

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

**LOK SABHA
UNSTARRED QUESTION NO. 5649
TO BE ANSWERED ON FRIDAY, THE 04TH APRIL, 2025**

SHORTAGE OF JUDGES IN COURTS

5649. SHRI JANARDAN SINGH SIGRIWAL:

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

- (a) whether the number of judges in the country is very low, if so, the details thereof along with the reasons therefor;
- (b) the corrective measures being taken by the Government in this regard;
- (c) whether the pending cases in courts have been on rise due to shortage of judges;
- (d) if so, the details thereof along with the measures being taken to address the said issue;and
- (e) whether the Government has any proposal to open Law Colleges for women in Bihar and if so, the details thereof, location-wise?

ANSWER

**MINISTER OF STATE (INDEPENDENT CHARGE) OF THE
MINISTRY OF LAW AND JUSTICE; AND MINISTER OF STATE IN
THE MINISTRY OF PARLIAMENTARY AFFAIRS**

(SHRI ARJUN RAM MEGHWAL)

(a) to (d): Appointment of the Judges of the Constitutional 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 state and central level.

Appointments of judges in the Supreme Court and High Courts are governed by Articles 124, 217 and 224 of the Constitution. As per the MoP, 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 for filling up of vacancy of a High Court Judge six months prior to the occurrence of vacancy. All the names recommended by High Court Collegium are sent with the views of the Government to the Supreme Court Collegium (SCC) for advice. Only those persons, who are recommended by the SCC are appointed as Judges of High Courts. As on 01.04.2025, against the sanctioned strength of 1122 Judges in the High Courts, 766 Judges are working. Recommendations against 216 vacancies are yet to be received from the High Court Collegiums. Since May 2014 till 04.02.2025, 67 Judges have been appointed in the Supreme Court and 1034 Judges have been appointed to various High Courts.

Appointments in District and Subordinate Courts fall under the jurisdiction of State Governments and High Courts, as per Articles 233 and 234 of the Constitution of India. The recruitment process is governed by the rules framed by State Governments in consultation with High Courts, following timelines set by the Hon'ble Supreme Court vide its January 2007 order in the Malik Mazhar Sultan case.

The vacancy of judges is not the sole reason for the increased pendency of cases in courts. Pendency of cases in courts is attributable to several factors which, inter-alia, include availability of physical infrastructure and supporting court staff, 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. Other factors that lead to delay in disposal of cases include lack of prescribed timeframe by respective courts for disposal of various kinds of cases, frequent adjournments and lack of adequate arrangement to monitor, track and bunch cases for hearing.

(e): The Advocates Act, 1961 is the relevant legislation for laying down the standards of Legal Education and Lawyers in India and it grants the powers to BCI to recognize Universities and approve Colleges/Centers of Legal Education for the purpose of imparting legal education upon receipt of affiliation from the Universities. The Law Universities/Private Law Colleges have been established under the Acts enacted by the respective State Legislatures. The Government of India has no role to play regarding opening of Law Colleges for women in Bihar
