tribunals (Industrial/Labour, Sales-tax etc.), Family Courts.
   b) Senior Civil Judges
   c) Junior Civil Judges/Judl. Magistrates of I class (those undergoing training and awaiting posting may be separately given);
   d) Spl. Judl. Magistrates (including Fast-track under the recent Central Scheme).

2. Number of Districts &how many are heavy filing/pendency Districts.
   Population of each District.

3. Whether recruitment to Jr. Civil Judges is done by PSC or by High Court?
   When was the last recruitment?
   Any particular reason for vacancies & any bottlenecks in recruitment?

4. a) Statement showing the pendency of Civil (including EPs) and Criminal cases in each category of Courts specified above – District-wise.
   b) Classification of such pending cases, for instance,
   (i) Civil : Money suits, other types of suits, civil appeals, motor accident compensation cases, land compensation cases, matrimonial disputes, industrial and labour disputes, Execution petitions, others
   (ii) a) Whether I-As (interlocutory applications) are counted against pending matters (as shown in SC Court News)?
   b) Number of I-As for interim relief pending and disposed of during the year may also be furnished.
   c) Criminal : Number of:

      Sessions cases in the Courts of Sessions Judges and Asst. Sessions Judges

      Cases relating to IPC offences in Magistrates' Courts (offences against women and children including domestic violence cases be separately given).

      Cases relating to offences under special enactments, viz., offences under S, 138 N.I-Act, S.Cs & S.Ts (PA Act), Corruption cases, Economic offences, NDPS-S, 125 Cr. P.C. matters

      Crl. Appeals & Revisions.

      Summary trial cases.

5. Statement showing institution and disposal of Civil and Criminal cases during the preceding three years (i.e. 2009, 2010 and 2011) in each category of Courts (Dt. Judges, Sr. Civil Judges, Jr. Civil Judges/Magistrates, Spl. Courts and Fast-track Courts).

   P.N: Break-up of the types of cases (as mentioned in Col.3(b)(i) & 3(c) instituted in and disposed of by each category of Courts may be furnished.

6. Contested and uncontested cases (including settled) disposed of in each District by each category of Courts during 2010 and 2011 (broad classification of the nature of cases in contested/settled matters may be given if possible).

7. Civil and Crl. cases pending for more than (i) 3 years (ii) 5 years as on 31-12-2011.

8. a) What is the average rate of disposal of Civil cases (all put together) per Judge in the State during the last 2 years. In the alternative, the average rate of disposal in at least three districts (heavy, medium, light pendency District) may be given.

   b) The same information as regards the criminal cases (all categories put together) may be furnished (1) after excluding very petty cases, viz., traffic challans etc. and (2) after including such petty cases.

9. Trend of filing of Civil/Crl. cases in the District? What accounts for the bulk of litigation in the District?

10. a) The method adopted by the High Court to assess the performance of judicial officers.
    b) The minimum target fixed for a judicial officer cadre-wise in respect of disposal of civil and criminal cases of different categories – (in terms of units or grades) and for achieving the next higher grade (more than the minimum)

11. Number of working days prescribed for judicial work in a year and duration of working time per day.

12. How many Fast-track special Magistrates Courts (morning/evening Courts) and Gram Nyayalayas are functioning? How many cases are transferred to them?

13. What is the reasonable workload that each category of Courts (DJ, Sr. Civil Judge, Jr. Civil Judge/Magistrate) can bear in order to establish better and speedy access to justice?

14. (a) Are there <u>exclusive</u> Courts for dealing with S, 138 N.I-Act cases? How many?

    (b) Should all I-As (pre-trial) and bail petitions be allocated to one or two Courts located in cities where a cluster of Courts function?

15. a) Should there be exclusive Courts for old cases?
    b) Any specific measures taken to prioritize disposal of old cases?
    c) What should be the age of a case (Civil/Criminal) to be treated as 'old' and to fall within the description of 'arrears'?

16. (a) Has there been upward revision of the strength of ministerial staff (including process service staff, record-keepers, typists/stenos) in the recent past?
    (b) Is there a need to increase the sanctioned strength of such ministerial staff? If so, what percentage?

    P.S.: If the Registry of High Court is not in a position to furnish the data/informations at one stretch, it may be sent in two installments.

