

Neutral Citation No. - 2025:AHC-LKO:4893

A.F.R.
Reserved

Case :- APPLICATION U/S 483 No. - 453 of 2024

Applicant :- Krishna Chandra Singh @ Munna Singh

Opposite Party :- State Of U.P. Thru. Prin. Secy. Revenue Lko. And Others

Counsel for Applicant :- Pankaj Kumar Verma, Karam Chand Yadav

Counsel for Opposite Party :- G.A.

Hon'ble Rajeev Singh, J.

1. Heard learned counsel for the applicant and Shri Kuldeep Pati Tripathi, learned Additional Advocate General assisted by Shri Rao Narendra Singh, learned A.G.A. for the State.
2. The present application has been filed with the prayer to direct respondent no. 2, I Additional Session Judge, Bahraich to decide Criminal Revision No. 132 of 2010 (Ramendra Singh & Ors. Vs. Jai Raj Singh & Ors.) within stipulated time to be fixed by this Court.
3. Insofar as the prayer sought in the present application is concerned, it is informed that Criminal Revision No. 132 of 2010 (supra) has already been decided by the court below vide order dated 23.07.2024 and, therefore, the application has become infructuous and is dismissed, accordingly.
4. However, looking to the genesis of the present matter, this Court on 08.07.2024 passed the following order :

“Heard Sri Pankaj Kumar Verma, learned counsel for the applicant and Sri Vinod Kumar Sahi, learned Additional Advocate General, who was called upon by this Court, assisted by Sri S.P. Tiwari, learned AGA for the State of U.P. as well as perused the record.

By means of this application, the applicant, who at present is aged about 51 years, has prayed for the following main relief:-

"Direct to the Opposite party no. 2 (Ist Additional Session Judge District Bahraich) to decide the criminal revision bearing no. 132/2010 (Ramendra Singh and others Versus Jai Raj Singh and others) which is pending before Opposite party no. 2 since 2010 within stipulated time as fixed by the Hon'ble Court in the interest of justice. 1."

It appears from the record that in the proceedings initiated under Section 145 Cr.P.C. bearing Case No. 37/57/106, an order was passed in favour of the applicant on 16.03.2010 by the

Pargana Adhikari, Kaiserganj, Tehsil- Kaiserganj, District Bahraich and being aggrieved by the order dated 16.03.2010, the opposite party Nos. 3 to 8 filed a revision i.e. Criminal Revision No. 132 of 2010 (Ramendra Singh and others vs. Jai Raj Singh and others), which has not been disposed of till date.

From the aforesaid, it is apparent that that 14 years have elapsed but the revision has not been decided till date.

While pressing the present application for the main relief sought, it is stated by the learned counsel for the applicant that according to the observations made by the Hon'ble Apex Court in paragraphs 24 and 25 of the judgment passed in the case of All India Judges' Association and others vs. Union of India and others reported in (2002) 4 SCC 247, which are extracted hereunder, the judges are not available in trial courts and for this reason, the trial courts are over burdened and in this view of the matter, the trial courts are unable to decide the cases expeditiously within reasonable time. In the instant case, the revision, which relates to summary proceedings, has not been decided even after lapse of 14 years. As such, the main prayer sought may kindly be acceded.

"24. Mr F.S. Nariman has drawn our attention to yet another important aspect with regard to dispensation of justice, namely, the huge backlog of undecided cases. One of the reasons which has been indicated even in the 120th Law Commission Report was the inadequate strength of Judges compared to the population of the country. Even the Standing Committee of Parliament headed by Shri Pranab Mukherjee in its 85th report, submitted in February 2002, to Parliament, has recommended that there should be an increase in the number of Judges. The said Committee has noted the Judge-population ratio in different countries and has adversely commented on the Judge-population ratio of 10.5 Judges per 10 lakh people in India. The report recommends the acceptance, in the first instance, of increasing the Judge strength to 50 Judges per 10 lakh people as was recommended by the 120th Law Commission Report.

