

**GOVERNMENT OF INDIA
LAW , JUSTICE AND COMPANY AFFAIRS
LOK SABHA**

UNSTARRED QUESTION NO:3862
ANSWERED ON:13.12.2001
VACANT POST OF JUDGES IN HIGH COURTS
RENUKA CHOWDHURY;SUSHIL KUMAR SAMBHAJIRAO SHINDE

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

- (a) whether 30% of the sanctioned posts,of Judges of High Courts were vacant in April,200 1 ;
- (b) if so, the steps taken to fill up the vacancies and details of such posts lying vacant as on date;
- (c) whether there has been any controversy about the need for appointment of judges of High Court, the Supreme Court `and the Chief Justice of India; and
- (d) if so, the details in this regard and the steps taken or proposed to be taken to bring transparency in appointment and promotion of judges and to evolve a system for effective removal of errant judges?

Answer

MINISTER OF LAW. JUSTICE & COMPANY AFFAIRS (SHRI ARUN JAITLEY)

- (a) & (b) The approved strength of Judges in the various High Courts in the country is 647. As on 1st April, 2001 there were 181 vacancies in the High Courts. During April- December 12,2001, 39 vacancies occurred in various High Courts due to
- (i) superannuation of 35 Judges,
 - (ii) death of one Judge and
 - (iii) elevation of 3 Judges to the Supreme Court of India. But during the same period, 55 Judges have been appointed. As on December 12, 2001, 165 sanctioned posts of Judges were vacant.

The filling up of vacancies of Judges in the High Courts is a continuous, consultative process among the Constitutional authorities. While every effort is made to fill up the existing vacancies expeditiously, vacancies do keep on arising on account of retirement or elevation of Judges as Chief Justice of High Courts/Judges of the Supreme Court.

- (c) & (d) No, Sir. The procedure for appointment of Judges of the Supreme Court, Chief Justices and Judges of the High Courts is laid down in the Supreme Court Judgment in Supreme Court Advocates-on-Record & Anr. Vs. Union of India of October 6, 1993 read with their Advisory Opinion of October 28, 1998. The procedure is meticulously being adhered to.

The Government is corinnitted to the idea of setting up the National Judicial Commission (NJC) to make recommendations for Judicial appointments in the Supreme Court and the High Courts and draw up a Code of Ethics.