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ANNEXURE II

F. No. 6(3)224/2012- LC (LS)
Government of India
Ministry of Law & Justice
Department of Legal Affairs
Law Commission of India

HT House, 14th floor, K.G. Marg
New Delhi-110 001
Dated: 19.08.2013

The Registrar General (As per list)
High Court, Allahabad
Allahabad, U.P.

Sub: *Imtiyaz Ahmad v. State of U.P.* (AIR 2012 SC 642) – Order dated 01.02.2012 – Supreme Court

Sir,

Pursuant to the Supreme Court's order dated 01.02.2013 in the above-mentioned matter, the Law Commission of India *vide* letter D.O. No. 6(3)/224/2012-LC(LS) dated 28.05.2012 had requested certain information from High Courts on institutions, disposals and pendency of cases in subordinate courts. Based on the High Courts' responses, an interim report was submitted to the Supreme Court on 03.08.2013. Now certain additional information is required before a final report can be submitted to the Supreme Court at the next hearing in October, 2013. You are, therefore, requested to give instructions to the concerned officials to furnish the information as mentioned in the questionnaire enclosed, in the format, on a priority basis and at the latest, within two weeks from the receipt of this letter.

Yours faithfully,

Encl: as above

(N. L. Meena)
Member Secretary

QUESTIONNAIRE

Information Required

1. Statement showing institution and disposal figures of all cases (civil and criminal) in 2012 (1.1.2012 to 31.12.2012) for each of the three cadre of Courts:
   (a) Higher Judicial Services cadre
   (b) Civil Judge (Senior Division) cadre
   (c) Civil Judge (Junior Division) cadre

2. Total pendency of cases (civil and criminal) as on 31.12.2012 for each cadre:
   (a) Higher Judicial Services cadre
   (b) Civil Judge (Senior Division) cadre
   (c) Civil Judge (Junior Division) cadre

3. Of the total pendency mentioned in response to question 2, the total number of cases before each cadre which have been pending for more than one year as on 31.12.2012.

4. Sanctioned strength of judges working in the Subordinate Courts in the following three cadres as on 31.12.2012:
   (a) Higher Judicial Services cadre
   (b) Civil Judge (Senior Division) cadre
   (c) Civil Judge (Junior Division) cadre

5. Working strength of judges and the number of vacancies in the cadres of (a) Higher Judicial Services (b) Civil Judge (Senior Division) and (c) Civil Judge (Junior Division) as on 31.12.2012. While calculating the working strength, please exclude those judges who are on deputation to posts where they are not working as Courts.

   Please provide the above information (questions 1-5) in the following format:

Cadre	Institutions from 1.1. 2012 to 31.12.2012	Disposals from 1.1.2012 to 31.12.2012	Total Pendency as on 31.12.2012	Number of cases pending for more than one year as on 31.12.2012	Sanctioned Strength as on 31.12.2012	Working Strength as on 31.12.2012 (excluding deputations)	Vacancies as on 31.12.2012
Higher Judicial Services							
Civil Judge (Senior Div							
Civil Judge (Junior Div)							

6. Whether time frames have been fixed for the trial of cases of different types such as murder, kidnapping, money suits etc?
    a. If so, please provide a detailed breakup of the time frame for each kind of case.
    b. On what basis are these time frames fixed? Please provide a copy of the appropriate regulation or order pursuant to which the time frames for each type of case have been set.

7. Whether interim/interlocutory applications (IAs) in civil and criminal cases, bail applications, and committal proceedings before a Magistrate, are counted against institutions, disposals, and pendency figures in the data provided in response to question nos. 1 and 2?

8. Whether traffic and police challans are counted against institutions, disposals and pendency figures in the data provided in response to question nos. 1 and 2?

9. Is the practice of counting or not counting IAs, bail applications, committal proceedings and traffic and police challans against institutions, disposals and pendency uniform across all districts?

10. Statement showing institution and disposal figures for all civil and criminal cases for each year of the last ten years (from 2002 to 2012) in each of the three cadre of Courts:
    (a) Higher Judicial Services cadre
    (b) Civil Judge (Senior Division) cadre
    (c) Civil Judge (Junior Division) cadre

11. Total pendency of cases for all civil and criminal cases as on the last day of each year from 2002-2012 broken down cadre wise as
    (a) Higher Judicial Services cadre
    (b) Civil Judge (Senior Division) cadre
    (c) Civil Judge (Junior Division) cadre

12. Sanctioned strength of judges working in the Subordinate Courts in the following three cadres for each year from 2002-2012 (as on the last day of each year) :
    (a) Higher Judicial Services cadre
    (b) Civil Judge (Senior Division) cadre
    (c) Civil Judge (Junior Division) cadre

13. Working strength of judges and the number of vacancies in the cadres of (a) Higher Judicial Services (b) Civil Judge (Senior Division) and (c) Civil Judge (Junior Division) for each year from 2002-2012 (as on the last day of each year). While calculating the working strength, please exclude those judges who are on deputation to posts where they are not working as Courts.

