

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

LOK SABHA

UNSTARRED QUESTION NO. †512

TO BE ANSWERED ON FRIDAY, THE 04.02.2022

Vacancies in Rajasthan and Uttar Pradesh High Court

**†512.SHRIMATI KESHARI DEVI PATEL:
SHRI KANAKMAL KATARA:**

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

- (a) the sanctioned strength of judges in Rajasthan and Uttar Pradesh against actual strength thereof at present, district-wise including High Courts;
- (b) the steps taken to fill up the vacancies of the judges;
- (c) whether the Government proposes to fix any time limit for quick disposal of cases facing delay on account of vacancies of the judges;
- (d) if so, the details thereof and if not, the reasons therefor; and
- (e) whether any proposal sent for setting up a bench of High court in Udaipur has been received by the Central Government, if so, the details of the action/ taken thereon?

ANSWER

MINISTER OF LAW AND JUSTICE

(SHRI KIREN RIJJU)

(a) to (b): The sanctioned strength, working strength and vacancy position of Judges in respect of Rajasthan High Court and Allahabad High Court and

Judicial Officers in respect of district and subordinate courts of Rajasthan and Uttar Pradesh is as under :-

(as on 31.01.2022)

| Sl No. | High Courts | Sanctioned Strength | Working Strength | Vacancy |
|--|---------------|---------------------|------------------|---------|
| 1 | Rajasthan | 50 | 28 | 22 |
| 2 | Allahabad | 160 | 93 | 67 |
| District and Subordinate Courts | | | | |
| 1 | Rajasthan | 1549 | 1274 | 275 |
| 2 | Uttar Pradesh | 3634 | 2542 | 1092 |

As per the existing Memorandum of Procedure for appointment of Judges of High Courts, the Chief Justice of the High Court is required to initiate the proposal for filling up of vacancies of a Judge in a High Court six months prior to the occurrence of vacancies. Government appoints only those persons as Judges of High Courts who are recommended by Supreme Court Collegium (SCC). At present, against 22 vacancies in Rajasthan High Court, 04 proposals have been received from High Court Collegium (HCC) which are at various stages of processing while 18 proposals are yet to be received from HCC. As regards, 67 vacancies in Allahabad High Court, 27 proposals have been received from HCC which are at various stages of processing while 40 proposals are yet to be received.

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 of Judges in High Courts do keep on arising on account of retirement, resignation or elevation of Judges and also due to increase in the strength of Judges.

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.

(c) & (d): 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. Timely disposal of cases in courts depends on several factors which, inter-alia, include availability of adequate number of judges and judicial officers, supporting court staff and physical infrastructure, complexity of facts involved, nature of evidence, co-operation of stake holders viz. bar, investigation agencies, witnesses and litigants and proper application of rules and procedures. There are several other factors which may lead to delay in disposal of cases. These, inter-alia, include vacancies of judges, frequent adjournments and lack of adequate arrangement to monitor, track and bunch cases for hearing.

(e): It is stated that High Court Benches are established in accordance with the recommendations made by the Jaswant Singh Commission and judgment pronounced by the Apex Court in W.P. (C) No. 379 of 2000 and after due consideration of a complete proposal from the State Government which has to provide necessary expenditure and infrastructural facilities and the Chief Justice of the concerned High Court who is required to look after the day to day administration of the High Court. The proposal to be complete should also have the consent of the Governor of the concerned State. A representation in this regard was received from Shri Kankamal Katara, M.P. (Lok Sabha) to set up a Bench of Rajasthan High Court at Udaipur. Since at present, no complete proposal regarding setting up of a Bench of Rajasthan High

Court is pending with the Government, he has been kept apprised accordingly on 14.09.2021.
