

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

**RAJYA SABHA**

**UNSTARRED QUESTION NO.1383  
TO BE ANSWERED ON TUESDAY, THE 22<sup>nd</sup> SEPTEMBER, 2020**

**INADEQUATE FAST TRACK COURTS AND VACANCIES IN COURTS**

**1383. DR. VIKAS MAHATME:**

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

- (a) the number of Judges per million of population in the country;**
- (b) the number of Judges per million as suggested by the Apex Court;**
- (c) the steps Government is taking to comply with the order including the fund required for the purpose;**
- (d) whether problems are being faced in timely disposal of cases in the absence of adequate number of Fast Track Courts and also due to a large number of vacancies in the such courts;**
- (e) if so, the details thereof; and**
- (f) the time by when the vacancies in these courts are likely to be filled?**

**ANSWER**

**MINISTER OF LAW AND JUSTICE, COMMUNICATIONS AND  
ELECTRONICS & INFORMATION TECHNOLOGY  
(SHRI RAVI SHANKAR PRASAD)**

(a): Based on the population as per Census 2011 and as per available information regarding sanctioned strength of Judges in Supreme Court, High Courts and District & Subordinate Courts in the year 2020, the judge - population ratio in the country works out to be 20.91 Judges per million population. The sanctioned strength of Judges of High Courts is 1079 Judges in September, 2020 and the

sanctioned strength of Judges of District / Subordinate Courts is 24,203. The sanctioned strength of Judges in Supreme Court is 34.

(b): In the case of *Imtiyaz Ahmed versus State of Uttar Pradesh and others*, the Supreme Court had asked the Law Commission of India to evolve a method for scientific assessment of the number of additional courts required to clear the backlog of cases. In 245<sup>th</sup> report (2014), the Law Commission observed that filing of cases *per capita* varies substantially across geographic units as filings are associated with economic and social conditions of the population. As such the Law Commission did not consider the judge population ratio to be a scientific criterion for determining the adequacy of the judge strength in the country. The Law Commission found that in the absence of complete and scientific approach to data collection across various High Courts in the country, 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, is more pragmatic and useful.

In August 2014, the Supreme Court asked the National Court Management System Committee (NCMS Committee) to examine the recommendations made by the Law Commission and to furnish its recommendations in this regard. NCMS Committee submitted its report to the Supreme Court in March, 2016. The report, *inter-alia*, observes that in the long term, the judge strength of the subordinate courts will have to be assessed by a scientific method to determine the total number of “*Judicial Hours*” required for disposing of the case load of each court. In the interim, the Committee has proposed a “*weighted*” disposal approach *i.e.* disposal weighted by the nature and complexity of cases in local conditions.

As per the direction of the Hon'ble Supreme Court in its Order dated 02.01.2017, the Department of Justice has forwarded a copy of interim report of the NCMS Committee to all the State Governments and High Courts for follow up action to determine the required Strength of district and subordinate judiciary.

(c) to (f): Setting up of subordinate courts including Fast Track Courts (FTCs) comes within the domain of the State Governments which in consultation with the respective High Courts set up such courts. An amount of Rs.870 crore was released to the State Governments by the Central Government for FTCs during a period of 11 years from 2000-01 to 2010-2011. Thereafter the Central Government decided to provide funds upto a maximum of Rs.80 crore per annum on a matching basis upto 31.03.2015.

The 14<sup>th</sup> Finance Commission (14<sup>th</sup> FC) endorsed the proposal of the Union of India to strengthen the judicial system in States which includes, inter-alia, establishing 1800 FTCs for a period of five years for cases of heinous crimes; cases involving senior citizens, women, children, disabled and litigants affected with HIV AIDS and other terminal ailments; and civil disputes involving land acquisition and property/rent disputes pending for more than five years at a cost of Rs.4144 crore. The 14<sup>th</sup> FC had urged the State Governments to use the additional fiscal space provided by the Commission in the tax devolution to meet such requirements. The Union Government has urged the State Governments to allocate funds for the activities mentioned in the 14<sup>th</sup> FC recommendations from their State budgets from the Financial Year 2015-16 onwards and to strengthen the existing coordination and monitoring mechanism between the State Governments and the Judiciary for effective implementation of the recommendations of the 14<sup>th</sup> FC.

As on date 786 Fast Track Courts are functional. The State wise details of Fast Track Courts presently functional is at **Annexure**.

Under Article 235 of the Constitution of India, the administrative control over the members of district and subordinate judiciary in the States vest with the concerned High Court. Further, in exercise of powers conferred under proviso to Article 309 read with Articles 233 and 234 of the Constitution, the respective State Government, in consultation with the High Court, frames the Rules and Regulations regarding the issues of appointment, promotion, reservations *etc.* of Judicial Officers in the State Judicial Service. Therefore, Central Government has no role in this regard.

The sanctioned and working strength of Judicial Officers in District and Subordinate Courts as on 18.09.2020 is 24,204 and 19,172 respectively. Filling up of vacancies in Subordinate judiciary falls within the domain of the State Governments and High Courts concerned.

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## Annexure

### State wise details of Functional Fast Track Courts

<b>Sl.No.</b>	<b>State/UT</b>	<b>Functional Fast Track courts as on 30.06.2020</b>
1	Andhra Pradesh	21
2	Assam	16
3	Mizoram	2
4	Nagaland	1
5	Chhattisgarh	38
6	Delhi	10
7	Maharashtra	91
8	Haryana	6
9	Punjab	7
10	Jammu & Kashmir	5
11	Karnataka	8
12	Manipur	4
13	Sikkim	2
14	Tamilnadu	74
15	Tripura	11
16	UP	369
17	Uttarakhand	4
18	West Bengal	88
19	Telangana	29
		786