

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

LOK SABHA

UNSTARRED QUESTION NO. 3843

TO BE ANSWERED ON WEDNESDAY, 11th DECEMBER, 2019.

Shortage of Judges

**3843. SHRI SHANMUGA SUNDARAM K:
SHRI HARISH DWIVEDI:
SHRI PRATAPRAO PATIL CHIKHLIKAR:**

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

- (a) whether there is an acute shortage of judges from lower courts to the Supreme Court in the country resulting in difficulty in delivering justice and if so, the details of the shortage pertaining to vacancies in all courts in the country including Tamil Nadu;**
- (b) whether the Government has taken steps and fixed any time limit to fill the vacancies to address the shortage of judges and if so, the details thereof;**
- (c) whether the Government is having any specific proposal to bring the Court Management System in a transparent manner and if so, the details thereof; and**
- (d) the number of male and female judges in the Supreme Court and various High Courts at present and the number of Scheduled Caste/Scheduled Tribe Judges out of the total judges?**

ANSWER

**MINISTER OF LAW AND JUSTICE, COMMUNICATIONS AND ELECTRONICS &
INFORMATION TECHNOLOGY**

(SHRI RAVI SHANKAR PRASAD)

(a): As per the information made available by High Courts on the MIS web-portal of the Department of Justice, the sanctioned strength, working strength and vacancies of Judicial Officers in District and Subordinate Courts, State/UT-wise, including the State of Tamil Nadu, as on 05.02.2019, is given in **Annexure I**. A statement showing vacancies in the Supreme Court and High Courts, including the Madras High Court, as on 01.12.2019 is given in **Annexure II**.

(b): As per the Memorandum of Procedure for appointment and transfer of Chief Justices and Judges of High Court, the Chief Justice of the High Court is required to initiate the proposals for filling up of vacancies of Judges in the High Court six months prior to the occurrence of vacancies. However, this timeline is rarely adhered to. Filling up of vacancies in High Courts is a continuous, integrated and collaborative process between the Executive and the Judiciary. It requires consultation and approval from various Constitutional Authorities both at the State and Centre level. While every effort is made to fill up the existing vacancies expeditiously, vacancies do keep on arising on account of retirement, resignation or elevation of Judges and increase in Judge Strength. Due to combined efforts of Government and Judiciary, 126 Judges in 2016, 115 Judges in 2017, 108 Judges in 2018 and 72 Judges in 2019 (as on 05.12.2019) have been appointed in High Courts.

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. However, the Union Government, on its part, has been taking up the matter of filling up of vacant positions in District & Subordinate Courts with the States and High Courts. In August, 2018, Union Minister of Law & Justice has written to all Chief Justices of High Courts to monitor status of vacancies regularly and to ensure proper coordination with State Public Service Commission to fill up vacant posts stipulated by Supreme Court in Malik Mazhar Sultan case. In addition, 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, November, 2018 and September, 2019 to follow up on filling up posts of Judicial Officers in District and Subordinate Courts. Department of Justice has hosted a MIS 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. Sanctioned and working strength of Judicial Officers in District and Subordinate Courts has been increased as follows:

As on	Sanctioned Strength	Working Strength
31.12.2013	19,518	15,115
05.12.2019	23,597	18,144

(c): The Supreme Court of India with an objective to revisit and implement the recommendations of Law Commission of India in its various reports to promote Court Management, Case Management and improve Administration of Justice, established the scheme of National Court Management Systems (NCMS) in 2012 for enhancing timely justice under overall control of Chief Justice of India. A National Court Management System Committee (NCMS Committee) was constituted by the Supreme Court to facilitate development of policy initiative in order to reform and strengthen the judicial system and enhance quality, responsiveness and timely of judicial administration. The Policy and Action Plan of the NCMS provides for proposals to be developed by the NCMS Committee on setting measurable performance standards for courts, adoption of case management systems, standardization of judicial data and statistics and adoption of human resource plan for courts. The plan, *inter-alia*, outlines a broad framework for case management, which includes settling issues, encouraging parties to resort to Alternate Dispute Resolution, extensive use of Order X of Code of Civil Procedure, 1908 in civil matters and fixing a time schedule for resolution of cases. However, it was left open to High Courts to implement the recommendations relating to case management. All High Courts have constituted State Court Management System (SCMS) Committee to do similar exercise at the State Level. Similarly, District Court Management System Committee has been constituted at the District level.

