

**GOVERNMENT OF INDIA
MINISTRY OF LAW & JUSTICE
DEPARTMENT OF JUSTICE**

LOK SABHA

**STARRED QUESTION NO. *121
TO BE ANSWERED ON FRIDAY, THE 28TH JULY, 2023**

**CASES PENDING BEFORE CONSTITUTIONAL BENCHES
OF SUPREME COURT**

***121. ADV. A.M. ARIFF:**

Will the Minister of LAW AND JUSTICE be pleased to state:

- (a) whether the Government has taken note of the fact that several cases having serious consequences for the legal system of the country are pending before various Constitution Benches of the Supreme Court for a long time;**
- (b) if so, the details thereof including the name of cases, type of Constitution Bench and period of pendency;**
- (c) whether it is true that the reason for pendency of the above mentioned cases is the lack of interest in expediting the same, if so, the details thereof and the corrective action likely to be taken by the Government in this regard; and**
- (d) the list of cases heard and disposed of by the Constitutional Benches of the Supreme Court since its inception till date, decade-wise?**

ANSWER

**MINISTER OF STATE (INDEPENDENT CHARGE) OF THE MINISTRY OF LAW
AND JUSTICE; MINISTER OF STATE IN THE MINISTRY OF
PARLIAMENTARY AFFAIRS; AND MINISTER OF STATE IN THE MINISTRY
OF CULTURE**

(SHRI ARJUN RAM MEGHWAL)

(a) to (d): A Statement is laid on the Table of the House.

STATEMENT REFERRED TO IN REPLY TO PARTS (A) TO (D) OF LOK SABHA STARRED QUESTION NO. *121 FOR ANSWER ON 28.07.2023 REGARDING 'CASES PENDING BEFORE CONSTITUTIONAL BENCHES OF SUPREME COURT'.

(a) & (b): The adjudication and disposal of cases is within the exclusive domain of the judiciary. The Central Government has no role in the said matter. However, as per information obtained from Supreme Court of India, as on 20.07.2023, there were 29 main cases pending for adjudication before the Supreme Court in the form of Constitution Bench cases. Out of these 29 cases, 18 cases are pending before 5-Judge Bench, 6 cases pending before 7-Judge Bench and 5 cases pending before 9-Judge Bench for adjudication. The detailed statement of the aforementioned cases are at *ANNEXURE-I*.

(c): No, Sir, it cannot be said that the reason for pendency of the Constitution Bench cases is the lack of interest in expediting the same. As per information obtained from the Supreme Court, in respect of the Constitution Bench cases there are intricate issues of law involved and arguments are addressed for number of days ranging from weeks to months. The said issues require deep analysis and thorough examination of law. Therefore, it is not possible to set out strict parameters and timelines regarding adjudication of such cases.

As far as corrective action in this regard is concerned, the adjudication and expeditious disposal of cases is within the exclusive domain of the judiciary and Government has no role in the matter.

(d): As per information obtained from the Supreme Court, the detailed list of cases heard and disposed of by the Constitution Benches of Supreme Court since its inception till date, decade-wise from year(s) 1950 to 2023 is at *ANNEXURE-II*.

Annexure-I

STATEMENT REFERRED TO IN REPLY TO PARTS (A) AND (B) OF LOK SABHA STARRED QUESTION NO. *121 FOR ANSWER ON 28.07.2023 REGARDING 'CASES PENDING BEFORE CONSTITUTIONAL BENCHES OF SUPREME COURT'.