25. An independent and efficient judicial system is one of the basic structures of our Constitution. If sufficient number of Judges are not appointed, justice would not be available to the people, thereby undermining the basic structure. It is well known that justice delayed is justice denied. Time and again the inadequacy in the number of Judges has adversely been commented upon. Not only have the Law Commission and the Standing Committee of Parliament made observations in this regard, but even the Head of the judiciary, namely, the Chief Justice of India has had more occasion than one to make observations in regard thereto. Under the circumstances, we feel it is our constitutional obligation to ensure that the backlog of the cases is decreased and efforts are made to increase the disposal of cases. Apart from the steps which may be necessary for increasing the efficiency of the judicial officers, we are of the opinion that time has now come for protecting one of the pillars of the Constitution, namely, the

judicial system, by directing increase, in the first instance, in the Judge strength from the existing ratio of 10.5 or 13 per 10 lakh people to 50 Judges per 10 lakh people. We are conscious of the fact that overnight these vacancies cannot be filled. In order to have additional Judges, not only will the posts have to be created but infrastructure required in the form of additional courtrooms, buildings, staff etc., would also have to be made available. We are also aware of the fact that a large number of vacancies as of today from amongst the sanctioned strength remain to be filled. We, therefore, first direct that the existing vacancies in the subordinate courts at all levels should be filled, if possible latest by 31-3-2003, in all the States. The increase in the Judge strength to 50 Judges per 10 lakh people should be effected and implemented with the filling up of the posts in a phased manner to be determined and directed by the Union Ministry of Law, but this process should be completed and the increased vacancies and posts filled within a period of five years from today. Perhaps increasing the Judge strength by 10 per 10 lakh people every year could be one of the methods which may be adopted thereby completing the first stage within five years before embarking on further increase if necessary."

Upon due consideration of the aforesaid particularly the period of pendency of the revision challenging the order passed in the proceedings under Section 145 Cr.P.C. as also the observations made by the Hon'ble Apex Court in the case, referred above, this Court finds it appropriate to direct the concerned officers of the Court to apprise this Court as to what steps have been taken to comply the ratio as indicated in the judgment passed in the case of All India Judges' Association (supra).

Accordingly, Chief Secretary, Government of U.P. and Principal Secretary, Law/Legal Remembrance, Government of U.P. are directed to file personal affidavit within two weeks on the aforesaid.

List/put up this case as fresh on 25.07.2024 within top ten cases."

5. In pursuance of the aforesaid order, personal affidavits have been filed by Mr. Vinod Singh Rawat, Principal Secretary Law, Government of U.P., Civil Secretariat, Lucknow on 20.08.2024, Mr. Manoj Kumar Singh, Chief Secretary, Government of U.P., Civil Secretariat, Lucknow on 07.09.2024 as well as by Mr. Deepak Kumar, Additional Chief Secretary, Department of Finance, Government of U.P., Civil Secretariat, Lucknow on 19.10.2024.

6. In the affidavit dated 20.08.2024 filed by Mr. Vinod Singh Rawat, it is admitted that in relation to the strength of judges, on the basis of population, Hon'ble Apex Court, in the case of **Imtiyaz Ahmad Vs. State of U.P. & Anr.** (Misc. Application No. 2362-2370 of 2019 in

Criminal Appeal No. 254-262/2012), has observed that the report of Chairperson of National Court Management System Committee reveals that judge strength of courts in the district judiciary 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. Hon'ble Apex Court also observed that since the Union Government is broadly in agreement with this approach, permission was granted to utilize it for the purpose of determining the required judge strength of the district judiciary.

It is also admitted in the said affidavit that the proposal of creation of courts has already been moved by the High Court, on the basis of requirements, relevant laws as well as directions of Hon'ble Supreme Court issued from time to time. Paragraph 6 of the affidavit, in which the observations made by the Hon'ble Apex Court in the case of **Imtiyaz Ahmad** (supra) have been quoted, is reproduced hereunder :

6. That it is also respectfully submitted that in relation to the number of Judges/Courts in the subordinate courts, the Hon'ble Supreme Court has been pleased to pass an order dated 02-01-2017 in Misc. Application No. 2362-2370 of 2019 in Criminal A No.254-262/2012 "Imtiyaz Ahmad Vs. State of U.P. & another" wherein the Hon'ble Supreme Court has been pleased to observe as follows:-

NCMSC has suggested that the clearance of backlog is not the sole or central basis determining judge strength. Several other critical parameters include (i) rate of case clearance: number of cases disposed of as a percentage of institution; (ii) on time disposal rate the percentage of cases resolved within an established time frame; (iii) pre-trial custody periods wherein an under-trial is in custody pending trial of a criminal case; and (iv) trial date certainty the proportion of important case processing provisions that are held according to the schedule finalized.

