

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

LOK SABHA

UNSTARRED QUESTION NO. 413

ANSWERED ON 03/02/2023

Vacancies in Allahabad High Court

413. SHRI KALYAN BANERJEE:

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

- (a) whether Allahabad High Court has top ranking in having an all time high vacancies and shortage of judges in the country;
- (b) if so, the time by which the vacancies of all judges of Supreme Court and High Courts in the country are likely be on full strength; and
- (c) the reason behind continuously having 30 percent monthly average vacancies of judges in the High Courts out of total 1108 sanctioned strengths thereof and action taken by Government thereon?

ANSWER

MINISTER OF LAW AND JUSTICE

(SHRI KIREN RIJJU)

(a) to (c) : Allahabad High Court, is the biggest High Court in terms of sanctioned strength of Judges and also has highest working strength, among all High Courts. As on 01.02.2023, the Allahabad High Court has a sanctioned strength of 160 judges, against which 96 judges are working, leaving 64 vacancies.

While 27 proposals recommended by High Court Collegium of Allahabad High Court for appointment of Judges are under various stages of processing, the recommendation in respect of 37 vacancies is yet to be received from the Allahabad High Court Collegium.

Judges in the High Courts are appointed as per the procedure laid down in the Memorandum of Procedure (MoP) prepared in 1998 pursuant to the Supreme Court Judgment of October 6, 1993 (Second Judges case) read with their Advisory Opinion of October 28, 1998 (Third Judges case). As per MoP, initiation of proposal for appointment of Judges in the High Courts vests with the Chief Justice of the concerned High Court. Chief Justice of the High Court is required to initiate the proposal to fill up of vacancy of a High Court Judge six months prior to the occurrence of vacancy. However, this timeline is often not adhered to by the High Courts.

In the year 2022, 3 judges were appointed in the Supreme Court and 165 judges were appointed in the High Courts.

In the case of Supreme Court, as on 01.02.2023, against the sanctioned strength of 34 Judges, 27 Judges are working and recommendation for appointment of 7 judges has been received from the Supreme Court Collegium recently.

As on 01.02.2023, against the sanctioned strength of 1108 judges in the High Courts, 775 judges are working and 333 post of Judges are vacant in the High Courts. Against these vacancies 142 proposals recommended by the High Court Collegiums (HCC) are at various stages of processing and recommendations against 191 vacancies in the High Courts are yet to be received from the High Court Collegiums. As per the MoP, proposal for appointment of a judge in the High Court is initiated by the Chief Justice of the High Courts who is required to make recommendation as early as possible but at least 6 months before the date of occurrence of the vacancy.

While filling up of vacancies in the High Courts is a continuous, integrated and collaborative process requiring consultation and approval from various constitutional authorities, vacancies keep on arising on account of retirement, resignation or elevation of Judges. Government is committed to filling up of vacancy expeditiously in time-bound manner.