

Fast Track Courts

†3045. SHRI MOTILAL VORA: Will the Minister of LAW AND JUSTICE be pleased to state:

(a) whether it is a fact that the Fast Track Courts (FTCs) were started across the country to bring speedy justice to victims of rape and other serious crimes, if so, the details thereof, State-wise;

(b) whether most of the FTCs set up for this purpose have closed down, if so, the details thereof, so far;

(c) whether it is also a fact that due to long pendency of cases of rape victims in courts the hope for justice diminishes; and

(d) if so, whether Government would set-up FTCs immediately to improve this condition?

THE MINISTER OF STATE IN THE MINISTRY OF LAW AND JUSTICE (SHRI P. CHAUDHARY): (a) to (d) The 11th Finance Commission had recommended a scheme for creation of 1734 Fast Track Courts in the country for disposal of long pending cases and the cases involving undertrial prisoners. The scheme recommended by the Eleventh Finance Commission was for a period of five years upto 2004-05. The Government accorded its approval for the continuation of central funding of 1562 Fast Track Courts that were operational as on 31.3.2005 for a further period of five years *i.e.* up to 31st March, 2010. The scheme was continued for another one year *i.e.* upto 31st March, 2011, and central funding for these FTCs has been discontinued with effect from 1st April, 2011.

The fourteenth Finance Commission has endorsed the proposal of the Government 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 etc. at a cost of ₹4144 crore. The fourteenth Finance Commission has urged State Governments to use the additional fiscal space provided by the Commission in the tax devolution to meet such requirements.

Pending court cases and shortage of judges

3046. SHRIMATI RAJANI PATIL:

KUMARI SELJA:

SHRI P. BHATTACHARYA:

SHRI DARSHAN SINGH YADAV:

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

(a) the total number of cases pending in the courts in the country, State-wise;

†Original notice of the question was received in Hindi.

(b) whether it is a fact that there is an acute shortage of Judges in various courts of the country, resulting in delay in clearance of pending cases; and

(c) if so, the details thereof?

THE MINISTER OF STATE IN THE MINISTRY OF LAW AND JUSTICE (SHRI P. P. CHAUDHARY): (a) to (c) The data on pendency of cases is maintained by the Supreme Court and High Courts. As per information available, 60,946 cases were pending in the Supreme Court as on 03.08.2016. As per information made available by the High Courts, details of pendency of cases in various High Courts and District/Subordinate Courts as on 31.12.2015 are given in the Statements-I and II respectively (*See below*).

Some of the main factors responsible for pendency of cases in courts are increased impact of State and Central legislations, accumulation of first appeals, continuation of ordinary civil jurisdiction in some of the High Courts, vacancies of Judges, appeals against orders of quasi-judicial forums going to High Courts, number of revisions/appeals, frequent adjournments, indiscriminate use of writ jurisdiction, lack of adequate arrangement to monitor, track and bunch cases for hearing.

The sanctioned strength of High Court Judges has increased from 906 in June, 2014 to 1079 in June, 2016. The sanctioned strength of judicial officers/judges in Districts and Subordinate Courts is within the domain of State Governments and High Courts concerned. On account of the concerted efforts made by all stakeholders the sanctioned strength of the Judicial Officers/Judges of District and Subordinate Courts has increased from 17,715 at the end of 2012 to 20,502 in December, 2015.

The Supreme Court, in the case of *Imtiyaz Ahmed versus State of Uttar Pradesh and Others, inter-alia*, 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. The Law Commission in its 245th Report recommended 'Rate of Disposal Method' for calculating adequate judge strength for District and Subordinate Courts. The matter is *sub-judice* before the Supreme Court, at present.

Statement-I*Pending cases in High Courts as on 31.12.2015*

Sl. No.	High Court	Pending cases in High courts as on 31.12.2015
1.	Allahabad	9,18,829
2.	Punjab and Haryana	2,88,351
3.	Madras	2,84,428
4.	Madhya Pradesh	2,73,827
5.	Andhra Pradesh	2,70,272
6.	Bombay	2,46,441
7.	Rajasthan	2,44,866
8.	Karnataka	2,37,454
9.	Calcutta	2,21,282
10.	Odisha	1,69,453
11.	Kerala	1,57,369
12.	Patna	1,28,738
13.	Gujarat	87,072
14.	Jharkhand	80,419
15.	Delhi	68,784
16.	Jammu and Kashmir	56,453
17.	Chhattisgarh	50,111
18.	Uttarakhand	26,680
19.	Himachal Pradesh	26,533
20.	Gauhati	25,948
21.	Manipur	3,315
22.	Tripura	3,037
23.	Meghalaya	597
24.	Sikkim	114
TOTAL		38,70,373

Statement-II*Pending cases in District / Subordinate Courts as on 31.12.2015*

Sl. No.	Name of the State/UT	Pending cases in District/ Subordinate Courts as on 31.12.2015
1	2	3
1.	Uttar Pradesh	55,74,490
2.	Maharashtra	29,94,074
3.	West Bengal	26,18,813
4.	Gujarat	21,42,011
5.	Bihar	20,73,303
6.	Rajasthan	14,79,173
7.	Kerala	13,45,127
8.	Karnataka	12,68,966
9.	Madhya Pradesh	11,91,799
10.	Tamil Nadu	10,82,793
11.	Odisha	10,64,039
12.	Andhra Pradesh and Telangana	10,31,515
13.	Delhi	5,39,601
14.	Haryana	5,24,281
15.	Punjab	5,04,028
16.	Jharkhand	3,24,357
17.	Chhattisgarh	2,85,962
18.	Assam	2,42,503
19.	Uttarakhand	1,66,618
20.	Himachal Pradesh	1,62,553
21.	Tripura	1,29,789
22.	Jammu and Kashmir	1,24,763
23.	Goa	39,615
24.	Chandigarh	36,322
25.	Pondicherry	24,973

1	2	3
26.	Andaman and Nicobar Islands	9,495
27.	Arunachal Pradesh	8,776
28.	Meghalaya	7,493
29.	Manipur	6,885
30.	Mizoram	4,671
31.	Dadra and Nagar Haveli	3,903
32.	Nagaland	3,862
33.	Daman and Diu	1,723
34.	Sikkim	1,299
35.	Lakshadweep	380
TOTAL		2,70,19,955

Implementation of Anti-defection Law

3047. DR. PRADEEPKUMAR BALMUCHU: Will the Minister of LAW AND JUSTICE be pleased to state:

(a) whether it is a fact that implementation of the Anti-defection Law is very weak in the country and representatives elected from one party join another party without any fear, if so, the details thereof; and

(b) the steps being taken by Government to curb defections of representatives from the party they are elected?

THE MINISTER OF STATE IN THE MINISTRY OF LAW AND JUSTICE (SHRI P. P. CHAUDHARY): (a) and (b) Tenth Schedule of the Constitution provides for the prevention of defection of the elected/nominated members from their political party. Paragraph 6 of the said Schedule provides that where a question arises as to whether a member of a House has become subject to disqualification, such a question shall be referred for the decision of the Chairman or, as the case may be, the speaker of such House and his decision shall be final. However, it is stated that no such specific instance has come to the notice of the Government reporting the shortcoming of existing Anti-defection Law in meeting out its goal. The Anti-defection Law do contain stringent provisions for curbing the menace of switching over of legislators.