

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

LOK SABHA

**UNSTARRED QUESTION NO.1600
TO BE ANSWERED ON WEDNESDAY, THE 28TH JULY, 2021**

SHORTAGE OF JUDGES

1600. SHRI BENNY BEHANAN:

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

- (a) whether the Government has made any assessment regarding the shortage of judges and vacant posts in the courts of the country and if so, the details thereof, State-wise;**
- (b) whether the process of recruitment has started against the said vacancies during the last three years and if so, the details thereof, State-wise; and**
- (c) whether any assessment is made regarding the number of such vacant posts in Kerala and if so, the details thereof?**

ANSWER

MINISTER OF LAW AND JUSTICE

(SHRI KIREN RIJJU)

(a) & (b): As per the Memorandum of Procedure, for the appointment of Judges of High Courts, the Chief Justice of the High Court is required to initiate the proposals in consultation with two senior-most Judges from amongst the eligible candidates from the Bar and concerned State Judicial Service six months prior to the occurrence of vacancies.

Filling up of vacancies in the 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. Every effort is made to expedite the process of appointment of

Judges following the due procedure. A statement showing the vacancy position and appointments made during last 03 calendar years in respect of Supreme Court of India and High Courts is at *Annexure-I*.

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 issue of appointment, promotion, reservations and retirement of Judicial Officers in the State Judicial Service. Hence, in so far as recruitment of judicial officers in the States is concerned, respective High Courts do it in certain States, whereas the High Courts do it in consultation with the State Public Service Commissions in other States.

The Union Government does not have a role under the Constitution in the selection and appointment of judicial officers in District/ subordinate judiciary. The Supreme Court, in its orders of 04th January, 2007 in Malik Mazhar case, has devised a process and time frame to be followed for the filling up of vacancies in subordinate judiciary which 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.

Further, in compliance of the above directions of the Supreme Court, Department of Justice forwarded a copy of the Malik Mazhar judgement to Registrars General of all High Courts for necessary action. Department of Justice is writing

from time to time to Registrars General of all High Courts to expedite the filling up of vacancies in subordinate judiciary mandated by Malik Mazhar case. A statement showing the sanctioned strength, working strength and vacancy position of Judicial Officers, State-wise, is at ***Annexure-II***.

(c): The approved Judge strength of the Kerala High Court as on date is 47. Presently, 37 Judges (including 4 Judges from other High Courts) are functioning in the Kerala High Court. Thus a total of 10 vacancies is existing in Kerala High Court. As per the information made available by High Courts on MIS portal of Department of Justice, as against the sanctioned strength of 541 Judicial Officers in Kerala, there are 464 Judicial Officers in position and 77 vacancies as on date.

STATEMENT REFERRED TO IN REPLY TO PARTS (A) & (B) OF LOK SABHA UNSTARRED QUESTION NO. 1600 FOR ANSWER ON 28.07.2021 REGARDING SHORTAGE OF JUDGES

Sl. No.	Name of Court	Vacancies of Judges as on 20.07.2021	Appointments made during the calendar years		
			2018	2019	2020
A.	Supreme Court of India	08	08	10	-
B.	High Court				
1	Allahabad	66	28	10	04
2	Andhra Pradesh	18	-	02	07
3	Bombay	31	04	11	04
4	Calcutta	41	11	06	01
5	Chhattisgarh	08	04	-	-
6	Delhi	30	05	04	-
7	Gauhati	04	02	04	-
8	Gujarat	24	04	03	07
9	Himachal Pradesh	03	-	02	-
10	J & K and Ladakh	06	02	-	05
11	Jharkhand	10	03	02	-
12	Karnataka	15	12	10	10
13	Kerala	10	04	01	06
14	Madhya Pradesh	24	08	02	-
15	Madras	17	08	01	10
16	Manipur	0	-	-	01
17	Meghalaya	0	01	01	-
18	Orissa	14	01	01	02
19	Patna	34	-	04	-
20	Punjab& Haryana	39	07	10	01
21	Rajasthan	27	-	03	06
22	Sikkim	0	-	-	-
23	Telangana	28	-	03	01
24	Tripura	01	01	-	01
25	Uttarakhand	04	03	01	-
Total		454	108	81	66

