

**GOVERNMENT OF INDIA  
LAW AND JUSTICE  
LOK SABHA**

STARRED QUESTION NO:20

ANSWERED ON:22.11.2012

VACANT POST OF JUDGES

Agarwal Shri Jai Prakash;Ramasubbu Shri S.

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

(a) whether about 25 percent posts of High Court Judges are lying vacant in the country;

(b) if so, the details thereof including the total number of sanctioned posts and the existing strength of Judges in the Supreme Court of India and in various High Courts in the country, Court-wise and the reasons for the delay in filling up of the vacancies;

(c) whether the Government has taken any steps to fill the vacant posts and to reduce the pendency of cases thereof; and

(d) if so, the details thereof and if not, the reasons therefor?

**Answer**

MINISTER OF LAW AND JUSTICE (DR. ASHWANI KUMAR)

(a) to (d) : A Statement is laid on the Table of the House.

Statement referred to in reply to parts (a) to (d) of the Lok Sabha Starred Question No.20 for answer on 22.11.2012.

(a) and (b): A Statement showing details of approved strength, working strength and vacancies thereof as on 01.11.2012 is given at Annex.I.

(c)and (d): Pursuant to the Supreme Court Judgement of October 6, 1993 read with their Advisory Opinion of October 28, 1998,the process of initiation of proposal for appointment of a Judge of the Supreme Court rests with Chief Justice of India andfor the appointment of a Judge of the High Court rests with the Chief Justice of that High Court.Filling up of the vacancies in the High Courts is a continuous consultative process among Constitutional authorities to select suitable candidates for higher judiciary. It is time consuming process, as it requires consultation and approval from various Constitutional authorities. While every effort is made to fill up the existing vacancies expeditiously, vacancies do keep on arising on account of retirement, resignation or elevation of Judges.

Disposal of pending cases in various courts is within the domain of the judiciary. However, with a view to judiciary in addressing the problem of pendency of cases, the Central Government has set up a National Mission for Justice Delivery and Legal Reforms in August 2011. With the twin objectives of increasing access by reducing delays and arrears in the system and enhancing accountability through structural changes and by setting performance standards and capacities. The Mission will be pursuing a coordinated approach for phased liquidation of arrears and pendency in judicial administration which, inter alia, involve better infrastructure for courts including computerisation, increase in strength of subordinate judiciary, policy and legislative measures in the areas prone to excessive litigation, re-engineering of court procedure for quick disposal of cases and emphasis on human resource development. The National Mission has a time frame of five years (2011-16) to pursue these initiatives.

During the short span of its existence, the Mission has taken several steps in the strategic areas towards fulfillment of its objectives. A Constitution Amendment Bill for raising the retirement age of High Court Judges is before the Parliament. A comprehensive proposal has been formulated for constitution of All India Judicial Service. An Inter-Ministerial Group (IMG) has been constituted to suggest necessary amendments to the Negotiable Instruments Act along with other policy and administrative measures to check increasing litigation relating to cheque bounce cases.

An important aspect of the judicial reforms relates to re-engineering court procedures and court processes for early disposal of cases. A National Court Management System has been notified by the Hon'ble Supreme Court for addressing the issues of case management, court management, setting measurable standards for performance of the courts and the National System of Judicial Statistics in the country. A Sub Group on improving the court procedure and court processes for better criminal justice system has been constituted under the Chairman, Law Commission to suggest necessary changes in this regard.

Infrastructure development for the subordinate judiciary is a major thrust area for the National Mission. With a view to enhancing the resources of the State Governments, the Government has increased the Central Share by revising the funding pattern from 50:50 to 75:25 (for States other than North Eastern States) under modified Centrally Sponsored Scheme for development of infrastructure facilities for the judiciary with effect from 2011-12 onwards. The funding pattern for North-Eastern States has however, been kept at 90:10 w.e.f 2010-11.

Rs.595 crore has been released as central assistance to States / UTs for infrastructure development of subordinate judiciary in 2011-12. A budget provision of Rs. 660 crore has been made in the current financial year. Of this Rs.492 crore has already been released to States / UTs upto 31st October, 2012.

On the basis of pendency reduction drive from July, 2011 to December, 2011 in which total pendency was reduced by over 6 lakh cases, a similar drive has been undertaken this year also from July to December, 2012. The main focus of pendency reduction drive this year is to make our judicial system free of cases more than five (5) years old. Simultaneously, emphasis is being laid on increasing the number of judges in subordinate judiciary by filling the existing vacancies and creating additional posts so that disposal of cases is expedited and there is reduction in overall pendency.