The approach which has been suggested, based on the unit system, is as follows:

"Applying The Unit System to Assess Required Judge Strength

(1) Number of judges required to dispose of the annual "flow" of new cases

("break even")

. Every court should calculate in units its average annual filing over the previous five years for all types of cases.

. Divide the annual filing units above by the number of annual units required to be disposed of by a judge for VERY GOOD performance.

. This will give for each court, the number of judges required to ensure "break even", i.e., disposal equals the number of new cases filed every year in that court. (ii) Number of judges

required for disposal of backlog of cases

. First, every court should calculate in units its backlog", i.e. the number of cases of all categories pending for more than the maximum time standard set by it for disposal (e.g., three years)

. Second, a suitable time period may be established within which this "backlog" should be cleared (e.g. 5 years).

. Third, divide the total backlog in units by the number of years within which it has to be cleared (e.g. 5 years). This will give the required annual disposal of "backlog".

. Fourth, divide the required annual disposal of backlog by the number of annual units required to be disposed of by each judge (units required for VERY GOOD performance).

. This gives the number of judges required to dispose of "the backlog" within the prescribed time frame.

. The judge strength so assessed should be monitored annually.

iii. Total number of judges required for achieving "break even" plus "disposal of backlog"

. Add the number of judges required for "break even" to the number of Judges required to disposal of backlog, as determined above.

iv. Trigger for creation of new courts."

7. In para 7 of the said affidavit, it is also mentioned that in pursuance of the decision of the Hon'ble Apex Court in the case of **Imtiyaz Ahmad** (supra), the High Court has already proposed for creation of total 9149 courts vide Letter No. 9553/Main-B/Admin (A-3) dated 11.08.2021 and in consequence of the same, the Finance Department has advised to create the 9149 courts in a phased manner.

Thereafter, a meeting was organised under the chairmanship of Chief Secretary, Government of U.P. on 22.04.2024, in which, creation of courts in the first phase was decided. Paragraphs 7 to 10 of the affidavit is reproduced hereunder :

"7. That in furtherance of the above decision of the Hon'ble Supreme Court regarding the determination and creation of the number of judges/courts in the District Court, the Hon'ble High Court of Allahabad has proposed for the creation of a total of 9149 courts vide letter no. 9553/Main-B/Admin (A-3) dated 11-08- 2021. In consequence of the above proposal of Hon'ble High Court of Allahabad with regard to the creation of 9149 courts, the proposal was referred to the Finance Department for consent, in furtherance to which the Finance Department has advised to create the above 9149 courts in a phased manner.

In consultation of the above advice of the Finance Department it was requested to the Hon'ble High Court Allahabad to determine that the said courts shall be created in how many phases in furtherance to which the Hon'ble Court has been pleased to determine the same at the level of the governance. Thereafter in order to determine the phases of creation of 9149 courts in furtherance of the advice of the Finance Department and the

proposal made by the Hon'ble High Court, Allahabad, a meeting was organized under the chairmanship of the Chief Secretary, Government of U.P on 22-04-2024. It is respectfully submitted that in the said meeting the creation of the courts in the first phase was decided/opined as under :-

(i) The sanctioned courts of the cadre of Higher Judicial Services/posts shall be doubled. At present there is 1690 Courts/posts are sanctioned in the cadre of Higher Judicial Services and as such to create 1690 additional courts/posts.

(ii) Total 50 % of the additional posts of the present 805 sanctioned courts/posts of Civil Judge (Senior Division) shall be created, which counts to 402 more courts/posts.

(iii) Total 50% of the additional posts of the present 1203 sanctioned courts/posts of Civil Judge (Junior Division) shall be created, which counts to 601 more courts/posts.

It was also decided that after the first phase, decision would be taken regarding creation of the remaining courts out of 9149, in compliance of the orders/directives passed by the Hon'ble Supreme Court in Misc. Application No. 2362/2370 of 2019 in Criminal A No-254-262/2012 "Imtiaz Ahmad Vs. State of U.P & others".

