

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

LOK SABHA

UNSTARRED QUESTION NO. 1433

TO BE ANSWERED ON WEDNESDAY, THE 27TH DECEMBER, 2017.

Recommendation of Law Commission

1433. SHRI BAIJAYANT JAY PANDA :

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

- (a) whether the Government has taken any measures aimed at implementing the recommendations of the Law Commission to set up new Courts in the country;**
- (b) if so, the details thereof and if not, the reasons therefor;**
- (c) whether the Government is taking any steps to increase the Judge to population ratio in India; and**
- (d) if so, the details thereof and if not, the reasons therefor?**

ANSWER

**MINISTER OF STATE FOR LAW AND JUSTICE AND CORPORATE
AFFAIRS
(SHRI P. P. CHAUDHARY)**

(a) to (d) : The issue of setting up of new courts, particularly at the district and subordinate level, is linked to the number of sanctioned posts of judicial officers. The matter relating to the appointment of Judicial Officers in District and Subordinate Courts falls within the domain of State Governments and the High Courts. 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 to clear the backlog of cases. In 245th report (2014), the Law Commission has 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 May, 2014, the Supreme Court asked the State Governments and the High Courts to file their response to the recommendations made by the Law Commission. In August 2014, the Supreme Court asked the National Court Management System Committee (NCMS) to examine the recommendations made by the Law Commission and to furnish their recommendations in this regard. NCMS submitted its report to the Supreme Court in March, 2016. It has, *inter-alia*, observed 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 – 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 State Governments and High Courts to enable them to take follow up action to determine the required Judges Strength of district judiciary based on the NCMS report.

As on 01.12.2017, there are 22,677 sanctioned posts of Judicial Officers in all the States. Of these posts, 16,693 are filled up and 5,984 are vacant. The recruitment and appointment to these posts is done by the respective High Courts in coordination with the State Governments, and in some States with State Public Service Commissions.

The Central Government has provided funds for constructions of court halls and residential accommodation for judicial officers under the Centrally Sponsored Scheme for Development of Infrastructure Facilities for Judiciary. Under this Scheme, 17,848 court halls and 14,315 residential units have been constructed till now and 2,913 court halls and 1,682 residential units are under construction. This Scheme has been extended till 31.03.2020 with an additional outlay of Rs.3,320 crores.
