

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

UNSTARRED QUESTION NO:1343

ANSWERED ON:03.03.2016

Appointment of Judges

Boianapalli Shri Vinod Kumar;Dhotre Shri Sanjay Shamrao;Diwakar Shri Rajesh Kumar;Fatepara Shri Devajibhai Govindbhai;K. Shri Parasuraman;Kodikunnil Shri Suresh;Kumar Shri Ashwini;Kumar Shri P.;Mahtab Shri Bhartruhari;Owaisi Shri Asaduddin;P. Shri Nagarajan;Pandey Shri Ravindra Kumar;Patel Shri Dilip;Rajbhar Shri Hari Narayan;Rajesh Shri M. B.;Shinde Dr. Shrikant Eknath;Singh Deo Shri Kalikesh Narayan;Singh Shri Bhola;Vichare Shri Rajan Baburao ;Yellaiah Shri Nandi

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

(a) the approved/working strength and vacancies of judges in the Supreme Court, High Courts and District/Subordinate Courts in the country at present along with the number of judges appointed during 2015-16 in these courts, State/UT-wise;

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(b) whether the Government has undertaken any study to assess the need to improve the Judges-population ratio in view of huge pendency of cases and if so, the details and the outcome thereof;

(c) the follow up action taken by the Government in view of the Supreme Court order declaring the National Judicial Appointments Commission Act, 2014 as unconstitutional and void;

(d) whether the Government has invited suggestions from various quarters for framing a Memorandum of Procedure in order to introduce a new and improved collegium system for appointment of Judges; and

(e) if so, the details and the present status thereof?

**Answer**

ANSWER

MINISTER OF LAW AND JUSTICE

(SHRI D.V. SADANANDA GOWDA)

(a) A statement showing the approved strength, working strength and vacancies of Judges in the Supreme Court and High Courts as on 29.02.2016 is given at Annexure-I. The number of Judges of Supreme Court and High courts appointed from 1st January, 2015 till 13th April 2015 i.e. the date on which the Constitution(Ninety Ninth Amendment) Act, 2014 and the National Judicial Appointments Commission Act, 2014 were brought into force is given at Annexure-II. With the coming into force of these Acts, all appointments of Judges of Supreme Court and High Courts through the Collegium process as laid down in the Memorandum of Procedure were stopped. However, with the revival of the Collegium system, the process of appointment of Judges has resumed. A Statement showing the sanctioned strength, working strength and vacancies of Judicial Officers in District and Subordinate Courts in the country as on 30.06.2015 is given at Annexure-III.

(b) 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 in the Supreme Court and High courts as on 29.02.2016, and the sanctioned strength of Judges/Judicial Officers of District and Subordinate Courts as on 31.12.2015, the Judge population ratio in the country works out to be 17.72 Judges/Judicial Officers per million population.

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(c) to (e): The Supreme Court vide its order dated 16.10.2015 declared that the system of appointment of Judges to Supreme Court, and Chief Justices and Judges of High Court from one High Court to another as existing prior to Constitution (Ninety-Nineth Amendment ) Act, 2014 called the "Collegium System" to be operative. The Supreme Court simultaneously decided to consider introduction of appropriate measures, if any, for an improved working of the "Collegium System". The Government of India submitted its suggestions subject to its reservation about the correctness of the Judgment. The Government has taken the stand that it reserves its liberty to take such action as it may decide fit. Further, the Parliament has the power within the parameters of the Constitution to govern the criteria and process for appointment of Judges to the Supreme Court and High Courts.

The Supreme Court pronounced its Order on improvement in the "Collegium System" on 16.12.2015. Vide this order they have decided that the Government of India may finalize the existing Memorandum of Procedure (MoP) by supplementing it in consultation with the Chief Justice of India, and based on the unanimous view of the Collegium comprising the four senior-most puisne Judges of the Supreme Court. The Supreme Court has indicated broad categories under which existing MoP can be supplemented such as

eligibility criteria, transparency in the appointment process, Secretariat and complaints etc. The Department of Justice is in the process of preparing a revised draft Memorandum of Procedure in consultation with the State Governments.