A true copy of the minutes of the meeting dated 22-04-2024 held under the chairmanship of the Chief Secretary Government of U.P. is enclosed herewith as

Annexure No.- 1 to this affidavit for kind perusal of the Hon'ble Court.

8. That it is respectfully submitted that in furtherance of the meeting held and the decision taken under the chairmanship of the deponent the proposal for creation of the above courts/posts, the file was referred to the Finance Department for consent of the Finance Department, in furtherance to which the Finance Department has made following inquiries/questions:-

- (i) Details of the pending cases in the various courts of State.
- (ii) Details of the new cases filed in the different courts 4-5 years before.
- (iii) Action plan to dispose the pending cases on priority in a phased manner.
- (iv) Details of the posts on the creation of each court.
- (v) Details of expenditure on establishment, vehicle and other grants, office and residential buildings of the Hon'ble Courts.
- (vi) Basis of the calculation of number of suits.
- (vii) By making the NCMS report available on file, the status of pending cases in the State on the basis of national average.
- (viii) Information related to AOR's letter.

9- That in addition to the above mentioned 8 points of para 5 above, the Finance Department has requested to sent a clear proposal providing information/related records on a total of 14 points including information previously sought:-

1. Details are not submitted with regard to the existing sanctioned posts of HJS, Civil Judge (Senior Division), Civil Judge (Junior Division) and details with regard to how many posts of different categories are sanctioned, have also not been given.

2. What standard has been set up by the State Government for the creation of posts and the details of the cases which are pending in different categories of courts in each district have not been mentioned in the comments.

3. Details of the posts required to be created as per the proposed courts and their categories and the financial expenditure required in proportion to the same have not been given by the administrative department.

4. It is noteworthy that as a result of the formation of subordinate courts, there is a need for proper arrangement of basic infrastructure facilities. Therefore, in view to provide the infrastructure facilities, the estimated expenditure burden has not been assessed, so that it can be made clear as to how much financial burden will be generated for the same.

5. Request has been made to Administrative Department to provide the details of Judge to case ratio.

6. Request shall be made to the Administrative Department to provide the existing examples in other States.

It is respectfully submitted that information regarding the above points no. 1 to 5 have been provided by the Hon'ble High Court, Allahabad vide letter no.4066/Main-B/Admin (A-3), dated 04-04-2022 and with respect of the point no. 6 a request has been made to obtain information from the state level itself.

10- That it is respectfully submitted that in order to provide information regarding point number (I-VII) mentioned in the above paragraph no. 5, the Hon'ble High Court, Allahabad has been requested by the government letter no. 570/Saat-Nyay-2-2023-Writ 09/2020 dated 11-07-2024 and to obtain information regarding point number 6 mentioned in paragraph no. 6 other States have been requested to provide requisite information vide letter no.600/Saat- Nyay-2-2024-writ 09/2020 dated 11-07-2024."

8. Mr. Manoj Kumar Singh, Chief Secretary, Government of U.P., Civil Secretariat, Lucknow in his affidavit dated 09.09.2024 also admitted that the request of the High Court with regard to creation of 9149 courts has been considered and in the meeting held on 22.04.2024, it has been decided that in the first phase, 2693 posts would be created.

Paragraphs 1 to 8 of the said affidavit dated 09.09.2024 are as under :

"1. That the deponent is presently posted as Chief Secretary, Government of U.P and the deponent is filing the instant personal affidavit in compliance of the order dated 08-07-2024 and 25.07.2024 passed by the Hon'ble Court.

2. That Hon'ble Supreme Court has been pleased to pass an order dated 02-01-2017 in Misc. Application No. 2362-2370 of 2019 in Criminal A No.254-262/2012 "Imtiyaz Ahmad Vs. State of U.P. & another" for creation of additional courts in districts.

3. That based on the formula suggested by the Hon'ble Supreme Court in above case, Hon'ble High Court vide its letter no.9553/Main-B/Admin (A-3) Dated 11.08.2021 sent a proposal of creation of 9,149 Courts. This is based on the criteria suggested by National Court Management Committee (NCMS). The recommendation of the NCMS has been accepted by the Hon'ble

Supreme Court in Criminal A No.254-262/2012 "Imtiyaz Ahmad Vs. State of U.P. & another".