S.No.	Case No. & Year of Institution/Pending since	Cause Title	No. of connected matters
LIST OF PENDING 5-HON'BLE JUDGES BENCH MATTERS			
1	C.A. No. 841/2018 ETC.	M/S. Bajaj Alliance General Insurance Co.Ltd. Vs.Rambha Devi And Ors	(+75)
2	C.A. No. 9486-9487/2019	Central Organisation For Railway Electrification Vs.M/S ECI SPIC SMO MCML(JV) A Joint Venture Company	(+3)
3	W.P. © NO. 1099/2019 MAIN W.P. © NO. 1013/2019	In Re Article 370 Of The Constitution Vs. ----	(+22)
4	W.P. © NO. 887/2021	Government Of NCT Of Delhi Vs.Union Of India And Anr	
5	W.P. © NO. 546/2000	Ashok Kumar Jain Vs. U.O.I	(+9)
6	W.P. © NO. 562/2012 Main Matter is W.P. (C) NO. 274/2009	Assam Sanmilita Mahasangha & Ors. Vs. Union Of India & Ors.	(+16)
7	CRL.A. NO. 1003/2017	Pyare Lal Vs. State Of Haryana	
8	SMW(Crl) No. 1/2022	In Re: Framing Guidelines Regarding Potential Mitigating Circumstances To Be Considered While Imposing Death Sentences	
9	C.A. No. 7513/2005	State Of A.P & Ors. Vs. B. Archana Reddy & Ors.	(+18)
10	CRL.A. No. 451/2019	Sita Soren Vs. Union Of India	
11	C.A. No. 9228/2022	Hariharan And Ors Vs. Harsh Vardhan Singh Rao And Ors	(+2)

12	CRL. A NO. 375/2006	Union Of India & Ors Vs. Preeti Aggarwal	(+6)
13	SLP(C) No. 2755/2008 etc. (Main matter is SLP(C) No. 3660/2008)	Shiromani Gurudwara Prabandhak Committ. Vs. Shail Mittal & Ors	(+5)
14	W.P. (C) No. 36/2016	V. Vasanthakumar Vs. H.C. Bhatia And Ors	
15	W.P. (C) NO.222/2018 Main matter is W.P.(C) No. 202/2018	Sameena Begum vs. Union of India & Ors.	(+9)
16	SLP(C) No. 804/2017 ETC.	Karmanya Singh Sareen and Anr. Vs. Union of India & Ors.	(+3)
17	C.A. no.16879/1996	State of West Bengal & Ors. vs. Paschim Banga B.K. Samity & Ors.	(+23)
18	C.A. No. 37/1992	Abhiram Singh vs. C.S. Commachen (Dead) by LRs and Ors.	(+1)

LIST OF PENDING 7-HON'BLE JUDGES BENCH MATTERS

1	C.A. No. 8763/1994	Arjun Flour Mills vs. State of Orissa & Ors.	(+10)
2	W.P. (Crl.) No. 206- 210/2003	N. Ravi & Ors. vs. Speaker Legislative Assembly, Chennai & Ors.	(+1)
3	C.A. No. 2286/2006	Aligarh Muslim University through its Registrar Faizan Mustafa vs. Naresh Agarwal and Ors.	(+9)
4	C.A. No. 2317/2011 ETC.	State of Punjab & Ors. vs. Davinder Singh & Ors.	(+21)
5	C.A. No. 8588/2019 ETC.	Roger Mathew vs. South Indian Bank Ltd. And Ors.	(+21)
6	W.P. (C) No. 493/2022	Subhash Desai vs. Principal Secretary, Governor of Maharashtra and Ors.	(+5)

LIST OF PENDING 9-HON'BLE JUDGES BENCH MATTERS

1	C.A. No. 1012/2002	Property Owners Association vs. State of Maharashtra	(+15)
2	C.A. No. 151/2007	State of U.P. & Ors. vs. M/s. Lalta Prasad Vaish	(+27)
3	C.A. No. 4056-	Mineral Area Development	(+81)

	4064/1999	Authority etc. vs. M/s. Steel Authority of India & Ors.	
4	C.A. No. 897/2002	State of U.P. vs. Jai Bir Singh	(+46)
5	R.P. (C) No. 3358/2018 in W.P. (C) No. 373/2006	Kantaru Rajeevaru vs. Indian Young Lawyers Association through its General Secretary Ms. Bhakti Pasrija and Ors.	(+66)

Source: - Supreme court of India

Annexure-II

STATEMENT REFERRED TO IN REPLY TO PARTS (D) OF LOK SABHA STARRED QUESTION NO. *121 FOR ANSWER ON 28.07.2023 REGARDING 'CASES PENDING BEFORE CONSTITUTIONAL BENCHES OF SUPREME COURT'.

S.no.	Period	No. of Constitution Bench matters disposed of
1	1950-1959	440
2	1960-1969	956
3	1970-1979	292
4	1980-1989	110
5	1990-1999	157
6	2000-2009	138
7	2010-2019	71
8	2020-2023	19
	TOTAL	2,183

Source: - Supreme court of India