

GOVERNMENT OF INDIA  
MINISTRY OF LAW AND JUSTICE  
DEPARTMENT OF JUSTICE

**LOK SABHA**  
**UNSTARRED QUESTION NO. 3612**

**TO BE ANSWERED ON WEDNESDAY, THE 02.01.2019**

**Vacancies in Higher Judiciary**

3612. SHRI M.K. RAGHAVAN:

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

- a) the total number of vacancies in the higher judiciary including those in the Supreme Court as well as High Courts, court-wise;
- b) the steps being taken to fill these vacancies of judges in all the courts and the timeframe drawn for it;
- c) whether it is also a fact that lower judiciary are highly understaffed if so, the steps taken in this regard;
- d) whether there is any proposal to undertake a national level appointment to fill the vacant posts of judicial officers; and
- e) if so, the reactions of various States in this regard and the progress made so far?

**ANSWER**

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

(a) : A statement showing the sanctioned strength, working strength and vacancies of Judges in the Supreme Court and the High Courts as on 28.12.2018 is at **Annexure.**

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

Under the Constitutional framework, the selection and appointment of Judges in Subordinate Courts is the responsibility of the High Courts and State Governments concerned.

(c) to (e): 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.

In September, 2016, the 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 and the same was reiterated in May, 2017. In August, 2018, in the context of increasing pendency of cases, the Union Minister of Law & Justice wrote 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.

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 28<sup>th</sup> 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 09<sup>th</sup> 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.

The filling up of vacancies is also being monitored by the Supreme Court in a suo-motu Writ Petition (Civil) no. 2 of 2018. 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 January, 2018, July, 2018 and November, 2018 as a follow up to fill 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.

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**Annexure**

**Statement referred to in reply to part (a) of Lok Sabha Unstarred Question No. 3612 for 02.01.2019 regarding Vacancies in Higher Judiciary**

**(As on 28.12.2018)**

<b>Sl. No.</b>	<b>Name of the Court</b>	<b>Approved Strength</b>	<b>Working Strength</b>	<b>Vacancies</b>
<b>A</b>	<b>Supreme Court of India</b>	<b>31</b>	<b>27</b>	<b>04</b>
<b>B</b>	<b>High Court</b>			
1	Allahabad	160	109	51
2	Telangana & Andhra Pradesh	61	27	34
3	Bombay	94	71	23
4	Calcutta	72	37	35
5	Chhattisgarh	22	15	07
6	Delhi	60	39	21
7	Gauhati	24	19	05
8	Gujarat	52	28	24
9	Himachal Pradesh	13	08	05
10	Jammu & Kashmir	17	09	08
11	Jharkhand	25	19	06
12	Karnataka	62	33	29
13	Kerala	47	38	09
14	Madhya Pradesh	53	35	18
15	Madras	75	61	14
16	Manipur	05	03	02
17	Meghalaya	04	03	01
18	Orissa	27	14	13
19	Patna	53	28	25
20	Punjab & Haryana	85	55	30
21	Rajasthan	50	25	25
22	Sikkim	03	03	0
23	Tripura	04	03	01
24	Uttarakhand	11	09	02
<b>Total</b>		<b>1079</b>	<b>691</b>	<b>388</b>