4. That in furtherance of the above proposal of Hon'ble High Court with regard to the creation of 9149 courts, a request had been made to the Hon'ble High Court by the Government vide its letter dated 21.07.2023 seeking guidance on number of phases in which these additional Courts be created. In pursuance to Government's above request the Registrar General Hon'ble High Court vide letter dated 18.09.2023 has proposed that the Government should take decision on phasing of these 9149 courts.

5. A request letter dated 24.07.2024 was sent by the Government to the Registrar General, Hon'ble High Court about the information on pendency of cases in District Courts. The response to above letter has been received on 13.08.2024. The information furnished shows a pendency of approximately 1.11 crores cases and disposal of approximately 1.04 lacs in a year (April 2022 to March 2023).

6. Hon'ble High Court in its order dated 25.07.2024 has observed that "... To file better affidavit after taking note of present population of the State of U.P.". The present population of the State is approximately 24 crores. The norm of Judge to population ratio of 50 judges on 10 lac population requires creation of 12000 Courts.

7. The number of existing District level Courts is approximately 3500, so there is a gap of 8500 by above Judge to Population formula. The huge pendency of cases and the number of cases being disposed in a year as give in Para- 5 above cannot be handled by only increasing the number of Courts. There is a definite requirement of streamlining the other processes and ensuring higher number of disposal by each district level Court.

8. That to decide the number of phases a meeting was organized under the chairmanship of the Chief Secretary, Government of U.P on 22-04-2024. It is respectfully submitted that in first phase it has been decided to create 2693. The details of which are as follows:

(i) The sanctioned courts of the cadre of Higher Judicial Services/posts shall be doubled. At present there is 1690 Courts/posts are sanctioned in the cadre of Higher Judicial Services and as such to create 1690 additional courts/posts.

(ii) Total 50% of the additional posts of the present 805 sanctioned courts/posts of Civil Judge (Senior Division) shall be created, which counts to 402 more courts/posts.

(iii) Total 50% of the additional posts of the present 1203 sanctioned courts/posts of Civil Judge (Junior Division) shall be created, which counts to 601 more courts/posts.

It was also decided that after the first phase, decision would be taken regarding creation of the remaining courts out of 9149, in compliance of the orders/directives passed by the Hon'ble Supreme Court in Misc. Application No. 2362/2370 of 2019 in Criminal A No- 254-262/2012 "Imtiyaz Ahmad Vs. State of U.P & others".

A true copy of the minutes of the meeting dated 22-04-2024 held under the chairmanship of the deponent is enclosed herewith as **Annexure No. 1** to this affidavit for kind perusal of the Hon'ble Court."

9. Mentioning the similar facts, Mr. Deepak Kumar, Additional Chief Secretary, Department of Finance, Government of U.P., Civil Secretariat, Lucknow, in his affidavit dated 19.10.2024, stated that the State Government is ensuring the compliance of the directions of the Hon'ble Apex Court in the case of **Imtiyaz Ahmad** (supra) to make 9149 courts operational. It is also admitted in the affidavit that points have already been considered in the meeting held on 15.10.2024 under the chairmanship of Chief Secretary, Government of U.P.

Paragraphs 4 to 12 of the said affidavit are as under :

“4- That it is respectfully submitted in compliance to the order dated 17-07-2021 passed by the Hon'ble Supreme Court in Misc. Application No. 23522370 of 2019 in Criminal A No. 254-262/2012 "Imtiyaaz Ahmad Vs. State of U.P & another", a total of 9149 courts are to be constituted in the State in different phases.

5- That in the context of Goal No. 16 of Sustainable Development Goals 2030, a one-time plan is also made to increase the number of courts and judges on per lakh of population.

6- That vide order dated 02-01-2017 passed by the Hon'ble Supreme Court the number of judges in the subordinate courts are to be determined as per the number of cases pending in the courts.

7- That at present, there are 3698 sanctioned courts in the State of Uttar Pradesh. Under SDG Goal No. 16, there should be 4.25 courts on per lakh of population. At present, 1.59 courts have been created on per lakh of population in the State of Uttar Pradesh, whereas the national average is 1.85 on per lakh of population and thus, the number of courts on per lakh of population in the State of Uttar Pradesh is much less than the national average.

