

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

LOK SABHA

STARRED QUESTION NO. *301

TO BE ANSWERED ON WEDNESDAY, 02ND JANUARY, 2019.

Vacancies in Lower Judiciary

***301. SHRI ASADUDDIN OWAISI:**

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

- (a) whether keeping in view the pending cases in lower judiciary, the Government is working with the Supreme Court to conduct an examination to fill the vacancies in lower judiciary as a one time measure and if so, the details thereof;**
- (b) whether the Supreme Court has approved this step of the Government; and**
- (c) if so, the criteria fixed for holding the examination and the time by which the whole process is likely to be completed?**

ANSWER

**MINISTER OF LAW AND JUSTICE AND ELECTRONICS AND
INFORMATION TECHNOLOGY**

(SHRI RAVI SHANKAR PRASAD)

(a) to (c): A Statement is laid on the Table of the House.

STATEMENT REFERRED TO IN REPLY TO PARTS (a) to (c) of LOK SABHA STARRED QUESTION NO. *301 FOR ANSWER ON 02ND JANUARY, 2019

1. 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. As per information made available by the High Courts and respective State Governments, as on 30.09.2018 the sanctioned strength of Judicial Officers of District and Subordinate Courts is 22,644. The number of Judicial Officers in position and vacant posts is 17,509 and 5,135 respectively.

2. In September, 2016, Union Minister of Law & Justice wrote to the Chief Ministers of States and the Chief Justices of High Courts to enhance the cadre strength of the District and Subordinate Courts and provide physical infrastructure to the State judiciary. The same was reiterated in May, 2017. In August, 2018, in the context of increasing pendency of cases, the Union Minister of Law & Justice has written to all Chief Justices of High Courts to monitor the Status of the vacancies regularly and to ensure proper coordination with the state Public Service Commission to fill up vacant posts as per time schedule prescribed by the Hon'ble Supreme Court in the Malik Mazhar Sultan case. The filling up of vacancies is also being monitored by the Supreme Court in a suo-motu writ petition (civil) no. 2 of 2018.

3. A series of meetings were held with Registrars General of all High Courts and Law Secretaries of all State Governments / UTs *through* Video Conferencing in the month of January, 2018, July, 2018 and November,

2018 to follow up on filling up posts of Judicial Officers in District and Subordinate Courts. The Department of Justice has hosted a web-portal on its website for reporting and monitoring of sanctioned and working strength, and vacancies of Judicial Officers of District and Subordinate Courts on monthly basis.

4. In order to facilitate regular filling up of these vacancies in a smooth and time-bound manner, the Department of Justice *vide* its letter dated 28th April, 2017 suggested creation of a Central Selection Mechanism to the Hon'ble Supreme Court. The Hon'ble Supreme Court *suo motu* converted the Government's suggestions into a writ petition on 09th May, 2017 and directed all State Governments (including Union Territories) to file their responses and suggestions by way of affidavits. The above matter is *subjudice* at present.