

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

UNSTARRED QUESTION NO:149

ANSWERED ON:24.11.2014

VACANT POSTS OF JUDGES

Sreeramulu Shri B.;Udasi Shri Shivkumar Chanabasappa

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

- (a) whether a large number of vacant posts in the Judiciary of the country has come in the way of expediting justice access system in the country;
- (b) if so, the details of the vacant posts at various levels in the Judiciary, State-wise and Court-wise; and
- (c) the measures taken by the Government to fill up the vacant posts at the earliest?

Answer

MINISTER OF LAW AND JUSTICE (SHRI D.V. SADANANDA GOWDA)

(a) & (b): A large number of vacant posts of Judges is one of the several reasons in slowing down the process of expeditious disposal of cases. The vacancies of judges in the Supreme Court of India and the High Courts are given in the Statement at Annexure. I. The vacancies of Judges in the Subordinate Courts are given in the Statement at Annexure.II.

(c): Pursuant to the Supreme Court Judgment 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 a High Court rests with the Chief Justice of the concerned High Court and for appointment of a Judge in the Supreme Court, rests with the Chief Justice of India. In this arrangement a number of posts have remained vacant for want of proposals to fill the positions. The Government has been periodically reminding the Chief Justices of the High Courts to initiate proposals well in time for filling the existing vacancies as well as the vacancies anticipated in next six months in the High Courts.

Filling up of vacant posts of Judges in the High Courts is a continuous consultative process among Constitutional authorities to select suitable candidates for higher judiciary. 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.

Under Article 235 of the Constitution of India, the administrative control over the members of subordinate judiciary in the States vests with the concerned High Court. Further, in exercise of powers conferred under article 309 read with article 233 and 234 of the Constitution, the State Governments frame rules and regulations in consultation with the High Courts. Most of the State Governments have framed State Higher Judicial Service Rules/State Judicial Service Rules governing service conditions of their own judicial officers. The Union Government does not maintain data regarding State level judicial officers as it has no direct role in this regard.