

**GOVERNMENT OF INDIA
MINISTRY OF LAW & JUSTICE
DEPARTMENT OF JUSTICE
RAJYA SABHA
UNSTARRED QUESTION NO. 1869
ANSWERED ON 22/12/2022**

ASSESSMENT ON SHORTAGE OF JUDGES

1869. DR. KANIMOZHI NVN SOMU:

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

- (a) whether Government has made any assessment on the shortage of judges and vacant posts in the courts of the country and if so, the details thereof, State-wise;
- (b) whether the process of recruitment has started against the said vacancies during the last three years and if so, the details thereof, State-wise; and
- (c) whether any assessment has been made regarding the number of such vacant posts in the State of Tamil Nadu and if so, the details thereof?

ANSWER

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

(a): A Statement showing the sanctioned strength, working strength and vacancies in Supreme Court and various High Courts as on 19.12.2022 is at *Annexure-I*.

A Statement showing the sanctioned strength, working strength and vacancies of judicial officers in the District and Subordinate Courts as on 19.12.2022 is at *Annexure-II*.

(b): The filling up of vacancies in the higher judiciary is a continuous, integrated and collaborative process between the Executive and the Judiciary. It requires consultation and approval from various Constitutional authorities both at the Centre and State level.

As per the Constitutional framework, the appointments of Judges of the Supreme Court and High Courts are made under Articles 124, 217, and 224 of the Constitution of India respectively. Judges of the Supreme Court of India and High Courts are appointed as per the procedure laid down in the Memorandum of Procedure (MoP) prepared in year 1998 pursuant to the Supreme Court judgment of October 6, 1993 (Second Judges case) read with their Advisory Opinion of October 28, 1998 (Third Judges case). As per MoP, initiation of proposal for appointment of Judges in the Supreme Court vests with the Chief Justice of India while the same for Judges in the High Courts vests with the Chief Justice of the concerned High Court. While every effort is made to fill up the existing vacancies expeditiously, vacancies of Judges in High Courts do keep on arising on account of retirement, resignation or elevation of Judges and also due to increase in the strength of Judges.

From 01.01.2020 till 19.12.2022, 12 Judges have been appointed in the Supreme Court of India. In case of High Courts, 351 judges have been appointed in various High Courts of the country. As on 19.12.2022, against the sanctioned strength of 34 Judges, 28 Judges are working in the Supreme Court of India, leaving a vacancy of 6 Judges. In case of the High Courts, against the sanctioned strength of 1108 Judges, 775 Judges are working in the High Courts, there is a vacancy of 333 Judges to be filled. The details of the vacant posts filled in Supreme Court and High Court, during last three years, as on 19.12.2022 is at ***Annexure-III***.

Under Article 235 of the Constitution of India, the administrative control over the members of district and subordinate judiciary in the States vest with the concerned High Court. Further, in exercise of powers conferred under proviso to Article 309 read with Articles 233 and 234 of the Constitution, the respective State Government, in consultation with the High Court, frames the Rules and Regulations regarding the issues of appointment, promotion, reservations, etc. of Judicial Officers in the State Judicial Service. Hence, in so far as recruitment of judicial officers in the States is concerned, respective High Courts do it in certain States, whereas the High Courts do it in consultation with the State Public Service Commissions in other States. Central Government has no direct role in the matter.

Vacancies in Subordinate Judiciary are to be filled up every year in accordance with the time schedule prescribed by the Hon'ble Supreme Court of India in its order dated 04.01.2007 passed in Civil Appeal no. 1867/2006 *Malik Mazhar Sultan & Anr. vs. U.P. Public Service Commission*. As per this time schedule, the vacancies for the category of District Judge (Entry Level) and Senior Civil Judge are to be notified commencing on 31st March of a calendar year and end by 31st October of the same year.

(c): At present, there are a total of 22 vacancies in the Madras High Court consisting of 13 permanent posts and 9 additional posts vacant.

As per information obtained from the High Court of Madras, the assessment made by them regarding the vacancies of various categories of Judicial Officers, as on 16.12.2022, in District and Subordinate Courts of the Tamil Nadu State Judicial Services is as follows:

S. No.	Cadre	Sanctioned Strength	Working Strength	Vacancy
1	District Judge	341	274	67
2	Senior Civil Judge	351	299	52
3	Civil Judge	648	496	152
	Total	1340	1069	271

Source: High Court of Madras

ANNEXURE-I**STATEMENT REFERRED TO IN REPLY TO PART (A) OF RAJYA SABHA UNSTARRED QUESTION NO. 1869 FOR ANSWER ON 22.12.2022 REGARDING 'ASSESSMENT ON SHORTAGE OF JUDGES'**

Statement showing Sanctioned strength, Working Strength and Vacancies of Judges in the Supreme Court of India and the High Courts (As on 19.12.2022)