    Please provide the above information (questions 10-13) in the following format for each year from 2002-2012:

Year	**Cadre**	Institutions	Disposals	Total Pendency as on 31.12.20--	Sanctioned Strength as on 31.12.20--	Working Strength as on 31.12.20-- (excluding deputations)	Vacancies as on 31.12.20--
	Higher Judicial Services						
	Civil Judge (Sr Div)						
	Civil Judge (Junior Div)						

14. **If** the institution, disposal, and pendency figures provided in response to question numbers 10 and 11 include interim/interlocutory/bail applications and committal proceedings, please separately provide the institution, disposal and pendency figures for such interim/interlocutory/bail applications and committal proceedings, for the last ten years for each of the three cadres in the following format:

Year	**Cadre**	Institutions of IAs etc	Disposals of IAs etc	Total Pendency of IAs etc as on 31.12.20--
	Higher Judicial Services			
	Civil Judge (Sr Div)			
	Civil Judge (Junior Div)			

15. (A) Are traffic and police challans included in the institution, disposal, and pendency figures provided for 2002-2012 in response to question no. 10 and 11?

(B) Number of traffic and police challans which were instituted, disposed of, and pending for each year from 2002-2012 in each of the three cadres of Courts.

(a) Higher Judicial Services cadre

(b) Civil Judge (Senior Division) cadre

(c) Civil Judge (Junior Division) cadre

Please provide the data in the format below:

Information for Challans

Year	Cadre	Institutions	Disposals	Pendency as on 31.12.20--
	Higher Judicial Service			
	Civil Judge (Senior Div)			
	Civil Judge (Junior Div)			

16. Statement showing institution, disposal, and pendency figures for s. 138 Negotiable Instruments Act, 1882 matters for each of the last ten years (from 2002 to 2012) provided in the following format:

Information for s. 138 Negotiable Instruments Act, 1882

Year	Cadre	Institutions	Disposals	Pendency as on 31.12.20--
	Higher Judicial Service			
	Civil Judge (Senior Div)			
	Civil Judge (Junior Div)			

ANNEXURE III: INSTITUTION, DISPOSAL, PENDENCY, AND SANCTIONED STRENGTH IN THE HIGHER JUDICIAL SERVICE

High Court	Year	Institution	Disposal	Pendency	Sanctioned Strength	Working Strength
Bombay	2002	168768	176399	321772	345	307
	2003	171774	172186	321360	356	284
	2004	198562	205823	314099	545	409
	2005	187018	200292	300825	547	406
	2006	206184	210261	296748	550	369
	2007	221350	211654	306444	556	361
	2008	233978	228837	311585	556	364
	2009	237697	206209	343073	560	357
	2010	243740	228270	358543	564	369
	2011	244960	243361	360142	478	400
	2012	285048	224198	420992	480	361
HP	2002	22132	21420	18806	30	17
	2003	23711	24544	17973	39	27
	2004	26642	26217	18398	40	27
	2005	26457	27136	17719	41	23
	2006	24205	23064	18860	43	26
	2007	26717	26263	19314	43	27
	2008	29189	26783	21720	43	24
	2009	27979	26097	23602	43	26
	2010	31612	30618	24596	43	24
	2011	31235	30510	25321	43	22
	2012	33765	32524	26562	43	25
Haryana	2002	44161	45972	70821	105	89
	2003	45298	45049	71070	105	84
	2004	46160	43364	73866	105	83
	2005	47782	46267	75381	109	80
	2006	70089	69625	75845	109	72
	2007	73853	73556	76142	125	73
	2008	83650	85270	74522	133	103

