

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

UNSTARRED QUESTION NO:553

ANSWERED ON:26.02.2015

APPOINTMENT OF JUDGES

Khan Shri Md. Badariddoza;Pala Shri Vincent H;Raj Dr. Udit;Shetty Shri Gopal Chinayya

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

- (a) the criteria, qualification, procedure etc. adopted for appointment of Judges in High Courts and Supreme Court;
- (b) whether the Government proposes appointment of Judges to Higher Courts based on competitive examination like Indian Civil Services examination and if so, the details thereof;
- (c) whether the people-to-judges ratio in India is comparatively very low than most of the other countries in the world and if so, the details thereof along with the reasons therefor;
- (d) the steps being taken by the Government to improve the said ratio in a phased manner; and
- (e) whether the Government has any proposal for organizing courts on the basis of law being dealt with so that specialization in dispensation of justice is maintained to improve quality of justice and if so, the details thereof?

Answer

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

(a): The Judges of the Supreme Court and High Courts are appointed by the President under Article 124 (2) and Article 217 (1) respectively of the Constitution of India. The appointments of Additional Judges for High Courts are made under Article 224. Judges of the Supreme Court of India and the High Courts are appointed as per the procedure laid down in the Memorandum of Procedure prepared in 1998 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 and the Chief Justice of the High Courts rests with the Chief Justice of India and of the High Court rests with the Chief Justice of that High Court.

(b): No, Madam.

(c) to (e) : In All India Judges' Association case, the Hon'ble Supreme Court in its judgement dated 21st March, 2002, on a comparative assessment of the position in other countries directed that there should be 50 Judges for a million population in the country. Based on the population as per Census 2011 and sanctioned strength of judges/ judicial officers in Supreme Court, High Courts and District & Subordinate Courts as on 31.12.2013, the judge- population ratio in the country works out to be 16.8 judges/ judicial officers per million population.

Further, the Supreme Court, in its order dated 1st February, 2012, in the case of Imtiyaz Ahmed versus State of Uttar Pradesh & Others, has, inter alia, asked the Law Commission of India to evolve a method for scientific assessment of the number of additional courts. Law Commission has since submitted its Report to the Supreme Court. The Supreme Court has directed the concerned State Governments and High courts to file their response to the recommendations made by the Law Commission. In the Conference of Chief Ministers of States and Chief Justices of High Courts held in New Delhi on 7th April, 2013, the State Governments were, inter alia, asked to create new posts of judicial officers at all levels with requisite staff and infrastructure in consultation with concerned High Courts.

The Government has increased the number of judges of each High Court by 25% The Judge strength of High Courts has been increased from 906 to 984 with effect from 14.10.2014.

Law Commission of India in its 253rd Report submitted to the Government in January 2015 has inter alia recommended the establishment of Commercial Courts, and Commercial Division, Commercial Appellate Divisions in the High Courts in order to ensure speedy disposal of high value commercial suits.