

GOVERNMENT OF INDIA
MINISTRY OF LAW & JUSTICE
DEPARTMENT OF JUSTICE
RAJYA SABHA
UNSTARRED QUESTION NO.423
ANSWERED ON 25/07/2024

DIRECTIONS OF SUPREME COURT ON JUDGES RATIO

423. SHRI V. VIJAYASAI REDDY:

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

- (a) whether it is a fact that the Supreme Court in 2017 directed Government to make sure that there are 50 judges per million population;
- (b) whether it is also a fact that the Law Commission in its 120th Report also recommended for achieving 50 judges per one million population;
- (c) if so, details thereof and timeframe given to achieve the above;
- (d) the efforts being made by Government in this regard;
- (e) whether Government is considering helping States through monetary and other means for appointing District and Subordinate court judges; and
- (f) if not, the reasons therefor?

ANSWER

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

(SHRI ARJUN RAM MEGHWAL)

(a): The Supreme Court of India, in the case of *Imtiyaz Ahmed versus State of Uttar Pradesh* [(2017) 3 SCC 658], had reiterated its previous judgement dated 21.03.2002 delivered in the matter of *All India Judges' Assn.(3) v. Union of India* ; directing *inter-alia*, that a Judge to Population ratio of fifty(50) Judges per million be achieved.

(b) & (c): The Law Commission of India in its 120th report on *Manpower Planning in Judiciary: A Blue Print*, submitted in July 1987, had recommended that the present strength (at the time of submission of 120th Report) of 10.5 judges per million population be increased to 50 judges per million population in a phased manner. However, later in its 245th report submitted in year the 2014, the Law Commission concluded that it 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 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) more pragmatic and useful.

(d): The appointment of Judges and increase in judges’ strength in the Higher Judiciary is a continuous and collaborative exercise between the Executive and Judiciary. Further, in case of District and Subordinate courts, the determination of appropriate number of judges and their consequent appointment lies in the domain of respective High Courts and the State Governments.

Owing to consistent collaborative efforts, there has been a marked increase in the judges’ strength with the sanctioned strength of Judges of Supreme Court being increased from 31 in year 2014 to 34 Judges with no vacancy at present. Since May 2014, 62 Judges of the Supreme Court have been appointed. The working strength of Supreme Court Judges has also increased from 28 in year 2014 to 34 Judges, as on date.

Further, the sanctioned strength of High Court Judges has increased from 906 in year 2014 to 1114 Judges, as on date, with a total of 208 new posts of High Court Judges being created since 2014. A total of 976 High Court Judges have been appointed since 2014.

The District Judiciary’s sanctioned strength has increased from 19,518 judicial officers in the year 2014 to 25,523 judicial officers, as on date. Similarly, the working strength of Judges has also increased from 15,115 in year 2014 to 20,414 judicial officers as on date.

(e) & (f): In case of District and Subordinate courts, the filling up of vacant positions of judicial officers is the responsibility of the High Courts and State Governments concerned.

However, under the Centrally Sponsored Scheme for Judicial Infrastructure, funds are being released by Central Government to States/UTs for construction of court halls, residential quarters for judicial officers, lawyers’ halls, toilet complexes and digital computer rooms in District and Subordinate Courts that would ease the life of lawyers and litigants, thereby aiding justice delivery. As on date, Rs. 11167.36 crores have been released since the inception of the Centrally Sponsored Scheme (CSS) for Development of Infrastructure Facilities for the Judiciary in 1993-94. The number of court halls has increased from 15,818 as on 30.06.2014 to 23,020 as on date, and number of residential units has increased from 10,211 as on 30.06.2014 to 20,836 as on date, under this Scheme.

Furthermore, pursuant to Criminal Law Amendment Act, 2018, the Central Government has been implementing a Centrally Sponsored Scheme (CSS) for setting up of Fast Track Special

Courts (FTSCs) including exclusive POCSO (e-POCSO) Courts since October, 2019 for expeditious trial and disposal of pending cases pertaining to rape and Prevention of Children from Sexual Offences(POCSO) Act, in a time-bound manner. Presently, 755 FTSCs including 410 exclusive POCSO (e-POCSO) Courts are functional in 30 State/UTs across the country. The funds are released on CSS pattern to cover salaries of 1 Judicial Officer along with 7 support staff and a Flexi Grant for meeting day-to-day expenses. As on date, Rs. 917.33 crore has been released as Central share of funds to the States/UTs for smooth functioning of FTSCs.
