

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

**LOK SABHA**

**UNSTARRED QUESTION NO. †3295**

**TO BE ANSWERED ON FRIDAY, THE 17.12.2021**

**Vacant Posts of Judges**

**†3295. SHRI KANAKMAL KATARA:  
SHRIMATI KESHARI DEVI PATEL:  
SHRI TALARI RANGAIAH:**

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

- (a) whether the Government has taken note of the vacant posts of Judges in High Court and other courts in the country, if so, the details thereof;
- (b) the steps taken by the Government to fill up the said vacant posts of Judges;
- (c) whether the Government has proposed a plan to fill up such vacancies in a stipulated time period, if so, the details thereof;
- (d) whether delay is being caused in disposal of cases due to posts of Judges lying vacant, if so, the details thereof;
- (e) whether the Government proposes to fix any time limit to dispose of these cases at the earliest; and
- (f) if so, the details thereof and if not, the reasons therefor?

**ANSWER**

**MINISTER OF LAW AND JUSTICE  
(SHRI KIREN RIJJU)**

(a) to (c) : Judges of the Supreme Court of India and 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 Supreme Court vests with the Chief Justice of India, while 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.

As on 14.12.2021, there is 01 post of Judge vacant in the Supreme Court of India and 404 posts of Judges are vacant in the High Courts. Recommendations received in respect of 167 vacancies for appointment as Judges in various High Courts are at various stages of processing between the SCC and Government while recommendations for 237 vacancies are yet to be received from the respective High Courts Collegiums. 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. A Statement showing details of vacancies of judges in the Supreme Court and High Courts as on 14.12.2021 is at **Annexure**.

As per constitutional framework, the selection and appointment of Judges in Subordinate Courts is the responsibility of the concerned High Courts and State Governments.

(d) to (f) : Disposal of pending cases in courts is within the domain of the judiciary. 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 Central Government is fully committed to speedy disposal of cases in accordance with Article 21 of the Constitution and reducing pendency.

It may be mentioned that the pendency of cases in courts is not only due to shortage of judges in High Courts but also due to various other factors like (i) increase in number of state and central legislations, (ii) accumulation of first appeals, (iii) continuation of ordinary civil jurisdiction in some of the High Courts, (iv) appeals against orders of quasi-judicial forums going to High Courts, (v) number of revisions/appeals, (vi) frequent adjournments, (vii) indiscriminate use of writ jurisdiction, (viii) lack of adequate arrangement to monitor, tracking and bunching of cases for hearing, (ix) vacation period of Courts, (x) assigning work of administrative nature to the Judges, etc.

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**Annexure**

**Statement referred to in reply to parts (a) to (c) of Lok Sabha Unstarred Question No.†3295 due for answer on 17.12.2021 regarding “Vacant Posts of Judges”**

(As on 14.12.2021)

	<b>Court</b>	<b>Sanctioned Strength</b>	<b>Working Strength</b>	<b>Vacancies</b>
<b>A.</b>	<b>Supreme Court</b>	<b>34</b>	<b>33</b>	<b>01</b>
<b>B.</b>	<b>High Courts</b>			
1	Allahabad	160	94	66
2	Andhra Pradesh	37	20	17
3	Bombay	94	60	34
4	Calcutta	72	39	33
5	Chhattisgarh	22	13	09
6	Delhi	60	30	30
7	Gauhati	24	24	0
8	Gujarat	52	32	20
9	Himachal Pradesh	13	09	04
10	J & K and Ladakh	17	13	04
11	Jharkhand	25	20	05
12	Karnataka	62	45	17
13	Kerala	47	40	07
14	Madhya Pradesh	53	30	23
15	Madras	75	60	15
16	Manipur	05	05	0
17	Meghalaya	04	03	01
18	Orissa	27	18	09
19	Patna	53	26	27
20	Punjab& Haryana	85	50	35
21	Rajasthan	50	28	22
22	Sikkim	03	03	0
23	Telangana	42	19	23
24	Tripura	05	05	0
25	Uttarakhand	11	08	03
	<b>Total</b>	<b>1098</b>	<b>694</b>	<b>404</b>