

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

LOK SABHA

**UNSTARRED QUESTION NO. 478
TO BE ANSWERED ON FRIDAY, THE 4th FEBRUARY, 2022**

APPOINTMENT OF JUDGES

478. SHRI ARVIND DHARMAPURI:

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

- (a) the steps taken by the Government to increase the number of judges in the country;**
- (b) the reasons for the delay in appointment of judges;**
- (c) whether the Government has fixed any timeframe for fulfilling the commitment of appointment of a certain number of judges in the country;**
- (d) if so, the details thereof; and**
- (e) the total number of judges appointed in the last ten years court and year-wise?**

ANSWER

MINISTER OF LAW AND JUSTICE

(SHRI KIREN RIJJU)

(a) to (e): The Supreme Court (Number of Judges) Act, 1956 was amended to increase the sanctioned strength of Supreme Court of India from 30 to 33 (excluding CJI). The Supreme Court (Number of Judges) Amendment Act, 2019 came into force w.e.f. 09.8.2019. In the Joint Conference of Chief Justices and Chief Ministers held on 7.4.2013, a decision was taken to increase the number of Judges of the High Courts by 25%. Accordingly, Government has increased the Judge strength of the High Courts from 906 to 1098 i.e. by 192 posts, during the period from 01.07.2014 to 31.01.2022 with the approval of the respective State Governments, related High Courts and the Chief Justice of India. 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 the details of appointment of Judges for last ten years, High Court wise and year-wise, is enclosed herewith as *Annexure*.

As regards district and subordinate courts, 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 Governments, 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.

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. The sanctioned strength of judges in District and Subordinate Courts increased from 19,518 in the year 2014 to 24,514 as on 01.02.2022. 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. The filling up of vacancies is also being monitored by the Supreme Court in a *suo-motu* Writ Petition (Civil) No. 2 of 2018.

STATEMENT REFERRED TO IN REPLY TO PARTS (A) TO (E) OF LOK SABHA UNSTARRED QUESTION NO. 478 FOR ANSWER ON 04.02.2022 REGARDING APPOINTMENT OF JUDGES.**(As on 31.01.2022)**

S. No.	Court	No. of Judges appointed during									
		2012	2013	2014	2015	2016	2017	2018	2019	2020	2021
	Supreme Court	06	06	09	01	04	05	08	10	-	09
	High Courts										
1	Allahabad	14	09	13	05	20	31	28	10	04	17
2	Andhra Pradesh	02	16	-	-	01	10	-	02	07	02
3	Bombay	05	12	14	04	06	14	04	11	04	06
4	Calcutta	07	13	01	-	01	06	11	06	01	08
5	Chhattisgarh	-	03	02	-	03	03	04	-	-	03
6	Delhi	-	08	04	08	05	04	05	04	-	02
7	Gauhati	02	03	-	-	05	02	02	04	-	06
8	Gujarat	04	03	01	02	05	-	04	03	07	07
9	Himachal Pradesh	01	-	03	-	04	-	-	02	-	01
10	J & K and Ladakh	-	05	-	01	-	03	02	-	05	02
11	Jharkhand	01	02	03	-	04	02	03	02	-	04
12	Karnataka	01	05	05	-	05	02	12	10	10	06
13	Kerala	02	06	06	-	05	03	04	01	06	12
14	Madhya Pradesh	-	05	07	01	18	-	08	02	-	08
15	Madras	01	08	-	08	25	12	08	01	10	05
16	Manipur	-	-	01	-	01	-	-	-	01	-
17	Meghalaya	-	-	-	-	-	-	01	01	-	-
18	Orissa	01	05	03	-	-	-	01	01	02	04
19	Patna	01	-	04	-	06	06	-	04	-	06
20	Punjab & Haryana	05	09	14	-	01	08	7	10	01	06
21	Rajasthan	-	09	01	09	11	05	-	03	06	08
22	Sikkim	-	-	-	-	-	01	-	-	-	-
23	Telangana	-	-	-	-	-	-	-	03	01	07
24	Tripura	-	-	-	-	-	-	01	-	01	-
25	Uttarakhand	-	-	-	-	-	03	03	01	-	-
	Total	47	121	82	38	126	115	108	81	66	120