High Court	Year	Institution	Disposal	Pendency	Sanctioned Strength	Working Strength
	2009	91484	92667	73339	133	105
	2010	98869	86518	85690	134	98
	2011	117668	103096	100262	135	83
	2012	94647	85485	109424	153	110
Chandigarh	2002	2530	2956	5935	5	5
	2003	3380	2729	6586	5	5
	2004	2655	2674	6567	5	4
	2005	3800	3294	7073	6	6
	2006	3882	2968	7987	6	6
	2007	5036	5469	7554	6	6
	2008	4201	4423	7332	6	6
	2009	4488	4191	7629	6	6
	2010	5162	4363	8428	6	6
	2011	6131	6293	8266	6	6
	2012	6569	7202	7633	6	6
Andhra Pradesh	2002	95731	87434	151471	124	115
	2003	98824	102606	147689	125	123
	2004	96093	94684	149098	125	123
	2005	71965	77935	143128	130	124
	2006	91540	96932	137736	139	118
	2007	101748	104141	135343	145	125
	2008	100496	90565	145274	163	124
	2009	111841	106482	150633	165	146
	2010	112209	109085	153757	165	129
	2011	112710	111892	154575	174	139
	2012	113250	106997	161488	179	136
Uttarakhand	2002	18568	14523	14481	45	34
	2003	11916	11665	16072	45	36
	2004	19230	22770	14988	46	34
	2005	13879	14546	15794	46	35
	2006	25473	25105	16228	50	36
	2007	16180	18051	17187	59	33
	2008	18551	17360	18765	72	33
	2009	16779	15640	20016	72	26

High Court	Year	Institution	Disposal	Pendency	Sanctioned Strength	Working Strength
	2010	26451	28451	20538	72	33
	2011	22780	24869	20084	74	41
	2012	23974	23462	20548	51	42
Jammu & Kashmir	2002	21107	21230	9432	53	44
	2003	17335	13795	12972	53	44
	2004	21910	19697	15185	53	44
	2005	26288	19623	21850	53	40
	2006	48145	49341	20654	53	39
	2007	36884	31209	26330	54	42
	2008	33795	29327	30798	66	55
	2009	36501	35366	31933	66	50
	2010	38675	6275	34333	66	45
	2011	53642	49275	38700	68	52
	2012	25327	25994	38033	67	50
Bihar	2002	52909	49989	251749	394	176
	2003	58056	49647	218584	396	187
	2004	64354	61036	221897	410	185
	2005	64699	50767	230405	412	245
	2006	64402	51292	243929	428	242
	2007	60915	56923	249935	426	294
	2008	67743	66256	250835	428	286
	2009	68884	69014	249392	428	379
	2010	67839	73613	243456	446	356
	2011	63367	60378	246328	470	328
	2012	71569	59961	257797	503	290
Punjab & Haryana	2002	35735	40987	58997	88	85
	2003	38379	40170	57206	88	76
	2004	40092	49823	47475	88	64
	2005	57732	46932	58275	89	62
	2006	55148	44793	68630	89	56
	2007	72913	64202	77341	107	56
	2008	92718	92799	77260	107	87
	2009	71855	71623	77492	107	91
	2010	71118	63154	85456	125	87
	2011	82838	83135	85159	127	99

High Court	Year	Institution	Disposal	Pendency	Sanctioned Strength	Working Strength
	2012	125894	117967	93086	128	93
Karnataka	2002	91520	80233	138417	153	114
	2003	86221	86251	138387	207	153
	2004	99392	96553	141226	262	187
	2005	117979	119727	139478	265	167
	2006	129518	119064	149932	271	151
	2007	119167	117248	151851	273	145
	2008	112183	113267	150767	275	140
	2009	146300	136451	160616	281	234
	2010	139780	140325	160071	292	217
	2011	141359	143195	158235	292	222
	2012	142910	136334	164811	332	190
Delhi	2002	91244	53634	120158	169	118
	2003	45828	51749	106037	169	135
	2004	43836	47202	74235	174	119
	2005	48816	48316	74735	174	111
	2006	52364	48073	79667	174	126
	2007	56459	52572	86622	175	126
	2008	60103	55279	91446	191	158
	2009	71998	62419	101025	203	153
	2010	69631	77850	92806	206	165
	2011	72609	71949	92115	221	158
	2012	73883	71073	94864	226	172
Kerala	2002	121430	107366	217648	100	100
	2003	128351	127210	218789	107	107
	2004	134261	123887	248586	110	107
	2005	165330	152400	261008	127	127
	2006	145771	148588	258191	129	125
	2007	133451	150005	241637	129	121
	2008	137048	146959	231726	129	107
	2009	132604	138548	225782	129	115
	2010	136551	138189	224144	129	114
	2011	149246	140916	232474	132	109
	2012	156335	145905	242904	134	128
Sikkim	2002	1054	1045	255	7	6