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Annexure I - referred in reply to part (a) of Lok Sabha USQ No.1343 for answer on 03.03.2016

(As on 29.02.2016)

Sl. No. Name of the Court Approved Strength Working Strength Vacancies as per

Approved Strength

A. Supreme Court of India 31 25 06

B. High Court Pmt. Addl Total Pmt. Addl Total Pmt. Addl Total

1 Allahabad 76 84 160 65 07 72 11 77 88

2 High Court of Judicature at Hyderabad\* 46 15 61 16 10 26 30 05 35

3 Bombay 71 23 94 38 22 60 33 01 34

4 Calcutta 45 13 58 21 22 43 24 -09 15

5 Chhattisgarh 17 05 22 03 06 09 14 -01 13

6 Delhi 45 15 60 34 05 39 11 10 21

7 Gauhati 18 06 24 08 07 15 10 -01 09

8 Gujarat 39 13 52 27 03 30 12 10 22

9 Himachal Pradesh 10 03 13 07 -- 07 03 03 06

10 Jammu & Kashmir 13 04 17 08 01 09 05 03 08

11 Jharkhand 19 06 25 08 04 12 11 02 13

12 Karnataka 47 15 62 22 09 31 25 06 31

13 Kerala 27 11 38 19 16 35 08 -05 03

14 Madhya Pradesh 40 13 53 27 02 29 13 11 24

15 Madras 56 19 75 35 0 35 21 19 40

16 Manipur 04 01 05 04 0 04 0 01 01

17 Meghalaya 03 01 04 02 0 02 01 01 02

18 Orissa 20 07 27 15 06 21 05 01 06

19 Patna \* 40 13 53 24 05 29 16 08 24

20 Punjab & Haryana \* 64 21 85 37 11 48 27 10 37

21 Rajasthan 38 12 50 21 03 24 17 09 26

22 Sikkim 03 0 03 02 0 02 01 0 01

23 Tripura 04 0 04 04 0 04 0 0 0

24 Uttarakhand 09 02 11 06 0 06 03 02 05

Total 754 302 1056 453 139 592 301 163 464

\* Acting Chief Justice

Annexure II

Referred to in reply to part (a) of Lok Sabha USQ No.1343 for answer on 03.03.2016

Sl. No Name of the Court Judges appointed from 01.01.2015 till 13.04.2015

A. Supreme Court of India 01

B. HIGH COURT

1. GAUHATI 05

2. ALLAHABAD 07

3. CALCUTTA 08

4. KERALA 07

5. SIKKIM 01

6. ORISSA 03

7. JHARKHAND 01

8. PATNA 02

9. PUNJAB & HARYANA 01

TOTAL 35

Annexure III

Referred to in reply to part (a) of Lok Sabha Unstarred Question No.1343 for answer on 03.03.2016  
(Position as on 30.06.2015)

Sr. No. Name of State / UT Total Sanctioned Strength Total Working Strength Vacancies

1	Arunachal Pradesh	17	15	2
2	Andhra Pradesh & Telengana	1034	812	222
3	Assam	420	307	113
4	Bihar	1727	997	730
5	Chandigarh	30	30	0
6	Chhattisgarh	356	296	60
7	Daman & Diu and Dadra Nagar Haveli	7	6	1
8	Delhi	793	469	324
9	Goa	52	39	13
10	Gujarat	1914	1197	717
11	Haryana	644	478	166
12	Himachal Pradesh	146	137	9
13	Jammu and Kashmir	245	217	28
14	Jharkhand	590	368	222
15	Karnataka	1112	824	288
16	Kerala	456	419	37
17	Lakshadweep	3	3	0
18	Madhya Pradesh	1461	1234	227
19	Maharashtra	2088	1618	470
20	Manipur	41	32	9
21	Meghalaya	56	29	27
22	Mizoram	63	31	32
23	Nagaland	27	25	2
24	Odisha	694	613	81
25	Puducherry	21	9	12
26	Punjab	672	498	174
27	Rajasthan	1191	822	369
28	Sikkim	18	14	4
29	Tamil nadu	1004	840	164
30	Tripura	104	72	32
31	Uttar Pradesh	2097	1845	252
32	Uttarakhand	281	208	73
33	West Bengal and A & N Islands	994	856	138
	Total	20358		
		15360	4998	