

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

LOK SABHA

UNSTARRED QUESTION NO.4590

TO BE ANSWERED ON WEDNESDAY, THE 14.12.2016

Vacancy in High Court Benches

†4590. SHRI ARVIND SAWANT:
SHRI KRUPAL BALAJI TUMANE:
SHRIMATI REKHA VERMA:

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

- (a) the number of posts of judges lying vacant in various High Court benches in the country, State-wise and bench-wise;
- (b) the time since when the said posts have been lying vacant along with the reasons therefor;
- (c) the time by which the said posts are likely to be filled up;
- (d) the bench-wise number of pending cases; and
- e) the efforts being made by the Government to fill up the said posts and reduce the number of pending cases?

ANSWER

Minister of State for Law and Justice and Electronics and Information Technology.

(SHRI P.P. CHAUDHARY)

(a) to (e) : As on 01.12.2016, 431 posts are vacant in various High Courts, which include 173 newly created posts in the High Courts during the period 2014 to 2016. Vacancies do keep on arising on account of retirement, resignation, elevation of Judges, increase in Judge Strength etc. A statement indicating sanctioned strength, working strength and vacant posts of Judges in High Courts is placed at **Annexure.I**

The Supreme Court vide its Order dated 16.12.2015 on improvement in the ‘Collegium System’ have directed that the Government of India may finalize the existing Memorandum of Procedure (MoP) by supplementing it in consultation with the Supreme Court Collegium. The Government of India after due deliberations proposed changes in the existing MoPs. The changes proposed in the draft MoP’s were sent to the Hon’ble Chief Justice of India vide letter dated 22.3.2016. The response of the Supreme Court was received on 25.5.2016 and 01.07.2016. The views of the Government were conveyed to the Chief Justice of India on 3.8.2016.

As the process of finalization of the revised Memorandum of Procedure (MoP) for appointment of Judges to the Supreme court and High courts was likely to take some time, on the initiative of the Government of India the matter was taken up with the Supreme Court and the process of appointment of Judges has been resumed, pending finalization of the revised MoP. Presently, all appointment of Judges to the Supreme Court and High Courts are being processed as per the existing MoP.

During the current year, as on 09.12.2016, 126 fresh appointment of Judges have been made to the High Courts and 124 Additional Judges of High Courts have been made Permanent.

Delay in filling up of vacancies is due to the fact that the High Courts are not initiating the proposals six months prior to the occurrence of the vacancies. Other reasons are around 30% rejection of recommendations of High Court Collegiums by the Supreme Court Collegium and recommendations are yet to be received for about 50% vacancies from the High Courts.

A Statement indicating number of pending cases in the High Courts as on 31.12.2015 is at **Annexure.II**. Disposal of pending cases in courts is within the domain of Judiciary. The Government has adopted a co-ordinated approach to assist judiciary for phased liquidation of arrears and pendency in judicial systems, which, inter-alia, involves better infrastructure for courts including computerisation, increase in strength of judicial officers/judges, policy and legislative measures in the areas prone to excessive litigation and emphasis on human resource development.

Annexure-I

Statement referred to in reply to parts (a) to (e) of Lok Sabha Unstarred Question No.4590 due for answer on 14.12.2016 showing the Approved strength, Working Strength and Vacancies of Judges in the High Courts

(As on 01.12.2016)

Sl. No.	Name of the High Court	Approved Strength	Working Strength	Vacancies as per Approved Strength
1	Allahabad	160	87	73
2	High Court of Judicature at Hyderabad	61	23	38
3	Bombay	94	62	32
4	Calcutta	72	38	34
5	Chhattisgarh	22	11	11
6	Delhi	60	39	21
7	Gauhati	24	17	07
8	Gujarat	52	31	21
9	Himachal Pradesh	13	10	03
10	Jammu & Kashmir	17	10	07
11	Jharkhand	25	13	12
12	Karnataka	62	30	32
13	Kerala	47	38	09
14	Madhya Pradesh	53	39	14
15	Madras	75	57	18
16	Manipur	05	03	02
17	Meghalaya	04	03	01
18	Orissa	27	18	09
19	Patna	53	27	26
20	Punjab & Haryana	85	46	39
21	Rajasthan	50	34	16
22	Sikkim	03	02	01
23	Tripura	04	03	01
24	Uttarakhand	11	07	04
Total		1079	648	431

