

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

LOK SABHA

UNSTARRED QUESTION NO. 6161

TO BE ANSWERED ON WEDNESDAY, THE 04TH APRIL, 2018.

Two-Tier Recruitment Process for Judges

6161. SHRI Y.V. SUBBA REDDY:

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

- (a) whether it is true that the Supreme Court has ordered that a two-tier recruitment for District Judges should take about 150 days;**
- (b) if so, whether it has come to the notice of the Government that Andhra Pradesh is taking almost 200 days to appoint a District Judge which is contributing to delay in justice delivery; and**
- (c) the steps taken by the Government to ensure that all States strictly follow SC's order in appointment of District Judges?**

ANSWER

MINISTER OF LAW & JUSTICE AND ELECTRONICS & INFORMATION TECHNOLOGY

(SHRI RAVI SHANKAR PRASAD)

(a) to (c): 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 has delivered a series of significant decisions on the subject. These include the *All India Judges' Association* case where the Supreme Court directed that the number of judges should be increased, in the first instance by filling up the existing vacancies followed by an increase in the judge strength in a phased manner. In the *Malik Mazhar Sultan* case the Supreme Court devised a process and time schedule to be followed by the High Courts and State Governments for the filling up of judicial vacancies. 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, however, 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.