STATEMENT REFERRED TO REPLY TO PART (A) & (B) OF LOK SABHA UNSTARRED QUESTION NO. 1600 FOR ANSWER ON 17.03.2021 REGARDING SHORTAGE OF JUDGES

Sl. No	States & Uts	2018			2019			2020			2021 (As on 22.07.2021)		
		Sanctioned Strength	Working Strength	Vacancy	Sanctioned Strength	Working Strength	Vacancy	Sanctioned Strength	Working Strength	Vacancy	Sanctioned Strength	Working Strength	Vacancy
1	Andaman and Nicobar	11	11	0	0	13	-13	0	13	-13	0	13	-13
2	Andhra Pradesh	494	445	49	597	529	68	607	510	97	607	494	113
3	Arunachal Pradesh	30	25	5	41	27	14	41	32	9	41	32	9
4	Assam	430	383	47	441	412	29	466	412	54	467	410	57
5	Bihar	1845	1205	640	1925	1149	776	1936	1433	503	1936	1403	533
6	Chandigarh	30	30	0	30	29	1	30	26	4	30	27	3
7	Chhattisgarh	452	397	55	468	394	74	481	387	94	482	419	63
8	D & N Haveli	3	3	0	3	3	0	3	2	1	3	2	1
9	Daman & Diu	4	4	0	4	3	1	4	4	0	4	4	0
10	Delhi	799	541	258	799	681	118	799	649	150	862	679	183
11	Goa	50	42	8	50	43	7	50	40	10	50	40	10
12	Gujarat	1506	1150	356	1521	1185	336	1521	1152	369	1523	1138	385
13	Haryana	651	489	162	772	475	297	772	493	279	772	488	284
14	Himachal Pradesh	159	149	10	175	153	22	175	161	14	175	161	14
15	Jammu and Kashmir	310	224	86	290	232	58	296	255	41	296	251	45
16	Jharkhand	676	460	216	677	461	216	675	544	131	675	530	145
17	Karnataka	2614	2181	433	1345	1106	239	1357	1071	286	1328	1062	266
18	Kerala	496	433	63	536	457	79	538	470	68	541	464	77
19	Ladakh	0	0	0	0	0	0	16	8	8	16	9	7
20	Lakshadweep	3	3	0	3	3	0	3	3	0	3	2	1
21	Madhya Pradesh	1872	1361	511	2021	1620	401	2021	1610	411	2021	1586	435
22	Maharashtra	2011	1844	167	2189	1942	247	2190	1940	250	2190	1940	250
23	Manipur	55	40	15	55	39	16	54	36	18	59	43	16
24	Meghalaya	97	39	58	97	49	48	97	49	48	97	49	48
25	Mizoram	67	46	21	64	46	18	64	43	21	64	43	21
26	Nagaland	33	26	7	33	25	8	33	26	7	33	26	7

27	Odisha	911	755	156	919	770	149	950	756	194	957	749	208
28	Puducherry	26	19	7	26	11	15	26	11	15	26	11	15
29	Punjab	674	530	144	675	579	96	692	593	99	692	589	103
30	Rajasthan	1337	1108	229	1428	1121	307	1489	1292	197	1540	1283	257
31	Sikkim	23	19	4	25	19	6	25	20	5	25	20	5
32	Tamil Nadu	1143	905	238	1255	1080	175	1298	1049	249	1312	1041	271
33	Telangana	493	445	48	413	334	79	474	378	96	474	378	96
34	Tripura	115	75	40	120	96	24	120	97	23	121	97	24
35	Uttar Pradesh	3225	2037	1188	3416	2578	838	3634	2581	1053	3634	2581	1053
36	Uttarakhand	293	234	59	294	228	66	297	255	42	298	254	44
37	West Bengal	1013	938	75	1014	918	96	1014	918	96	1014	918	96
	TOTAL	23951	18596	5355	23721	18810	4911	24247	19319	4928	24368	19236	5132

