

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

LOK SABHA

**UNSTARRED QUESTION NO. 2133
TO BE ANSWERED ON FRIDAY, THE 10th DECEMBER, 2021**

JUDGES PER MILLION OF POPULATION

**2133. SHRIMATI POONAM MAHAJAN:
SHRI SATYADEV PACHAURI:
SHRI RAJESHBHAI CHUDASAMA:**

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

- (a) the number of Judges per million of population in the country, State/UT-wise including Uttar Pradesh;**
- (b) the number of Judges per million as suggested by the Apex 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 for the purpose;**
- (d) whether it is a fact that problems are being faced in timely disposal of cases due to lack of adequate number of Fast Track Courts and also due to a 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 raise the posts of Judges in context of the suggestion of the Hon'ble Supreme Court, if so, the details thereof?**

ANSWER

MINISTER OF LAW AND JUSTICE

(SHRI KIREN RIJJU)

- (a):** The judge to population ratio (Judge / per million population) with respect to sanctioned strength of judges is 21.03 as on 31.10.2021. In order to calculate 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. The data pertaining to number of judges per million of population, State/UT-wise is not maintained.

(b) & (c): In the case of *Imtiyaz Ahmed versus State of Uttar Pradesh*, the Supreme Court in August 2014, asked the National Court Management System Committee (NCMS Committee) to examine the recommendations made by the Law Commission in its 245th Report (2014) and to furnish its recommendations in this regard. The Law Commission had not considered 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.

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 07.07.2021, it had been directed that the relevant copy of the NCMS final report be

circulated to all High Courts by the Supreme Court Registry for necessary action. The report has been circulated to all High Courts for taking further action. The augmentation of judge strength and judicial infrastructure is a continuous and collaborative process between the Executive and the Judiciary. It requires consultation and approval from various Constitutional authorities.

(d) to (f): Disposal of cases in courts is within the domain of the judiciary. No time frame has been prescribed for disposal of various kinds of cases by the respective courts. Government has no role in disposal of cases in courts. Timely disposal of cases in courts depends on several factors which, inter-alia, include availability of adequate number of judges and judicial officers, supporting court staff and physical infrastructure, complexity of facts involved, nature of evidence, co-operation of stake holders viz. bar, investigation agencies, witnesses and litigants and proper application of rules and procedures. There are several other factors which may lead to delay in disposal of cases. These, inter-alia, include vacancies of judges, frequent adjournments and lack of adequate arrangement to monitor, track and bunch cases for hearing.

Setting up of subordinate courts including Fast Track Courts (FTCs) and its functioning comes within the domain of the State governments in consultation with the respective High Courts. In order to provide speedy justice, the 14th Finance Commission had endorsed the proposal of Union of India including the proposal for setting up of 1800 Fast Track Courts (FTCs) during 2015-2020 for dealing with specific natured cases of heinous crimes, civil cases pertaining to women, children, senior citizens, other vulnerable sections of society etc and property related cases pending above 5 years. As per data provided by the High Courts up to October, 2021, total 914 Fast Track Courts are functional in 23 States/UTs.

The Department of Justice is implementing a scheme for setting up of 1023 Fast Track Special Courts (FTSCs) including 389 Exclusive POCSO Courts for expeditious trial and disposal of cases related to rape and POCSO Act. This Centrally Sponsored Scheme started in October, 2019 for 1 year period. It has now been extended for further two years up to 31.03.2023 at a total cost of Rs. 1572.86 crore with Central share of Rs.971.70 crore. As per information provided by the High Courts for the month of October 2021, a total of 681 FTSCs including 381 exclusive POCSO courts are functional in 27 States/UTs across the country.
