

GOVERNMENT OF INDIA
MINISTRY OF LAW AND JUSTICE
DEPARTMENT OF JUSTICE

LOK SABHA
UNSTARRED QUESTION NO.1343

TO BE ANSWERED ON THURSDAY, THE 03.03.2016

Appointment of Judges

1343. SHRI SANJAY DHOTRE:
SHRI KODIKUNNIL SURESH:
DR. SHRIKANT EKNATH SHINDE:
SHRI RAJESH KUMAR DIWAKER:
SHRI RAVINDRA KUMAR PANDEY:
SHRI HARINARAYAN RAJBHAR:
SHRI P. NAGARAJAN:
SHRI ASHWINI KUMAR:
SHRI DEVAJIBHAI G. FATEPARA:
SHRI BHARTRUHARI MAHTAB:
SHRI M.B. RAJESH:
SHRI P. KUMAR:
SHRI B. VINOD KUMAR:
SHRI RAJAN VICHARE:
SHRI KALIKESH N. SINGH DEO:
SHRI DILIP PATEL:
SHRI ASADUDDIN OWAISI:
SHRI BHOLA SINGH:
SHRI K. PARASURAMAN:
SHRI NANDI YELLAIAH:

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

(a) the approved/working strength and vacancies of judges in the Supreme Court, High Courts and District/Subordinate Courts in the country at present along with the number of judges appointed during 2015-16 in these courts, State/UT-wise;

..2/-

- (b) whether the Government has undertaken any study to assess the need to improve the Judges-population ratio in view of huge pendency of cases and if so, the details and the outcome thereof;
- (c) the follow up action taken by the Government in view of the Supreme Court order declaring the National Judicial Appointments Commission Act, 2014 as unconstitutional and void;
- (d) whether the Government has invited suggestions from various quarters for framing a Memorandum of Procedure in order to introduce a new and improved collegium system for appointment of Judges; and
- (e) if so, the details and the present status thereof?

ANSWER

**MINISTER OF LAW AND JUSTICE
(SHRI D.V. SADANANDA GOWDA)**

(a) A statement showing the approved strength, working strength and vacancies of Judges in the Supreme Court and High Courts as on 29.02.2016 is given at **Annexure-I**. The number of Judges of Supreme Court and High courts appointed from 1st January, 2015 till 13th April 2015 i.e. the date on which the Constitution(Ninety Ninth Amendment) Act, 2014 and the National Judicial Appointments Commission Act, 2014 were brought into force is given at **Annexure-II**. With the coming into force of these Acts, all appointments of Judges of Supreme Court and High Courts through the Collegium process as laid down in the Memorandum of Procedure were stopped. However, with the revival of the Collegium system, the process of appointment of Judges has resumed. A Statement showing the sanctioned strength, working strength and vacancies of Judicial Officers in District and Subordinate Courts in the country as on 30.06.2015 is given at **Annexure-III**.

(b) In All India Judges' Association Case, the Hon'ble Supreme Court in its Judgement dated 21st March, 2002, on a comparative assessment of the position in other countries directed that there should be 50 judges for a million population in the country. Based on the population, as per census 2011 and sanctioned strength of judges in the Supreme Court and High courts as on 29.02.2016, and the sanctioned strength of Judges/Judicial Officers of District and Subordinate Courts as on 31.12.2015, the Judge population ratio in the country works out to be 17.72 Judges/Judicial Officers per million population.

(c) to (e): The Supreme Court vide its order dated 16.10.2015 declared that the system of appointment of Judges to Supreme Court, and Chief Justices and Judges of High Court from one High Court to another as existing prior to Constitution (Ninety-Ninth Amendment) Act, 2014 called the “Collegium System” to be operative. The Supreme Court simultaneously decided to consider introduction of appropriate measures, if any, for an improved working of the “Collegium System”. The Government of India submitted its suggestions subject to its reservation about the correctness of the Judgment. The Government has taken the stand that it reserves its liberty to take such action as it may decide fit. Further, the Parliament has the power within the parameters of the Constitution to govern the criteria and process for appointment of Judges to the Supreme Court and High Courts.

The Supreme Court pronounced its Order on improvement in the “Collegium System” on 16.12.2015. Vide this order they have decided that the Government of India may finalize the existing Memorandum of Procedure (MoP) by supplementing it in consultation with the Chief Justice of India, and based on the unanimous view of the Collegium comprising the four senior-most puisne Judges of the Supreme Court. The Supreme Court has indicated broad categories under which existing MoP can be supplemented such as eligibility criteria, transparency in the appointment process, Secretariat and complaints etc. The Department of Justice is in the process of preparing a revised draft Memorandum of Procedure in consultation with the State Governments.