Statement referred to in reply to parts (a) to (e) of Lok Sabha Unstarred Question No.4590 due for answer on 14.12.2016 regarding pendency of cases in High Courts

Sl. No	High Court	Case Type	Opening balance as on 01.01.2015	Institution	Disposal	Pendency As on 31.12.2015
1	Allahabad	Civil	552302	144815	137618	559499
		Criminal	348547	138463	127680	359330
		Total	900849	283278	265298	918829
2	Andhra Pradesh	Civil	216157	63004	47100	232061
		Criminal	33544	19257	14590	38211
		Total	249701	82261	61690	270272
3	Bombay	Civil	189946	70588	60632	199902
		Criminal	42869	24847	21177	46539
		Total	232815	95435	81809	246441
4	Calcutta	Civil	186391	52716	57763	181344
		Criminal	40052	17371	17485	39938
		Total	226443	70087	75248	221282
5	Delhi	Civil	51464	31578	30080	52962
		Criminal	15525	14401	14104	15822
		Total	66989	45979	44184	68784
6	Gujarat	Civil	57670	29731	30701	56700
		Criminal	30330	30746	30704	30372
		Total	88000	60477	61405	87072
7	Gauhati	Civil	20410	12694	11935	21169
		Criminal	4848	2187	2256	4779
		Total	25258	14881	14191	25948
8	Himachal Pradesh	Civil	27118	10622	16816	20924
		Criminal	4707	3393	2491	5609
		Total	31825	14015	19307	26533
9	Jammu & Kashmir	Civil	49660	14214	11766	52108
		Criminal	3492	1848	995	4345
		Total	53152	16062	12761	56453
10	Karnataka	Civil	196677	128304	107346	217635
		Criminal	17443	16981	14605	19819
		Total	214120	145285	121951	237454
11	Kerala	Civil	109392	71815	59901	121306
		Criminal	36514	21100	21551	36063
		Total	145906	92915	81452	157369

12	Madras	Civil	228914	97889	76670	250133
		Criminal	34655	64124	64484	34295
		Total	263569	162013	141154	284428
13	Madhya Pradesh	Civil	166958	70487	65592	171853
		Criminal	91755	62487	52268	101974
		Total	258713	132974	117860	273827
14	Orissa	Civil	163119	35175	67546	130748
		Criminal	38963	37300	37558	38705
		Total	202082	72475	105104	169453
15	Patna	Civil	81256	27073	29227	79102
		Criminal	56995	62944	70303	49636
		Total	138251	90017	99530	128738
16	Punjab & Haryana	Civil	209167	68635	68958	208844
		Criminal	70532	59985	51010	79507
		Total	279699	128620	119968	288351
17	Rajasthan	Civil	170222	51034	38755	182501
		Criminal	58131	45820	41586	62365
		Total	228353	96854	80341	244866
18	Sikkim	Civil	68	144	131	81
		Criminal	40	63	70	33
		Total	108	207	201	114
19	Uttarakhand	Civil	16669	9999	8108	18560
		Criminal	6436	7272	5588	8120
		Total	23105	17271	13696	26680
20	Chhattisgarh	Civil	28209	16996	14069	31136
		Criminal	16868	13930	11823	18975
		Total	45077	30926	25892	50111
21	Jharkhand	Civil	42490	9700	9620	42570
		Criminal	38325	21218	21694	37849
		Total	80815	30918	31314	80419
22	Tripura	Civil	3772	2197	3484	2485
		Criminal	693	747	888	552
		Total	4465	2944	4372	3037
23	Manipur	Civil	2903	1843	1567	3179
		Criminal	120	60	44	136
		Total	3023	1903	1611	3315
24	Meghalaya	Civil	497	579	500	576

	Criminal	20	73	72	21
	Total	517	652	572	597
	All High Courts Total civil	2771431	1021832	955885	2837378
	All High Courts Total criminal	991404	666617	625026	1032995
	Grand Total of all High Courts	3762835	1688449	1580911	3870373