

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

LOK SABHA

UNSTARRED QUESTION NO. †2835

TO BE ANSWERED ON WEDNESDAY, THE 10TH JULY, 2019.

Reservation in Judicial Recruitment

†2835. SHRI KAPIL MORESHWAR PATIL:

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

- (a) whether there is any provision of reservation for various categories such as SCs/STs and OBCs in judicial recruitment;**
- (b) if so, the details thereof;**
- (c) the category-wise number of such posts lying vacant in the courts;**
- (d) the steps taken / being taken by the Government for filling these vacancies in a time bound manner;**
- (e) whether the suggestions from various parties have been received for providing reservation in higher judicial recruitment and accordingly carry out amendment in the constitution of India is being carried out;**
- (f) if so, the details thereof; and**
- (g) the follow up action taken in this regard?**

ANSWER

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

(a) to (d): Under Article 235 of the Constitution of India, the administrative control over the members of district and subordinate judiciary in the States vest with the concerned High Court. Further, in exercise of powers conferred under proviso to Article 309 read with Articles 233 and 234 of the Constitution, the respective State Government, in consultation with the High Court, frames the Rules and Regulations regarding the issues of appointment, promotion, reservations *etc.* of Judicial Officers in the State Judicial Service. Therefore, Central Government has no role in this regard. As per 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 23,235 and 17,785 respectively, leaving 5,450 posts of Judicial Officers of District and Subordinate Courts vacant. State-wise list is at ***Annexure***.

The 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.

Appointment of Judges of the Supreme Court and High Courts is made under Article 124 and 217 of the Constitution of India respectively. These Articles do not provide for reservation for any caste or class of persons. The Government has, however, been requesting the Chief Justices of the High Courts that while sending their recommendations for appointment of Judges in respective High Courts, due consideration be given to suitable candidates belonging to Schedule Castes, Schedule Tribes, Other Backward

Classes, Minorities and Women. Suggestions / representations from various quarters for providing reservations in Judicial Appointments are received from time to time.

(e) to (g) : There is no proposal at present to amend the Constitution so as to provide reservations in Appointments of Judges in Supreme Court and High Courts.

Statement referred to Lok Sabha Unstarred Question No. 2835 for reply on 10th July, 2019 regarding Reservation in Judicial Recruitment.

Sanctioned / Working Strength and Vacancies of Judicial Officers in District and Subordinate Courts (As on 04.07.2019)

| Sr. No. | Name of State / UT | Sanctioned Strength | Working Strength | Vacancies |
|--------------------|---------------------|---------------------|------------------|--------------|
| 1 | Andaman and Nicobar | 12 | 12 | 0 |
| 2 | Andhra Pradesh | 597 | 537 | 60 |
| 3 | Arunachal Pradesh | 32 | 26 | 6 |
| 4 | Assam | 430 | 344 | 86 |
| 5 | Bihar | 1847 | 1174 | 673 |
| 6 | Chandigarh | 30 | 30 | 0 |
| 7 | Chhattisgarh | 468 | 397 | 71 |
| 8 | D & N Haveli | 3 | 3 | 0 |
| 9 | Daman & Diu | 4 | 3 | 1 |
| 10 | Delhi | 758 | 535 | 223 |
| 11 | Goa | 50 | 44 | 6 |
| 12 | Gujarat | 1506 | 1135 | 371 |
| 13 | Haryana | 658 | 485 | 173 |
| 14 | Himachal Pradesh | 167 | 154 | 13 |
| 15 | Jammu and Kashmir | 312 | 233 | 79 |
| 16 | Jharkhand | 676 | 453 | 223 |
| 17 | Karnataka | 1307 | 1104 | 203 |
| 18 | Kerala | 537 | 465 | 72 |
| 19 | Lakshadweep | 3 | 3 | 0 |
| 20 | Madhya Pradesh | 2021 | 1524 | 497 |
| 21 | Maharashtra | 2147 | 2025 | 122 |
| 22 | Manipur | 55 | 40 | 15 |
| 23 | Meghalaya | 97 | 39 | 58 |
| 24 | Mizoram | 64 | 46 | 18 |
| 25 | Nagaland | 33 | 27 | 6 |
| 26 | Odisha | 917 | 737 | 180 |
| 27 | Puducherry | 26 | 11 | 15 |
| 28 | Punjab | 675 | 588 | 87 |
| 29 | Rajasthan | 1348 | 1130 | 218 |
| 30 | Sikkim | 25 | 19 | 6 |
| 31 | Tamil Nadu | 1174 | 887 | 287 |
| 32 | Telangana | 413 | 341 | 72 |
| 33 | Tripura | 120 | 88 | 32 |
| 34 | Uttar Pradesh | 3416 | 1989 | 1427 |
| 35 | Uttarakhand | 293 | 228 | 65 |
| 36 | West Bengal | 1014 | 929 | 85 |
| Grand Total | | 23,235 | 17,785 | 5,450 |
