

GOVERNMENT OF INDIA
MINISTRY OF LAW AND JUSTICE
DEPARTMENT OF JUSTICE

RAJYA SABHA
UNSTARRED QUESTION NO. 752

ANSWERED ON 08/02/2024

Vacancies of posts of judges and pendency of cases in High Courts

752. SHRI KANAKAMEDALA RAVINDRA KUMAR:

Will the Minister of *Law and Justice* be pleased to state:

- (a) whether Government is aware that out of the total sanctioned strength of 1108 Judges in various High Courts, around 330 posts of judges in various High Courts are remaining vacant which hinders the justice delivery system across the country, which in turn has led to voluminous pendency of cases;
- (b) if so, the details thereof;
- (c) whether Government has fixed any time-frame to fill all the vacancies in the posts of judges existing across various High Courts so that pendency of cases can be reduced considerably;
- (d) if so, the details thereof; and
- (e) if not, the reasons therefor?

ANSWER

MINISTER OF STATE (INDEPENDENT CHARGE) OF THE MINISTRY OF LAW AND JUSTICE; MINISTER OF STATE IN THE MINISTRY OF PARLIAMENTARY AFFAIRS; AND MINISTER OF STATE FOR THE MINISTRY OF CULTURE

(SHRI ARJUN RAM MEGHWAL)

(a) to (e): As on 02.02.2024 against the sanctioned strength of 1114 Judges, 783 Judges are working and 331 post of Judges are vacant in the various High Courts. Out of the 331 vacancies, 144 proposals received from various High Courts are at various stages of processing between the Government and the Supreme Court Collegium. Recommendations against 187 vacancies are yet to be received from the High Court Collegiums.

Judges of the Supreme Court and High Courts are appointed under Article 124, 217 and 224 of the Constitution of India according to the procedure laid down in the Memorandum of Procedure (MoP) prepared in 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 existing Memorandum of Procedure for appointment of High Court Judges, the proposal is initiated by the Chief Justice of the High Court in consultation with two senior most puisne Judges of the High Court. The views of State Constitutional Authorities on the proposals are also obtained. The Union Minister of Law & Justice considers the recommendations in the light of such other reports as may be available to the Government in respect of the names under consideration. The complete material is then forwarded to the Chief Justice of India for his advice. Accordingly, the Government sends all proposals received from the High Court Collegiums to the Supreme Court Collegium (SCC) for advice. Only those persons are appointed as Judges of the Supreme Court and High Courts whose names have been recommended by the SCC.

Appointment of the Judges of the Constitutional 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. As a result of the collaborative process between the Executive and Judiciary, during the year 2022, 165 Judges were appointed in various High Courts and during the year 2023, 110 Judges have been appointed in various High Courts. The strength of the Supreme Court of India was increased from 31 to 34 Judges (including Chief Justice of India) on 9th August, 2019, whereas the strength of High Court has increased from 906 in 2014 to 1114 Judges at present.

The pendency of cases in courts is not only due to shortage of judges in High Courts but also due to various other factors like (i) increase in number of state and central legislations, (ii) accumulation of first appeals, (iii) continuation of ordinary civil jurisdiction in some of the High Courts, (iv) appeals against orders of quasi-judicial forums going to High Courts, (v) number of revisions/appeals, (vi) frequent adjournments, (vii) indiscriminate use of writ jurisdiction, (viii) lack of adequate arrangement to monitor, tracking and bunching of cases for hearing, (ix) assigning work of administrative nature to the Judges, etc.