

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

LOK SABHA

**STARRED QUESTION NO.*429
TO BE ANSWERED ON FRIDAY, THE 31ST MARCH, 2023**

VACANCIES IN FAST TRACK COURTS

***429. SHRI MADDILA GURUMOORTHY:
SHRI SAPTAGIRI SANKAR ULAKA:**

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

- (a) the number of Judges per million population in the country, State-wise;**
- (b) the number of Judges per million as suggested by the Supreme Court;**
- (c) the steps taken/proposed to be taken by the Government to comply with the order passed by the Supreme Court including the funds required and sanctioned for the purpose;**
- (d) whether problems are being faced in timely disposal of cases due to lack of adequate number of Fast Track Courts and large number of vacancies in such courts;**
- (e) if so, the details thereof and the time by which the vacancies in these courts are likely to be filled; and**
- (f) whether the Government is contemplating to increase the posts of Judges in the context of the suggestion of the Hon'ble Supreme Court and if so, the details thereof and if not, the reasons therefor?**

ANSWER

**MINISTER OF LAW AND JUSTICE
(SHRI KIREN RIJJU)**

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

STATEMENT REFERRED TO IN REPLY TO PARTS (A) TO (F) OF LOK SABHA STARRED QUESTION NO. *429 FOR ANSWER ON 31.03.2023 REGARDING 'VACANCIES IN FAST TRACK COURTS'.

(a): The data pertaining to number of judges per million population in the country, State-wise is not maintained centrally either by the Department or by Supreme Court of India. However, for calculating the judge-population ratio for per million population in a particular year, the Department uses the criterion of using the population as per Census 2011 and as per available information regarding sanctioned strength of Judges in Supreme Court, High Court and District & Subordinate Courts in the particular year. Based on the population as per Census 2011 which was 1210.19 million and as per available information regarding sanctioned strength of Judges in Supreme Court, High Courts and District & Subordinate Courts in the year 2023, the judge - population ratio in the country works out to be approximately 21 Judges per million population.

Further, as on 27.03.2023, sanctioned strength, working strength and vacancy position in Supreme Court, High Courts and District & Subordinate Courts is as under:-

| Sl. No. | Name of Court | Sanctioned Strength | Working Strength | Vacancy |
|---------|-------------------------------|---------------------|------------------|---------|
| 1 | Supreme Court | 34 | 34 | 0 |
| 2 | High Courts | 1114 | 784 | 330 |
| 3 | District & Subordinate Courts | 25189 | 19522 | 5667 |

(b): As per information provided by the Supreme Court of India, the directions/observations regarding judges per million have been given by the Hon'ble court in a catena of judgements such as All India Judges Assn. v. Union of India [(2002) 4 SCC 247] ; P.RamachandraRao v. State of Karnataka [(2002) 4 SCC 578] ; Imtiyaz Ahmad v. State of Uttar Pradesh and Others [(2017) 3 SCC 658] and Brij Mohan Lal v. Union of India [(2002) 5 SCC 1] wherein the court has reiterated the recommendation

of the 120th Report of The Law Commission of India for initially increasing the judges' strength to 50 judges per million in the country with the eventual goal of achieving 107 judges per million of the population in India.

(c): The Supreme Court through a series of judicial orders in the matter of *Imtiyaz Ahmad vs State of U.P.*, the Supreme Court had asked the Law Commission of India to evolve a scientific method for calculation of required judges' strength in the country. Consequently, in its 245th report (2014), 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. It observed that filing of cases per capita varies substantially across geographic units as filings are associated with economic and social conditions of the population. Consequently, The Supreme Court requested the National Court Management System Committee (NCMSC) to examine the recommendations made by Law Commission of India for calculation of required judge strength for Subordinate Courts and to furnish its recommendations on the subject. The NCMSC 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 report of the NCMS Committee to all the State Governments and High Courts to enable them to take follow up action to determine the required strength of judges.

(d)& (e): Establishment of subordinate courts including fast track courts (FTC) for providing speedy justice in the country lies within the domain of the State Governments who set up such courts as per their need and resources, in consultation with the respective High Courts. The 14th Finance Commission (FC) had recommended for

setting up of 1800 Fast Track Courts (FTCs) during 2015-2020 for speedy trial of specific cases of heinous nature, civil cases related to women, children, senior citizen, disabled persons, persons infected with terminal ailments etc. and property related cases pending for more than 5 years. The FC had further urged State Governments to utilize enhanced fiscal space available through tax devolution (32% to 42%) for this purpose. The Union Government has also urged the State Governments to allocate funds for the setting up of FTCs, from the financial year 2015-16 onward. As per information made available by High Courts, 843 FTCs are functional in the country as on 31.1.2023.

(f): The augmentation of judge strength is a continuous and collaborative process between the Executive and the Judiciary. It requires consultation and approval from various Constitutional authorities. As far as appointment of judges of higher judiciary is concerned, initiation of proposal for appointment of Judges in the Supreme Court vests with the Chief Justice of India, while initiation of proposals for appointment of Judges in High Courts vests with the Chief Justice of the High Court concerned.

However, In the Joint Conference of Chief Justices and Chief Ministers held on 07.04.2013, a decision was taken to increase the number of Judges of the High Courts by 25%. Accordingly, during the period from 01.07.2014 to 21.03.2023 with the approval of the respective State Governments, concerned High Courts and the Chief Justice of India, Government has increased the Judge strength of the High Courts from 906 to 1114 i.e. by 208 posts.

In case of Subordinate Judiciary, as per the Constitutional framework, the selection and appointment of judges in District and Subordinate courts is the responsibility of High Court and State Government concerned.
