

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

STARRED QUESTION NO:418
ANSWERED ON:17.12.2009
SHORTAGE OF JUDGES IN LOWER COURTS
Agarwal Shri Jai Prakash

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

- (a) whether there is a shortage of judges in the lower courts in the country;
- (b) if so, the details thereof alongwith the reasons therefor;
- (c) the steps taken by the Government in this regard;
- (d) whether due to funds crunch the special courts are also not able to function properly;and
- (e) if so, the details thereof and the remedial measures taken in this regard?

Answer

MINISTER OF THE STATE IN THE MINISTRY OF LAW & JUSTICE (DR. M. VEERAPPA MOLLY)

(a) to (e): A statement is laid on the Table of the House.

STATEMENT REFERRED TO IN REPLY TO PARTS (a) TO (e) OF LOK SABHA STARRED QUESTION NO.418 FOR 17.12.2009

(a) to (e): As per information available there were 2746 vacancies out of a sanctioned strength of 16609 Judicial Posts in the District and Subordinate Courts in the country as on 30.6.2009. (source: Court News-July – September 2009, Supreme Court website).

Increase in judge strength and filling up of the vacant posts of judges/magistrates in the District and Subordinate Courts and taking necessary action in this regard is the primary responsibility of the respective State Government and the concerned High Court as the administration of these courts is in their domain.

Filling up of vacancies is a continuous process, as vacancies keep arising due to retirement, resignation, elevation of Judges, etc. The Hon'ble Supreme Court, in its judgment of March 21, 2002 in All India Judges Association case had directed that the existing vacancies in the Subordinate Courts at all levels should be filled, if possible latest by 31st March, 2003, in all the States. The Central Government had urged upon all the State Governments/Union Territories and the High Courts to accord utmost priority to filling up of vacant posts of judges and magistrates in the subordinate judiciary.

Subsequently, the Supreme Court in its judgment dated 3.4.2006 in C.A. No. 1867 of 2006 (Arising out of SLP(C) No.22523 of 2005) – in the matter of Malik Mazhar Sultan & Anr. Vs U.P. Public Service Commission & Ors. gave instructions to all the State Governments /UTs and High Courts to provide for time schedule so that every year vacancies that may occur in the subordinate judiciary are filled up timely. The apex court directed all the States and UTs to strictly adhere to time schedule and ensure timely filling up of vacancies.

The matter of filling up of vacancies in the subordinate courts was taken up by Government at the Joint Conference of the Chief Ministers of States and the Chief Justices of the High Courts held on August 16, 2009 where it was decided that the Chief Justices of the High Courts will take requisite steps to fill up the vacancies in the Subordinate Courts anticipating the occurrence thereof so as to minimize any chance of delay in filling up the said vacancies.

Making available infrastructure and funds for ensuring proper functioning of the courts is primarily the responsibility of the State Governments. To augment the resources of the State Governments, the Central Government provides assistance to the State Governments both Plan and Non Plan for facilitation of administration of justice in the States. A provision of Rs.701 crore for development of infrastructure facilities for the judiciary and Rs.740 crore for computerization of the district and subordinate courts and also for enabling these courts with modern tools of Information and Communication Technology have been made in the Eleventh Five Year Plan. Separately, a request has also been made to the Thirteenth Finance Commission to make provisions for building capacities in the judiciary, for developing judicial infrastructure, for strengthening alternate dispute resolution mechanisms and to provide for creating additional court working hours through morning/evening courts.