

# Constitution benches pendency: 29 cases, oldest one on for 31 years

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NEW DELHI: At last count, the Supreme Court had 69,766 cases pending before it for adjudication. But what catches the eye is the pendency before its constitution benches. The oldest case before a five-judge constitution bench has been pending for 31 years now, and another before a seven-judge bench has been undecided for 29 years. In all, 29 cases are pending before constitution benches.

Five cases are pending before nine-judge constitution benches, the oldest since 1999. Two other cases have been pending for 21 years.

The SC and high courts are called constitutional courts as their judgments interpret the Constitution act as reference points for the subordinate judiciary while adjudicating matters. However, both tiers of the higher judiciary are clogged with routine matters, such as issues related to

service, bail and the like.

According to the law ministry, out of the 29 cases pending before the SC's constitution benches, 18 are pending before five-judge benches, including the challenge to the abrogation of Article 370. Six cases are pending before seven-judge benches and five are pending before nine-judge benches, the oldest for 24 years, two others for 21 years and the fourth for 16 years.

Constitution benches disposed of 440 cases during 1950-1959 and 956 during 1960-1969. In recent years, the disposal rate went down drastically, with these benches adjudicating only 71 cases during 2010-2019 and 19 during 2020-2023. This could also be because of fewer cases being referred to constitution benches.

The SC, when it was constituted on January 26, 1950, had a sanctioned strength of eight judges, including the Chief Justice of India. Its strength increased to 11 in 1956 and to 14 in 1960. The sanctioned strength was further increased to 18 judges in 1977 and to 26 in 1986. The next increase happened after 23 years when the judge strength was raised to 31. It was again increased to 34 judges in 2019 to deal with rising pendency.