

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

**RAJYA SABHA
UNSTARRED QUESTION NO.119
ANSWERED ON 02/02/2023**

SEARCH PANEL TO CHOOSE JUDGES

119. SHRI MUKUL BALKRISHNA WASNIK:

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

- (a) the number of cases pending in the Supreme Court and High Courts, as on 31st December, 2022;
- (b) the number of vacancies of judges in the Supreme Court and High Courts;
- (c) the reasons for delay in filling up the vacancies, if any;
- (d) whether Government seeks a search panel with its nominee to choose Judges; and
- (e) if so, the reasons therefor and the response of the Judiciary thereon?

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

(a): As per data obtained from Supreme Court website, 69,768 cases are pending in Supreme Court of India as on 01.01.2023. As per data available on National Judicial Data Grid (NJDG), the total number of pending cases in the different High Courts as on 31.12.2022 is at *Annexure*.

(b)& (c): As on 31.01.2023, against the sanctioned strength of 34 Judges, 27 Judges are working in the Supreme Court leaving a vacancy of 07 Judges to be filled.

Whereas against the sanctioned strength of 1108 Judges, 775 Judges are working in High Courts, leaving a vacancy of 333 Judges yet to be filled.

Filling up of vacancies in the High Courts is a continuous, integrated and collaborative process between the Executive and the Judiciary. It requires consultation and approval from various constitutional authorities both at state and central level. 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.

(d) & (e): The Five-Judges Bench of the Hon'ble Supreme Court, which heard W.P. No. 13 of 2015 Supreme Court Advocates on Record Association and Another Vs. Union of India also known as NJAC case, vide its order dated 16.12.2015, laid down that the Government of India may finalize the existing Memorandum of Procedure by supplementing it in consultation with the Chief Justice of India. It was also mentioned in para 10 of the order *ibid* that the Chief Justice of India will take a decision based on the unanimous view of the collegium comprising the four senior-most puisne Judges of the Supreme Court. They shall take the following factors into consideration such as eligibility criterion, transparency in the appointment process, secretariat, complaint mechanism and miscellaneous matter considered appropriate for ensuring transparency and accountability including interaction with the recommendees the Collegium of the Supreme Court without sacrificing the confidentiality of appointment.

In pursuance of the above orders, the Government of India, after due diligence: sent the MoP to Hon'ble Chief Justice of India on 22.3.2016, the response of the Supreme Court Collegium on the revised draft MoP was received on 25.05.2016 and 01.07.2016. The view of the Government in response to the views of the SCC was conveyed to the CJI on 03.08.2016. Subsequently, the then Chief Justice of India, vide letter dated 13.03.2017 sent the MoP. Besides, a number of other suggestions, the Government also suggested a Screening cum Evaluation Committee at the Supreme Court and High Court levels to assist the Collegia of Supreme Court and High Courts respectively. The Committees were to go through the material connected with evaluation the suitability of the prospective candidates and would be only a facilitator, as the decision to recommend will still be with the Collegia of the Supreme Court and High Courts.

In its recent communication dated 06-01-2023 to Supreme Court of India, the Government has emphasized the need to finalize the MoP in view of various judicial pronouncements and inter-alia suggested that the Committee in respect of Supreme Court Judges should consist of a representative nominated by Government of India. For appointment of Judges in the High Courts, the Search-cum Evaluation Committee should consist of a representative nominated by Government of India and a representative of State Government(s) under the jurisdiction of High Court as nominated by the Chief Minister. The above mentioned Search-cum-Evaluation Committees will be entrusted to prepare a panel of eligible candidates from which the respective Collegiums will make recommendation. This, along with other measures suggested will pave the way for a more transparent, accountable and expeditious mechanism for appointment of Judges to the Constitutional Courts

HIGH COURT-WISE PENDENCY OF CASES AS ON 31.12.2022

Sl. No.	Name of the High Court	Pendency as on 31.12.2022
1	Allahabad High Court	1032228
2	Bombay High Court	610734
3	Calcutta High Court	207898
4	Gauhati High Court	58501
5	High Court for State of Telangana	254089
6	High Court of Andhra Pradesh	240238
7	High Court of Chhattisgarh	91184
8	High Court of Delhi	105271
9	High Court of Gujarat	161929
10	High Court of Himachal Pradesh	91210
11	High Court of Jammu & Kashmir	44526
12	High Court of Jharkhand	87992
13	High Court of Karnataka	304444
14	High Court of Kerala	197314
15	High Court of Madhya Pradesh	429743
16	High Court of Manipur	4865
17	High Court of Meghalaya	1188
18	High Court of Odisha	164709
19	High Court of Punjab and Haryana	447886
20	High Court of Rajasthan	633787
21	High Court of Sikkim	165
22	High Court of Tripura	1601
23	High Court of Uttarakhand	45023
24	Madras High Court	550083
25	Patna High Court	212106
Total		5978714

Source:- National Judicial Data Grid.