

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

UNSTARRED QUESTION NO:6611

ANSWERED ON:09.05.2002

FILLING EXPEDITIOUS JUDGES VACANCIES

ADHIR RANJAN CHOWDHURY;M.V.V.S MURTHI;NEDURUMALLI JANARDHANA REDDY;SHYAMA SINGH

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

- (a) whether attention of the Union Government has been drawn to the news item captioned, 'Fill judges vacancies at the earliest, says Centre' appearing in the Hindu dated April 17, 2002;
- (b) if so, whether delay on the part of CJs and the concerned State Governments have created backlog in filling up the vacancies in High Courts;
- (c) if so, the facts and details thereof;
- (d) whether the Union Government propose to adopt some new method so that the vacancies of judges are filled much in advance likely to be occurred; and
- (e) if so, the details thereof ?

**Answer**

THE MINISTER OF STATE IN THE MINISTRY OF LAW, JUSTICE AND COMPANY AFFAIRS (SHRI ARUN JAITLEY)

(a) Yes, Sir.

(b) and (c) The Government in its letter of March 15, 2002, has requested the Chief Justices of High Courts, Chief Ministers and Governors of States to make recommendation for filling up the existing as well as anticipated vacancies of Judges in the High Court expeditiously. As on May 08, 2002, against the approved Judge strength of 647 (including 43 new posts) of the High Courts, there were 492 Judges in position leaving 155 posts vacant. The Government has received 50 proposals from the Chief Justices of the High Courts for filling up existing vacancies in the respective High Courts,

(d) and (e) After the Supreme Court Judgement of October 6, 1993 in the Supreme Court Advocates-on-Record and Anr. Vs. Union of India, read with the Advisory Opinion of October 28, 1998, the entire process of initiation of proposal for appointment of a Judge of a High Court lies with the Chief Justice of that High Court. The Government has, however, been requesting the Chief Justices of the High Courts, Chief Ministers and the Governors of the States, from time to time, to initiate proposals for fillings up of the present and anticipated vacancies. They were requested last on March 15, 2002 to make recommendation for filling up the vacancies expeditiously.

One of the items of the National Agenda for Governance is to set up a National Judicial Commission to make recommendations for judicial appointments in the Supreme Court and the High Courts and draw up a Code of Ethics. The Government is committed to the idea of setting up the Commission to deal with these matters.

There is already a broad national consensus about the setting up of the National Judicial Commission, However, there are some matters which have to be discussed for arriving at a broad consensus, particularly, with regard to its composition. The National Commission set up to review the working of the Constitution, which conducted a debate all over the country, has also given some recommendation which is being examined. The setting up of the National Judicial Commission would require an amendment to the Constitution of India.