

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

RAJYA SABHA

**UNSTARRED QUESTION NO. 1070
TO BE ANSWERED ON THURSDAY, THE 10th FEBRUARY, 2022**

INADEQUATE FAST TRACK COURTS AND VACANCIES IN COURTS

1070. DR. AMAR PATNAIK:

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

- (a) the number of judges per million of population in the country;**
- (b) the number of judges per million as suggested by the Supreme Court;**
- (c) whether problems are being faced in timely disposal of cases in the absence of adequate Fast Track Courts in the country and also due to large number of vacancies in such courts, if so, the details thereof, and if not, the reasons therefor; and**
- (d) whether Government is considering the suggestions of Apex Court for setting up a time frame for hearing of cases, if so, the details thereof, and if not, the reasons therefor?**

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 31.12.2021. 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.

(b): 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, the relevant copy of the NCMS final report was to be circulated to all High Courts by the Supreme Court Registry for necessary action, which has been complied with. 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.

(c) & (d): 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 recommended the setting up of 1800 Fast Track Courts (FTCs) during 2015-2020 and had urged State Governments to utilize enhanced fiscal space available through tax devolution (32% to 42%) 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 December, 2021, total 898 Fast Track Courts are functional in 22 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 December 2021, a total of 700 FTSCs including 383 exclusive POCSO courts are functional in 27 States/UTs across the country.

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.