High Court	Year	Institution	Disposal	Pendency	Sanctioned Strength	Working Strength
	2003	941	936	190	7	6
	2004	1017	864	343	7	6
	2005	902	812	428	7	5
	2006	876	834	470	7	4
	2007	777	716	531	7	4
	2008	840	785	586	7	5
	2009	1032	970	648	7	5
	2010	1643	1551	740	7	6
	2011	1670	1565	845	7	6
	2012	1459	1580	724	9	4
Gujarat	2002	132766	127295	409006	265	143
	2003	116774	102181	423599	335	163
	2004	116544	133780	420530	337	240
	2005	121135	130468	411197	265	200
	2006	185536	212431	386482	269	174
	2007	149335	157742	378075	300	155
	2008	175290	169923	388540	310	173
	2009	148877	166190	371227	323	153
	2010	157403	166264	369043	351	141
	2011	154737	160756	363024	312	149
	2012	156922	174407	345539	312	175
Overall	**2002**	**899655**	**830483**	**1788948**	**1883**	**1353**
	2003	**846788**	**830718**	**1756514**	**2037**	**1430**
	2004	**910748**	**928374**	**1746493**	**2307**	**1392**
	2005	**953782**	**938515**	**1757296**	**2271**	**1631**
	2006	**1103133**	**1102371**	**1761359**	**2317**	**1544**
	2007	**1074785**	**1069751**	**1774306**	**2405**	**1568**
	2008	**1149785**	**1127833**	**1801156**	**2486**	**1665**
	2009	**1168319**	**1131867**	**1836407**	**2523**	**1846**
	2010	**1200683**	**1154526**	**1861601**	**2606**	**1790**
	2011	**1254952**	**1231190**	**1885530**	**2539**	**1814**
	2012	**1311552**	**1213089**	**1984405**	**2623**	**1782**

ANNEXURE IV: Institution, Disposal, Pendency, and Judge Strength of Subordinate Judicial Services

High Court	Year	Institution	Disposal	Pendency	Sanctioned Strength	Working Strength
Bombay	2002	1858778	1682028	2626644	1048	889
	2003	1767268	1550666	2843246	1053	863
	2004	2003912	1480635	3366523	1058	969
	2005	2523274	1974953	3914844	1061	972
	2006	1976029	2039602	3851271	1161	1135
	2007	1430549	1542482	3739338	1341	1159
	2008	1635798	1547955	3827181	1342	1275
	2009	1519784	1531580	3815385	1497	1452
	2010	1895070	2164393	3546062	1525	1499
	2011	1751317	2381567	2915812	1538	1437
	2012	1464559	1824057	2556314	1546	1394
Himachal Pradesh	2002	140699	135087	130448	88	59
	2003	136709	129385	137772	88	68
	2004	158985	149590	147167	88	70
	2005	166729	154199	159697	76	74
	2006	162789	188529	133957	81	74
	2007	129584	139945	123596	83	71
	2008	126184	124834	124946	83	72
	2009	156464	145046	136364	83	73
	2010	187331	172145	151550	88	75
	2011	194830	182152	164228	89	78
	2012	247301	213528	198001	89	75
Haryana	2002	423340	370009	539894	198	120

	2003	316309	323406	532797	198	119
	2004	213447	233370	512874	198	129
	2005	233946	315353	431467	198	124
	2006	268942	251279	449130	198	150
	2007	308042	331287	480292	264	151
	2008	358493	362896	475889	264	176
	2009	318733	307818	486804	273	179
	2010	337077	346630	477251	276	173
	2011	484297	472998	488550	341	249
	2012	614417	648106	454861	375	288
Chandigarh	2002	40038	37174	51488	14	12
	2003	41015	34694	57809	14	11
	2004	51820	46005	63624	14	12
	2005	60212	50915	72921	14	12
	2006	62537	50358	85100	14	13
	2007	65436	55480	95056	14	13
	2008	109796	112273	92579	14	13
	2009	99830	104886	87523	14	13
	2010	103210	118796	71937	14	14
	2011	135405	155492	51850	14	14
	2012	121828	131356	42322	14	14
Andhra Pradesh	2002	492477	464648	731227	563	493
	2003	511811	454374	788664	564	484
	2004	498792	470948	816508	569	545
	2005	465612	464831	817289	570	499
	2006	494559	501153	810695	580	534