		Sanctioned strength			Working strength			Vacancies		
A.	Supreme Court	34			28			6		
B.	High Court	Pmt.	Addl	Total	Pmt.	Addl	Total	Pmt.	Addl	Total
1	Allahabad	119	41	160	77	23	100	42	18	60
2	Andhra Pradesh	28	9	37	27	3	30	1	6	7
3	Bombay	71	23	94	39	26	65	32	-3*	29
4	Calcutta	54	18	72	35	19	54	19	-1*	18
5	Chhattisgarh	17	5	22	8	6	14	9	-1*	8
6	Delhi	46	14	60	44	1	45	2	13	15
7	Gauhati	18	6	24	16	8	24	2	-2*	0
8	Gujarat	39	13	52	28	0	28	11	13	24
9	Himachal Pradesh	13	4	17	10	0	10	3	4	7
10	J & K and Ladakh	13	4	17	10	4	14	3	0	3
11	Jharkhand	20	5	25	20	1	21	0	4	4
12	Karnataka	47	15	62	40	9	49	7	6	13
13	Kerala	35	12	47	28	9	37	7	3	10
14	Madhya Pradesh	39	14	53	31	0	31	8	14	22
15	Madras	56	19	75	43	10	53	13	9	22
16	Manipur	4	1	5	3	0	3	1	1	2
17	Meghalaya	3	1	4	3	0	3	0	1	1
18	Orissa	24	9	33	22	0	22	2	9	11
19	Patna	40	13	53	34	0	34	6	13	19
20	Punjab & Haryana	64	21	85	39	27	66	25	-6*	19
21	Rajasthan	38	12	50	26	0	26	12	12	24
22	Sikkim	3	0	3	3	0	3	0	0	0
23	Telangana	32	10	42	31	2	33	1	8	9
24	Tripura	4	1	5	3	0	3	1	1	2
25	Uttarakhand	9	2	11	7	0	7	2	2	4
	Total	836	272	1108	627	148	775	209	124	333

Source: Department of Justice

* In the High Courts of Bombay, Calcutta, Chhattisgarh, Gauhati, Punjab & Haryana respectively, the number of working Additional judges were more as against the sanctioned strength of Additional judges, therefore leading to (-) negative vacancy position in case of Additional Judges.

ANNEXURE-II**STATEMENT REFERRED TO IN REPLY TO PART (A) OF RAJYA SABHA UNSTARRED QUESTION NO. 1869 FOR ANSWER ON 22.12.2022 REGARDING 'ASSESSMENT ON SHORTAGE OF JUDGES'**

Statement showing State-wise Sanctioned strength, Working Strength and Vacancies of Judicial Officers in the District and Subordinate Courts (As on 19.12.2022)

Sl. No.	States & UTs	Total Sanctioned Strength	Total Working Strength	Total Vacancy
1	Andaman and Nicobar	0	13	-13
2	Andhra Pradesh	607	534	73
3	Arunachal Pradesh	41	33	8
4	Assam	484	425	59
5	Bihar	2016	1351	665
6	Chandigarh	30	30	0
7	Chhattisgarh	527	436	91
8	D & N Haveli	3	2	1
9	Daman & Diu	4	4	0
10	Delhi	884	681	203
11	Goa	50	40	10
12	Gujarat	1582	1154	428
13	Haryana	772	465	307
14	Himachal Pradesh	179	165	14
15	Jammu and Kashmir	314	223	91
16	Jharkhand	694	508	186
17	Karnataka	1365	1132	233
18	Kerala	578	468	110
19	Ladakh	17	9	8
20	Lakshadweep	3	3	0
21	Madhya Pradesh	2021	1524	497
22	Maharashtra	2190	1940	250
23	Manipur	59	42	17
24	Meghalaya	99	51	48
25	Mizoram	74	41	33
26	Nagaland	34	24	10
27	Odisha	994	768	226
28	Puducherry	28	11	17
29	Punjab	797	589	208
30	Rajasthan	1587	1256	331
31	Sikkim	30	21	9
32	Tamil Nadu	1340	1068	272
33	Telangana	560	410	150
34	Tripura	128	109	19
35	Uttar Pradesh	3638	2474	1164
36	Uttarakhand	299	270	29
37	West Bengal	1014	918	96
TOTAL		25042	19192	5850

Source: MIS Portal, Department of Justice

ANNEXURE-III**STATEMENT REFERRED TO IN REPLY TO PART (B) OF RAJYA SABHA UNSTARRED QUESTION NO. 1869 FOR ANSWER ON 22.12.2022 REGARDING 'ASSESSMENT ON SHORTAGE OF JUDGES'****The details of the vacant posts filled in Supreme Court and High Court, during last three years****(As on 19.12.2022)**

S. No.	Court (s)	2020	2021	2022
	Supreme Court	0	09	03
	High Courts			
1	Allahabad	04	17	13
2	Andhra Pradesh	07	02	14
3	Bombay	04	06	19
4	Calcutta	01	08	16
5	Chhattisgarh	0	03	03
6	Delhi	0	02	17
7	Gauhati	0	06	02
8	Gujarat	07	07	0
9	Himachal Pradesh	0	01	02
10	J & K and Ladakh	05	02	04
11	Jharkhand	0	04	01
12	Karnataka	10	06	06
13	Kerala	06	12	01
14	Madhya Pradesh	0	08	06
15	Madras	10	05	04
16	Manipur	01	0	0
17	Meghalaya	0	0	0
18	Orissa	02	04	06
19	Patna	0	06	11
20	Punjab & Haryana	01	06	21
21	Rajasthan	06	08	02
22	Sikkim	0	0	0
23	Telangana	01	07	17
24	Tripura	01	0	0
25	Uttarakhand	0	0	0
	Total	66	120	165

Source: Department of Justice