

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

LOK SABHA

UNSTARRED QUESTION NO. 1925

TO BE ANSWERED ON WEDNESDAY, THE 03RD JULY, 2019.

Vacant Posts in Lower Judiciary

**1925. SHRI RAM MOHAN NAIDU KINJARAPU:
SHRI RAMDAS C. TADAS:
SHRI SANTOKH SINGH CHAUDHARY:**

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

- (a) whether a large number of posts in lower judiciary are lying vacant in the country and is having an adverse impact on the justice delivery system and if so, the details thereof and the reaction of the Government thereto;**
- (b) whether the Government has taken steps to fill these vacancies immediately and if so, the details thereof and if not, the reasons therefor;**
- (c) whether the Government has conducted any survey regarding the time required for disposal of all cases pending in the lower courts of the country with the help of the existing infrastructure and if so, the details thereof; and**
- (d) the steps taken / being taken by the Government to expand infrastructure for quick disposal of the pending cases in case the delivery of justice is being delayed due to the existing infrastructure?**

ANSWER

**MINISTER OF LAW AND JUSTICE, COMMUNICATIONS AND ELECTRONICS &
INFORMATION TECHNOLOGY
(SHRI RAVI SHANKAR PRASAD)**

(a) & (b) : As per the information made available by State Governments / High Courts on the web-portal hosted on the website of Department of Justice, sanctioned and working strength of Judicial Officers in District and Subordinate Courts are 21,340 and 17,757 respectively, leaving 3,583 posts of Judicial Officers of District and Subordinate Courts vacant.

As per the Constitutional framework, the selection and appointment of judges in subordinate courts is the responsibility of High Court and State Government concerned. However, following steps have been taken by the Government to facilitate filling of vacancies in lower judiciary:-

- (i) 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.
- (ii) The filling up of vacancies is also being monitored by the Supreme Court in a *suo-motu* Writ Petition (Civil) No. 2 of 2018.
- (iii) A series of meetings were held by Secretary, Department of Justice 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.
- (iv) 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.
- (v) 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 to the Supreme Court Registry.

(c) & (d): No time frame has been prescribed for disposal of various kinds of cases by the respective courts. Government has no role in disposal of cases in courts. The number of cases pending in the Supreme Court as on 24.06.2019 is 59,331. The number of cases pending in the High Courts is 43.58 lakhs as on 27.06.2019 and the number of cases pending the district and subordinate courts is 3.10 crore as on 27.06.2019. Disposal of cases in courts is within the domain of the judiciary. The time taken for disposal of a case depends on several factors such as category of the case (civil or criminal), complexity of the facts involved, nature of evidence, co-operation of stake-holders *viz.* bar, investigation

agencies, witnesses and litigants besides the availability of physical infrastructure, supporting court staff and applicable rules of procedure. It is the primary responsibility of the State Governments to provide Judicial Infrastructure / Court Rooms for High Courts and District / Subordinate Courts. The Union Government has been implementing a Centrally Sponsored Scheme (CSS) for Development of Infrastructure Facilities for Judiciary by providing financial assistance to State Governments / UTs in the prescribed fund sharing pattern between Centre and States. The Scheme is being implemented since 1993-94. It covers the construction of court halls and court complexes and residential accommodations for Judicial Officers of District and Subordinate Judiciary. As on date, Rs.6,986.50 crores have been released since the inception of the Centrally Sponsored Scheme (CSS) for Development of Infrastructure Facilities for Judiciary in 1993-94. Out of this, 3,542.20crores (which are 50.70% of the total amount released till date) have been released to the States and UTs since April, 2014. The number of court halls has increased from 15,818 as on 30.06.2014 to 19,101 as on date and number of residential units has increased from 10,211 as on 30.06.2014 to 16,777 as on date under this scheme. In addition, 2,879 court halls and 1,886 residential units are under construction. The Central Government has approved continuation of the Scheme beyond the 12th Five Year Plan period *i.e.* from 01.04.2017 to 31.03.2020 with an estimated additional outlay of Rs.3,320 crore.