8- That in reference to Goal No. 16 of Sustainable Development Goals, 2030, the Government of U.P, Nyay Anubhag- 2 (Subordinate Courts), a meeting was organized under the chairmanship of the Chief Secretary on 22-04-2024 in order to increase the number of courts and Posts on per one lakh of population.

9- That in compliance of the orders/directives passed by the Hon'ble Supreme Court in Misc. Application No. 2362.2370 of 2019 in Criminal Case No. 254.262/2012, "Imtiyaz Ahmad Vs. State of U.P. & another", regarding formation of 9149 courts in the State, a meeting was held on 22-04-2024 under the chairmanship of the Chief Secretary, wherein a decision has been taken to set up 2693 courts in the first phase as against the total proposed 9149 courts, as follows:-

(i) The number of courts/posts sanctioned in HJS cadre at present should be doubled. At present, 1690 courts/posts are sanctioned in HJS cadre and 1690 more courts/posts should be created.

(ii) 50% of the present sanctioned number of 805 Courts/posts of Civil Judge (Senior Division) should be created i.e. 402 more Courts/posts should be created.

(iii) 50% more courts/posts of Civil Judge (Junior Division) out of the present sanctioned number of 1203 courts/posts be created i.e. 601 more courts/posts be created.

10- That in the 75 Districts of the State, there are 2443 courts of HJS cadre, 3966 courts of Civil Judge (Senior Division), 2740 courts of Civil Judge (Junior Division), thus in the process of formation of total 9149 courts, the current status of the created, filled and vacant posts is shown in a table, which is as follows:-

Sl	Cadre	Sanctioned Strength	Working Strength	Vacancy	Proposed Strength In compliance of Hon. S.C. order Imtiyaz Ahmad vs UP State dt. 17.07.2021 for NCMSc		Total Proposed Sanctioned Strength 8=3+6(b)
					6(a)	6(b)	
1	2	3	4	5	6(a)	6(b)	
1	Higher Judicial service	1690	1268	422	1152	2443	4133
2	Civil Judge (Senior Division)	805	575	230	4473	3966	4771
3	Civil Judge (Junior Division)	1203	889	314	2384	2740	3943
4		3698	2732	966	8009	9149	12847

Note:

. Out of total 3698 sanctioned Courts, 02 Courts at Gonda 9 one each in the cadre of Civil Judge, S.D and Civil Judge, J.D.) and 02 courts Moradabad (one each in the cadre of Civil Judge, S.D. and Civil Judge, J.D.) have been kept in abeyance.

. 212 temporary Fast Track Courts i.e. 72 in H.J.S. Cadre, 72 in Civil Judge strength. The term of these courts has been extended up to 29.02.2024."

11- That in the meeting convened on 15-10-2024 under the chairmanship of the Chief Secretary, after a due consideration with the present departments following opinion has been settled :-

(i) On the basis of the report of N.C.M.S.C constituted by Hon'ble Supreme Court, in view of the 9149 different categories of courts enumerated by Hon'ble High Court, Allahabad and accordingly keeping in view the number of posts, in the first year, 900 courts/posts (as per the proposal of the department of Law mentioned in the meeting convened at the level of the Chief Secretary on 22.04.2024, H.J.S 75 X 3 = 225, Civil Judge Senior Division 75 X 5 = 375, Civil Judge Junior Division 75 X 4= 300 i.e. total 900) shall be established.

(ii) Similarly, in the second year, again 900 courts of different categories and corresponding posts will be established and in

each of the subsequent 7 years, different categories of courts and corresponding posts will be established. As per the above procedure, in the final tenth year, 1049 courts of different categories and corresponding posts will be established, achieving the target of total 9149 courts/posts and ensuring

compliance of the decision dated 02-01-2017 passed by the Hon'ble Supreme Court in "Imtiyaz Hussain Vs. State of U.P."

