

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

LOK SABHA

UNSTARRED QUESTION NO. 5053

TO BE ANSWERED ON WEDNESDAY, THE 24TH JULY, 2019.

Filling of Posts in Subordinate Judiciary

5053. SHRIMATI KIRRON KHER:

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

- (a) the number of additional positions of judges created and filled in subordinate judiciary across the country along with the funds provided by the Government for the purpose during the recent years; and**
- (b) the other steps taken by the Government to improve the functioning of FTCs in the country?**

ANSWER

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

(a) : Sanctioned and working strength of Judicial Officers in District and Subordinate Courts has been increased as follows:

As on	Sanctioned Strength	Working Strength
31.12.2013	19,518	15,115
18.07.2019	23,228	17,971

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 following steps have been taken by the Government to facilitate filling of vacancies in lower judiciary:-

- (i) In September, 2016, Union Minister of Law & Justice wrote to the Chief Ministers of States and the Chief Justices of High Courts to enhance the cadre strength of the District and Subordinate Courts and provide physical infrastructure to the State judiciary. The same was reiterated in May, 2017. In August, 2018, in the context of increasing pendency of cases, the Union Minister of Law & Justice has written to all Chief Justices of High Courts to monitor the Status of the vacancies regularly and to ensure proper coordination with the state Public Service Commission to fill up vacant posts as per time schedule prescribed by the Hon'ble Supreme Court in the Malik Mazhar Sultan case.
 - (ii) The filling up of vacancies is also being monitored by the Supreme Court in a *suo-motu* Writ Petition (Civil) No. 2 of 2018.
 - (iii) A series of meetings were held by Secretary, Department of Justice with Registrars General of all High Courts and Law Secretaries of all State Governments / UTs *through* Video Conferencing in the month of January, 2018, July, 2018 and November, 2018 to follow up on filling up posts of Judicial Officers in District and Subordinate Courts.
 - (iv) The Department of Justice has hosted a web-portal on its website for reporting and monitoring of sanctioned and working strength, and vacancies of Judicial Officers of District and Subordinate Courts on monthly basis.
 - (v) In order to facilitate regular filling up of these vacancies in a smooth and time-bound manner, the Department of Justice *vide* its letter dated 28th April, 2017 suggested creation of a Central Selection Mechanism to the Hon'ble Supreme Court. The Hon'ble Supreme Court *suo motu* converted the Government's suggestions into a Writ Petition on 09th May, 2017 and directed all State Governments (including Union Territories) to file their responses and suggestions by way of affidavits to the Supreme Court Registry.
- (b) : 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 for FTCs during a period of 11 years from 2000-01 to 2010-2011

and Central funding was discontinued beyond 31.03.2011. The Central Government decided to provide funds upto a maximum of Rs.80 crore per annum on a matching basis upto 31.03.2015 from the 13th Finance Commission Award for meeting expenditure on salaries of the 10% additional positions of Judges being created in the subordinate Judiciary following the direction of Supreme Court in the case of Brij Mohan Lal *versus* Union of India. The State Governments and Chief Justices of the High Courts were requested to utilize these positions for creation of Fast Track Courts (FTCs) also. The 14th Finance Commission (14th 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.4,144 crore. The 14th 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 14th Finance Commission 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 14th Finance Commission.