(d): Appointment of Judges of the Supreme Court and High Courts is made under Article 124 and 217 of the Constitution which does not provide for reservation for any caste or class of persons. Therefore, no caste or class wise data of Judges is maintained. However, the Government has been requesting the Chief Justices of the High Courts that while sending proposals for appointment of Judges, due consideration be given to suitable candidates belonging to Scheduled Castes, Scheduled Tribes, Other Backward Classes, women and Minorities. The number of women Judges working in the Supreme Court is three (3). High Court wise position in respect of Women Judges is given in **Annexure III.**

**Sanctioned Strength / Working Strength and vacancies in District & Subordinate
Courts as on 05.12.2019**

Sr. No.	Name of State / UT	Total Sanctioned Strength	Total Working Strength	Total Vacancy
1	Andaman and Nicobar	0	13	-13
2	Andhra Pradesh	597	529	68
3	Arunachal Pradesh	41	27	14
4	Assam	441	412	29
5	Bihar	1847	1152	695
6	Chandigarh	30	29	1
7	Chhattisgarh	468	394	74
8	D & N Haveli	3	3	0
9	Daman & Diu	4	3	1
10	Delhi	799	680	119
11	Goa	50	43	7
12	Gujarat	1506	1185	321
13	Haryana	772	475	297
14	Himachal Pradesh	175	152	23
15	Jammu and Kashmir	290	232	58
16	Jharkhand	677	462	215
17	Karnataka	1345	1106	239
18	Kerala	536	461	75
19	Lakshadweep	3	3	0
20	Madhya Pradesh	2021	1504	517
21	Maharashtra	2189	1942	247
22	Manipur	55	39	16
23	Meghalaya	97	49	48
24	Mizoram	64	46	18
25	Nagaland	33	25	8
26	Odisha	919	771	148
27	Puducherry	26	11	15
28	Punjab	675	579	96
29	Rajasthan	1428	1121	307
30	Sikkim	25	19	6
31	Tamil Nadu	1224	1087	137
32	Telangana	413	334	79
33	Tripura	120	96	24
34	Uttar Pradesh	3416	2012	1404
35	Uttarakhand	294	228	66
36	West Bengal	1014	920	94
	TOTAL	23597	18144	5453

Sanctioned strength, Working Strength and Vacancies of Judges in the Supreme Court of India and High Courts (As on 01.12.2019)

Sl. No.	Name of the Court	Sanctioned Strength			Working Strength			Vacancies		
A.	Supreme Court of India	34			33			01		
B.	High Court	Pmt.	Addl	Total	Pmt.	Addl	Total	Pmt.	Addl	Total
1.	Allahabad	76	84	160	69	31	100	07	53	60
2.	Andhra Pradesh	28	09	37	15	0	15	13	09	22
3.	Bombay	71	23	94	56	09	65	15	14	29
4.	Calcutta	54	18	72	22	18	40	32	0	32
5.	Chhattisgarh	17	05	22	11	04	15	06	01	07
6.	Delhi	45	15	60	37	0	37	08	15	23
7.	Gauhati	18	06	24	15	06	21	03	0	03
8.	Gujarat	39	13	52	28	0	28	11	13	24
9.	Himachal Pradesh	10	03	13	09	01	10	01	02	03
10.	Jammu & Kashmir	13	04	17	08	0	08	05	04	09
11.	Jharkhand	19	06	25	14	05	19	05	01	06
12.	Karnataka	47	15	62	19	21	40	28	-06	22
13.	Kerala	35	12	47	27	05	32	08	07	15
14.	Madhya Pradesh	40	13	53	31	0	31	09	13	22
15.	Madras	56	19	75	45	09	54	11	10	21
16.	Manipur	04	01	05	04	0	04	0	01	01
17.	Meghalaya	03	01	04	03	0	03	0	01	01
18.	Orissa	20	07	27	14	0	14	06	07	13
19.	Patna	40	13	53	27	0	27	13	13	26
20.	Punjab & Haryana	64	21	85	39	17	56	25	04	29
21.	Rajasthan	38	12	50	21	0	21	17	12	29
22.	Sikkim	03	0	03	03	0	03	0	0	0
23.	Telangana	18	06	24	12	01	13	06	05	11
24.	Tripura	04	0	04	03	0	03	01	0	01
25.	Uttarakhand	09	02	11	09	01	10	0	01	01
Total		771	308	1079	541	128	669	230	180	410

High Court wise position in respect of Women Judges

Sl. No.	Name of the High Court	Women Judges
1	Allahabad	06
2	Andhra Pradesh	03
3	Bombay	08
4	Calcutta	06
5	Chhattisgarh	02
6	Delhi	08
7	Gauhati	01
8	Gujarat	04
9	Himachal Pradesh	01
10	High Court for Union territory of Jammu & Kashmir and Union territory of Ladakh	02
11	Jharkhand	01
12	Karnataka	04
13	Kerala	04
14	Madhya Pradesh	03
15	Madras	09
16	Manipur	00
17	Meghalaya	00
18	Orissa	01
19	Patna	01
20	Punjab& Haryana	10
21	Rajasthan	01
22	Sikkim	01
23	Telangana	01
24	Tripura	00
25	Uttarakhand	00
	Total	77