(As on 29.02.2016)

Sl. No.	Name of the Court	Approved Strength			Working Strength			Vacancies as per Approved Strength		
A.	Supreme Court of India	31			25			06		
B.	High Court	Pmt.	Addl	Total	Pmt.	Addl	Total	Pmt.	Addl	Total
1	Allahabad	76	84	160	65	07	72	11	77	88
2	High Court of Judicature at Hyderabad*	46	15	61	16	10	26	30	05	35
3	Bombay	71	23	94	38	22	60	33	01	34
4	Calcutta	45	13	58	21	22	43	24	-09	15
5	Chhattisgarh	17	05	22	03	06	09	14	-01	13
6	Delhi	45	15	60	34	05	39	11	10	21
7	Gauhati	18	06	24	08	07	15	10	-01	09
8	Gujarat	39	13	52	27	03	30	12	10	22
9	Himachal Pradesh	10	03	13	07	--	07	03	03	06
10	Jammu & Kashmir	13	04	17	08	01	09	05	03	08
11	Jharkhand	19	06	25	08	04	12	11	02	13
12	Karnataka	47	15	62	22	09	31	25	06	31
13	Kerala	27	11	38	19	16	35	08	-05	03
14	Madhya Pradesh	40	13	53	27	02	29	13	11	24
15	Madras	56	19	75	35	0	35	21	19	40
16	Manipur	04	01	05	04	0	04	0	01	01
17	Meghalaya	03	01	04	02	0	02	01	01	02
18	Orissa	20	07	27	15	06	21	05	01	06
19	Patna *	40	13	53	24	05	29	16	08	24
20	Punjab& Haryana *	64	21	85	37	11	48	27	10	37
21	Rajasthan	38	12	50	21	03	24	17	09	26
22	Sikkim	03	0	03	02	0	02	01	0	01
23	Tripura	04	0	04	04	0	04	0	0	0
24	Uttarakhand	09	02	11	06	0	06	03	02	05
Total		754	302	1056	453	139	592	301	163	464

*** Acting Chief Justice**

Annexure II

Referred to in reply to part (a) of Lok Sabha USQ No.1343 for answer on
03.03.2016

Sl. No	Name of the Court	Judges appointed from 01.01.2015 till 13.04.2015
A.	Supreme Court of India	01
B.	HIGH COURT	
1.	GAUHATI	05
2.	ALLAHABAD	07
3.	CALCUTTA	08
4.	KERALA	07
5.	SIKKIM	01
6.	ORISSA	03
7.	JHARKHAND	01
8.	PATNA	02
9.	PUNJAB &HARYANA	01
	TOTAL	35

Annexure III

Referred to in reply to part (a) of Lok Sabha Unstarred Question No.1343 for answer on 03.03.2016

(Position as on 30.06.2015)

Sr. No.	Name of State / UT	Total Sanctioned Strength	Total Working Strength	Vacancies
1	Arunachal Pradesh	17	15	2
2	Andhra Pradesh & Telengana	1034	812	222
3	Assam	420	307	113
4	Bihar	1727	997	730
5	Chandigarh	30	30	0
6	Chhattisgarh	356	296	60
7	Daman & Diu and Dadra Nagar Haveli	7	6	1
8	Delhi	793	469	324
9	Goa	52	39	13
10	Gujarat	1914	1197	717
11	Haryana	644	478	166
12	Himachal Pradesh	146	137	9
13	Jammu and Kashmir	245	217	28
14	Jharkhand	590	368	222
15	Karnataka	1112	824	288
16	Kerala	456	419	37
17	Lakshadweep	3	3	0
18	Madhya Pradesh	1461	1234	227
19	Maharashtra	2088	1618	470
20	Manipur	41	32	9
21	Meghalaya	56	29	27
22	Mizoram	63	31	32
23	Nagaland	27	25	2
24	Odisha	694	613	81
25	Puducherry	21	9	12
26	Punjab	672	498	174
27	Rajasthan	1191	822	369
28	Sikkim	18	14	4
29	Tamil nadu	1004	840	164
30	Tripura	104	72	32
31	Uttar Pradesh	2097	1845	252
32	Uttarakhand	281	208	73
33	West Bengal and A & N Islands	994	856	138
Total		20358	15360	4998
