

GOVERNMENT OF INDIA
MINISTRY OF LAW & JUSTICE
DEPARTMENT OF JUSTICE

LOK SABHA

UNSTARRED QUESTION NO. †374

TO BE ANSWERED ON WEDNESDAY, THE 12th DECEMBER, 2018.

Vacancy in Lower Courts

†374. SHRI PANKAJ CHAUDHARY:

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

- (a) the State-wise details of the vacant posts of judges in lower courts of the country;
- (b) whether the process of filling the vacant posts of judges is going on;
- (c) if so, the time by which this process is expected to be completed; and
- (d) whether the Government is likely to take any measure to fill the vacant posts of the judges at the earliest keeping in mind the large number of pending cases across the country?

ANSWER

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

(a) to (d): State-wise details of the vacant posts of Judges in District and Subordinate Courts, as received from High Courts and State Governments, are given in the Statement at **Annexure**. 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, in certain States recruitment is done by the High Courts, whereas in other States, the recruitment is done by High Courts in consultation with State Public Service Commission

In Malik Mazhar case, the Supreme Court has devised a process and time frame to be followed for 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. Central Government has no role in filling vacant posts of judges in subordinate judiciary.

Statement referred to Lok Sabha Un-starred Question No. †374 for reply on
12.12.2018 regarding Vacancy in Lower Courts

Vacant Posts of Judges in District and Subordinate Courts as on 30.09.2018.

| Sr. No. | Name of State / UT | Vacant Posts |
|--------------|------------------------------|--------------|
| 1 | Uttar Pradesh | 1,188 |
| 2 | Bihar | 622 |
| 3 | Madhya Pradesh | 511 |
| 4 | Gujarat | 356 |
| 5 | Delhi | 258 |
| 6 | Tamilnadu | 238 |
| 7 | Karnataka | 231 |
| 8 | Rajasthan | 229 |
| 9 | Jharkhand | 216 |
| 10 | Maharashtra | 167 |
| 11 | Haryana | 162 |
| 12 | Odisha | 156 |
| 13 | Punjab | 144 |
| 14 | Andhra Pradesh and Telangana | 97 |
| 15 | Jammu & Kashmir | 86 |
| 16 | West Bengal | 75 |
| 17 | Kerala | 63 |
| 18 | Uttarakhand | 59 |
| 19 | Meghalaya | 58 |
| 20 | Chhattisgarh | 55 |
| 21 | Assam | 47 |
| 22 | Tripura | 40 |
| 23 | Mizoram | 21 |
| 24 | Manipur | 15 |
| 25 | Himachal Pradesh | 10 |
| 26 | Goa | 8 |
| 27 | Nagaland | 7 |
| 28 | Puducherry | 7 |
| 29 | Arunachal Pradesh | 5 |
| 30 | Sikkim | 4 |
| 31 | Andaman & Nicobar Islands | 0 |
| 32 | Chandigarh | 0 |
| 33 | Daman and Diu | 0 |
| 34 | Dadra and Nagar Haveli | 0 |
| 35 | Lakshadweep | 0 |
| Total | | 5,135 |