	2007	546465	540849	816311	653	489
	2008	561129	563280	814160	656	491
	2009	519170	524953	808377	657	630
	2010	478351	477295	809433	657	600
	2011	474233	492504	791162	660	609
	2012	476045	503752	763455	661	597
Uttarakhand	2002	63471	60685	98761	100	57
	2003	84094	75421	106094	105	67
	2004	125150	110953	117835	109	66
	2005	81566	80485	117443	109	60
	2006	130455	133291	114541	109	58
	2007	115015	102868	123858	107	58
	2008	158277	130079	151669	159	80
	2009	136623	119476	168704	159	89
	2010	197015	228142	135055	159	96
	2011	167138	174908	125650	160	92
	2012	173196	154947	143947	170	108
Jammu & Kashmir	2002	107927	103444	105252	149	138
	2003	121061	113981	112332	149	129
	2004	60277	125781	116758	149	132
	2005	138964	125633	130089	149	128
	2006	223656	226049	128566	149	136
	2007	200788	189435	139048	149	120
	2008	153970	145034	147984	141	99
	2009	200021	197751	150254	141	100
	2010	204034	199601	154687	141	100

	2011	238839	225918	167608	139	121
	2012	250609	265106	153111	139	122
Bihar	2002	241112	184295	891689	930	785
	2003	248430	194065	946054	930	764
	2004	250115	176547	1019622	930	745
	2005	271572	201072	1006926	934	615
	2006	283471	224219	1065759	934	597
	2007	263979	195989	1205011	934	543
	2008	269699	208856	1182508	935	836
	2009	292312	296060	1241441	939	670
	2010	299184	242890	1269602	977	624
	2011	292951	227256	1360978	977	619
	2012	345838	244822	1453583	984	619
Punjab	2002	536029	491104	440067	213	132
	2003	545074	517127	468014	213	131
	2004	426638	395929	498723	213	176
	2005	532490	529032	502181	239	170
	2006	508928	513275	497834	239	202
	2007	500368	483458	514744	239	185
	2008	424989	445770	493963	239	222
	2009	370892	368029	496826	239	206
	2010	414131	427068	483889	301	217
	2011	579696	595542	468043	366	267
	2012	616895	640960	443978	403	322
Karnataka	2002	512990	439741	775525	535	426
	2003	462217	449815	787927	551	400

	2004	477312	442256	822983	561	450
	2005	507070	477151	852902	562	464
	2006	509084	492151	869835	583	458
	2007	548609	534226	884218	595	449
	2008	552894	553754	883358	622	455
	2009	578134	696561	764931	632	534
	2010	513755	500509	778177	649	522
	2011	528117	489463	816831	652	517
	2012	593277	562940	847168	754	516
Delhi	2002	989702	773338	675871	218	112
	2003	1047124	1101240	619742	218	175
	2004	1687322	1686266	649234	218	151
	2005	1675281	1603152	721363	218	151
	2006	1769093	1708806	782277	218	134
	2007	2162412	1964834	993749	220	157
	2008	1284097	1220549	1057297	382	164
	2009	1465462	1365512	962177	382	253
	2010	823204	932738	812422	382	226
	2011	943021	1087596	666363	382	279
	2012	742909	847426	562323	382	257
Kerala	2002	816701	776841	632589	275	275
	2003	810292	828365	614516	276	276
	2004	794539	795859	613196	277	276
	2005	830136	823423	646852	278	254
	2006	746292	738019	655125	278	277
	2007	814731	766086	703770	278	268

	2008	908403	865924	746249	278	256
	2009	967278	943806	769721	278	276
	2010	994807	1008250	756278	278	271
	2011	922762	851458	827582	278	259
	2012	1136115	966437	997260	281	259
Sikkim	2002	1156	1135	198	6	4
	2003	1157	1211	125	6	4
	2004	1410	1294	207	6	2
	2005	2345	2115	392	6	5
	2006	2111	2025	392	6	5
	2007	2374	2238	441	6	4
	2008	2414	2147	630	6	3
	2009	2025	1871	686	6	4
	2010	2051	2011	596	6	3
	2011	2229	2195	539	6	3
	2012	2483	2477	483	8	6
Gujarat	2002	873442	731898	2915996	492	413
	2003	1112521	867435	3161082	500	419
	2004	1148122	855368	3565198	498	425
	2005	1124536	1168284	3521450	592	547
	2006	1515065	2551017	2654339	611	549
	2007	1146807	1601336	2199810	591	539
	2008	1050073	1268947	1980936	656	621
	2009	1050618	1125988	1905566	670	569
	2010	1137288	1114884	1927970	749	671
	2011	918316	923731	1922555	1351	673

