

GOVERNMENT OF INDIA
MINISTRY OF LAW & JUSTICE
DEPARTMENT OF JUSTICE

LOK SABHA

UNSTARRED QUESTION NO. 4241

TO BE ANSWERED ON WEDNESDAY, THE 21ST MARCH, 2018.

Appointment of Judges

4241. SHRI NALIN KUMAR KATEEL:

SHRI ARVIND SAWANT:

SHRI KRUPAL BALAJI TUMANE:

SHRIMATI BHAVANA PUNDALIKRAO GAWALI PATIL:

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

- (a) the steps taken by the Government to increase the number of judges in the country;
- (b) the reasons for the delay in appointment of judges;
- (c) whether the Government has fixed any time-frame for fulfilling the commitment of appointment of a certain number of judges in the country;
- (d) if so, the time by which the said appointments are proposed to be made along with the number of the proposed appointments and if not, the reasons therefor; and
- (e) the total number of judges appointed in the last three years court and year-wise?

ANSWER

**MINISTER OF STATE FOR LAW AND JUSTICE AND CORPORATE AFFAIRS
(SHRI P. P. CHAUDHARY)**

(a) to (d): Filling up of vacancies in the Supreme Court and the High courts is a continuous and collaborative process, between the Executive and the Judiciary. It requires consultation and approval from various Constitutional Authorities. Initiation of proposal for appointment of Judges in the Supreme Court vests with the Chief Justice of India, while initiation of proposals for appointment of 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 in High Courts do keep on arising on account of retirement, resignation or elevation of Judges and also the increase in strength of Judges.

As per the Constitutional framework, the selection and appointment of judges in subordinate courts is the responsibility of the High Courts and State Governments concerned. 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.

The Supreme Court, through a judicial order in Malik Mazhar case, has devised a process and time frame to be followed for the filling up of vacancies in subordinate judiciary. This order of January 2007 by the Supreme Court stipulates that the process for recruitment of judges in the subordinate courts would commence on 31st March of a calendar year and end by 31st October of the same year. The Supreme Court has permitted State Governments / High Courts for variations in the time schedule in case of any difficulty based on the peculiar geographical and climatic conditions in the State or other relevant conditions. Further, during the Joint Conference of the Chief Ministers of States and Chief Justices of the High Courts held in April 2016, the Conference on being apprised of:

- (i) The large pendency of cases, both civil and criminal, in the district judiciaries; and
- (ii) Nearly twenty three percent of the pending cases being over five years old,

resolved, *inter alia*, that all the State governments shall, in terms of the demands placed by the concerned High Courts for an increase in the cadre strength of the district judiciary provide for at least a minimum increase of ten percent per year in accordance with the judgement of the Supreme Court in Brij Mohan Lal *versus* Union of India.

(e): The details of number of Judges appointed in the last three years in Supreme Court and High Courts are given in the Statement at *Annexure – I* and the details of sanctioned / working strength and vacancy position of Judicial Officers in District and Subordinate Courts are given in the Statement at *Annexure – II*.

Annexure – I

Statement referred to Lok Sabha Unstarred Question No. 4241 dated 21st March, 2018.
Number of Judges appointed in Supreme Court and High Courts during last three years.

Court (Supreme Court / High Courts) and type of appointment of Judges	Year of appointment		
	2016	2017	2018
Judges appointed in the Supreme Court	04	05	--
Appointment of Chief Justices	14	08	04
Transfer of Chief Justices	04	--	01
Judges appointed in the High Courts	*126	115	11
Additional Judges made Permanent in High Courts	*131	31	57
Additional Judges given fresh term	22	05	--
Transfer of Judges	33	05	01
New posts of Judges created in High Courts	35	--	--

*Highest ever in a given year.

Annexure - II

Statement referred to Lok Sabha Unstarred Question No. 4241 for reply on 21.03.2018

Sanctioned Strength / Working Strength and Vacancies of Judicial Officers in District and Subordinate Courts during the last three years.

Sl. No	Name of States/UTs	Position of Judicial Officers as on 31.12.2015			Position of Judicial Officers as on 31.12.2016			Position of Judicial Officers as on 31.12.2017		
		Sanctioned Strength	Working Strength	Vacancies	Sanctioned Strength	Working Strength	Vacancies	Sanctioned Strength	Working Strength	Vacancies
1.	Andhra Pradesh & Telangana	1034	785	249	1025	929	96	986	920	66
2.	Arunachal Pradesh	17	15	2	26	17	9	28	17	11
3.	Assam	424	319	105	424	311	113	429	352	77
4.	Bihar	1727	1067	660	1825	1002	823	1828	993	835
5.	Chhattisgarh	385	341	44	395	356	39	398	335	63
6.	Goa	57	49	8	57	50	7	55	43	12
7.	Gujarat	1939	1170	769	1502	1111	391	1496	1121	375
8.	Haryana	644	474	170	644	501	143	645	496	149
9.	Himachal Pradesh	152	134	18	155	147	8	159	148	11
10.	Jammu & Kashmir	245	220	25	246	219	27	253	224	29
11.	Jharkhand	592	466	126	673	448	225	672	419	253
12.	Karnataka	1122	820	302	1300	913	387	1303	976	327
13.	Kerala	457	442	15	491	427	64	535	450	85
14.	Madhya Pradesh	1350	1132	218	2021	1240	781	2021	1293	728
15.	Maharashtra	2251	1917	334	2094	1969	125	2097	1930	167
16.	Manipur	41	35	6	34	25	9	49	40	09
17.	Meghalaya	57	29	28	57	41	16	97	39	58
18.	Mizoram	63	30	33	63	30	33	63	46	17
19.	Nagaland	27	25	2	34	25	9	34	22	12
20.	Odisha	716	598	118	862	601	261	862	656	206
21.	Punjab	672	490	182	674	546	128	674	538	136
22.	Rajasthan	1191	985	206	1205	1076	129	1225	1122	103
23.	Sikkim	18	14	4	23	13	10	23	18	5
24.	Tamil Nadu	1015	969	46	1047	939	108	1108	908	200
25.	Tripura	104	68	36	106	77	29	107	76	31
26.	Uttar Pradesh	2104	1827	277	3142	1728	1414	3204	1856	1348
27.	Uttarakhand	280	206	74	291	218	73	291	230	61
28.	West Bengal	959	900	59	1013	913	100	956	916	40
29.	A & N Island							11	11	0
30.	Chandigarh	30	30	0	30	30	0	30	30	0
31.	D & N Haveli and Daman & Diu	7	6	1	7	6	1	7	7	0
32.	Delhi	793	490	303	793	489	304	799	482	317
33.	Lakshadweep	3	3	0	3	3	0	3	2	1
34.	Puducherry	26	14	12	26	13	13	26	12	14
Total		20502	16070	4432	22288	16413	5875	22474	16728	5746