(iii) It was also expected that efforts would be made by the Law Department to fill up a total existing 966 vacancies in present (422 of H.J.S, 230 for Civil Judge Senior Division (C.J.S.D) and 314 for C.J.D),

(iv) Besides this, the Law Department will also inform, firstly about the estimated expenditure covered by the recurring (maintenance work) and non-recurring (construction work) related to establishment of one office of each level of Court such as H.J.S, CJSJ and CJD and secondly, about the recurring expenditure related to salary etc. of supporting staff relating to each level of court in the light of arrangements made in the standard Government Orders for creation of posts.

It is necessary to inform about the estimation of estimated recurring and non-recurring expenditure by the Law Department so that the Finance Department may make appropriate budget provision in respect of estimated expenditure related to establishment of posts in 900 different categories of each courts and office staff, every year, in the Budget Estimates of each year for the Law Department in time and as required.

(v) It is also expected that on receipt of the final report of the NCMSC, the Department of Law will reconsider the matter in due course and as necessary.

12- That in the meeting held on 22-04-2024, under the chairmanship of Chief Secretary, after due deliberation, in continuation of the opinion taken regarding creation of 2693 courts against the total proposed 9149 courts in the first phase, on 15-10-2024, 900 courts of different categories and the posts accordingly in the first years, similarly 900 again in the second year as aforesaid and 900 courts of different categories and the post accordingly in each year in the subsequent 07 years, while establishing 1049 courts of different categories and the posts accordingly in the final tenth year, ensuring compliance of the decision dated 02-01- 2017 passed by the Hon'ble Supreme Court in "Imtiyaz Hussain Vs. State Government", a target of total 9149 courts/posts will be achieved."

10. In a recent judgment of Hon'ble Apex Court dated 22.11.2024 passed in the case of **Sonu Agnihotri Vs. Chandra shekhar & Ors., 2024 SCC OnLine SC 3382**, it is observed by the Hon'ble Supreme Court that in the case of **All India Judges' Association & Ors. Vs. Union of India (UOI) & Ors., (2002) 4 SCC 247**, it was directed that endeavour should be made within five years to increase the judge-to-population ratio in trial judiciary to 50 per million. However, the ratio of 25 per million has not been achieved till the year 2024.

11. This Court also notices that several petitions are being filed before

this Court, like the present one, for expedite disposal of the suits, trial of criminal cases pending before the Magistrate, trial of session matters as well as matters related to family dispute along with other matters.

It is crystal clear from the affidavits filed by Mr. Vinod Singh Rawat, Principal Secretary Law, Government of U.P., Civil Secretariat, Lucknow, Mr. Manoj Kumar Singh, Chief Secretary, Government of U.P., Civil Secretariat, Lucknow as well as by Mr. Deepak Kumar, Additional Chief Secretary, Department of Finance, Government of U.P., Civil Secretariat, Lucknow that the directions of the Hon'ble Apex Court passed in the case of **All India Judges' Association & Ors.** (supra) on 21.03.2002, which has been taken note of in the case of **Sonu Agnihotri** (supra) by the Hon'ble Apex Court, has not been complied with till today.

12. Learned members of the Bar jointly submitted that this issue is having wider impact on our judicial system and, therefore, requested that the issue may be dealt as Public Interest Litigation for ensuring the 9149 courts operational.

13. Hon'ble Supreme Court has already laid down that, in case of a situation, in which, issue of public interest is involved, the same may be referred to the Bench dealing with PIL matters. Reference may be made to Para 10 of the decision of Hon'ble Apex Court in the case on **State of Uttar Pradesh & Ors. Vs. Neeraj Chaubey & Ors., (2010) 10 SCC 320**, which reads as under :

“10. In case an application is filed and the Bench comes to the conclusion that it involves some issues relating to Public Interest, the Bench may not entertain it as a Public Interest Litigation but the court has its option to convert it into a public interest litigation and ask the Registry to place it before a Bench which has jurisdiction to entertain the PIL as per the Rules, guidelines or by the roster fixed by the Chief Justice but the Bench cannot convert itself into a PIL and proceed with the matter itself.”

14. In view of above facts and circumstances, this Court is of the view that the issue related to creation of 9149 courts is related to interest of public at large and, therefore, the Registry is directed to register the PIL as a separate case and place it before Hon'ble the Chief Justice for appropriate direction.

Dated : January 24, 2025

VKS