

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

**LOK SABHA
UNSTARRED QUESTION NO. 1346**

TO BE ANSWERED ON FRIDAY, THE 09.02.2024

Vacancy of Judges

1346. SHRI SANJAY SADASHIVRAO MANDLIK:

SHRI SHRIRANG APPA BARNE:

SHRI PRATAPRAO JADHAV:

SHRI DHAIRYASHEEL SAMBHAJIRAO MANE:

SHRI SUDHEER GUPTA:

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

- (a) the total number of sanctioned posts and actual number of judges in the various High Courts and subordinate courts in the country;
- (b) whether as per a recent report released by the Ministry of Law & Justice 21 percent of sanctioned posts of judges in high courts and various subordinate courts are lying vacant leading to piling up of cases in courts;
- (c) if so, the details thereof and reasons for posts being vacant for quite a time;
- (d) whether citizens have to suffer a lot in many cases due to shortage of judges in the courts; and
- (e) if so, the steps taken by the Government to fill the vacant posts of judges in the various High Courts?

ANSWER

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

(SHRI ARJUN RAM MEGHWAL)

(a) to (e): The Supreme Court is functioning at full strength of 34 Judges. As regards the High Courts, against the sanctioned strength of 1114 Judges, 783

Judges are working and 331 posts of Judges are vacant in the various High Courts as on 01.02.2024. As far as district and subordinate Courts are concerned, as per information available with the Department, as on 01.02.2024 against a sanctioned strength of 25,348 Judicial Officers, 20,014 are working, with 5,334 vacancies.

No report regarding the vacancies has been released by the Department of Justice recently. However, the Department regularly publishes data regarding judicial strength on its official website.

Judges of the High Courts are appointed under Article 217 and 224 of the Constitution of India and according to 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). 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. As a result of the collaborative process between the Executive and Judiciary, during the year 2022, 165 Judges were appointed in various High Courts and during the year 2023, 110 Judges have been appointed in various High Courts and 34 judges have been transferred among various High Courts.

As per the Constitutional framework, 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 issues of appointment, recruitment etc. of Judicial Officers in the State Judicial Service. Thus, the selection and appointment of judges in the District Courts is the responsibility of the High Courts and State Governments concerned. 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. Therefore, the Central Government has no role in filling up vacant positions of Judges in subordinate Courts.

The pendency of cases in courts and suffering of citizens due to the same cannot be solely attributed to the shortage of judges in the courts. Pendency of cases in courts can be contributed by several factors which, inter-alia, include availability of adequate physical infrastructure, complexity of facts involved in the case, 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 time frame 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. However, the disposal of pending cases in courts is within the domain of the judiciary. Government has no direct role in disposal of cases in courts.