	2012	927658	922324	1927889	1351	859
Overall	**2002**	**7097862**	**6251427**	**10615649**	**4829**	**3915**
	2003	**7205082**	**6641185**	**11176174**	**4865**	**3910**
	2004	**7897841**	**6970801**	**12310452**	**4888**	**4148**
	2005	**8613733**	**7970598**	**12895816**	**5006**	**4075**
	2006	**8653011**	**9619773**	**12098821**	**5161**	**4322**
	2007	**8235159**	**8450513**	**12019242**	**5474**	**4206**
	2008	**7596216**	**7552298**	**11979349**	**5777**	**4763**
	2009	**7677346**	**7729337**	**11794759**	**5970**	**5048**
	2010	**7586508**	**7935352**	**11374909**	**6202**	**5091**
	2011	**7633151**	**8262780**	**10767751**	**6953**	**5217**
	2012	**7713130**	**7928238**	**10544695**	**7157**	**5436**

ANNEXURE V: Average Institution, Disposal and Pendency of Traffic and Police Challans in 2010-12 as a percentage of Average Total Institution, Disposal and Pendency in 2010-12.

	Total Statistics			Traffic Challans/Police Challans (TC/PC)			NI Act			TC/PC as % of Total			NI Act as % of Total		
High Court	**Institution**	**Disposal**	**Pendency**	**Institution**	**Disposal**	**Pendency**	**Institution**	**Disposal**	**Pendency**	**Institution**	**Disposal**	**Pendency**	**Institution**	**Disposal**	**Pendency**
Bombay	1703648.7	2123339	2556314	785504	1021681	1131571	0	0	0	46.1	48.1	44.2	0	0	0
Gujarat	994420.7	986979.7	1927889	572839	549857.3	834906	129298	99473.3	291432	57.9	56	43.3	12.4	10.0	15.1
Karnataka	545049.7	517637.3	847168	0	0	0	120815.3	132916.7	180917	0	0	0	22.6	26.0	21.4
Chandigarh	120147.7	135214.7	42322	77463.7	79886.7	13733	8668	21904	9037	65.8	60.4	32.4	7.5	16.2	21.4
Haryana	478597	489244.7	454861	206005.3	206136.7	92084	34541.7	36098.7	57924	44	42.7	20.2	7.8	7.9	12.7
Punjab	536907.3	554523.3	443978	262370.7	262298.3	87712	35409	46448.7	47928	48.4	46.9	19.8	7	8.9	10.8
Jharkhand	92309.7	93836.7	238897	4425.7	4075	6552	4324.3	2962.7	12522	4.8	4.4	2.7	4.7	3.2	5.2
Himachal Pradesh	209820.7	189275	198001	88642.7	87623.7	36774	7984.3	6449.3	12994	43.4	46.7	18.6	3.9	3.5	6.6
J&K	231160.7	230208.3	153111	84278	87488.7	35265	1947.3	1442	5523	36.5	38.1	23.0	0.8	0.6	3.6
Sikkim	2254.3	2227.7	483	493.66667	493.3	0	23	15	66	21.8	22.1	0	1	0.7	13.7
Bihar	312657.7	238322.7	1453583	145863	105961	754408	1361.7	447.7	6553	46.6	44.5	51. 9	0.4	0.2	0.5
Andhra Pradesh	476209.7	491183.7	763455	134717.3	134733.7	273189	46361.3	49479	77183	28.3	27.4	35.8	9.7	10.0	10.1
Uttarakhand	179116.3	185999	143947	55977.3	75951	51585	5870.3	5863.3	14241	31.7	39.2	35.8	3.4	3.3	9.9
Kerala*	1017894.7	942048.3	997260	252908.3	232177	134268	54338.7	61695.3	7291	24.8	24.7	13.5	5.8	7.0	0.8
Total	**6900194.7**	**7180040**	**9224009**	**2671488.7**	**2848363**	**3452047**	**450943**	**465195.7**	**723611**	**38.7**	**39.7**	**37.4**	**6.5**	**6.5**	**7.8**