

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

UNSTARRED QUESTION NO:2056

ANSWERED ON:28.07.2016

Appointment of Judges

Karunakaran Shri P.;Lekhi Smt. Meenakashi;Mahadik Shri Dhananjay Bhimrao;Meinya Dr. Thokchom;Patil Shri Vijaysinh Mohite;Premachandran Shri N.K.;Rajesh Shri M. B.;Rao Shri Konakalla Narayana;Satav Shri Rajeev Shankarrao;Singh Dr. Prabhas Kumar;Tadas Shri Ramdas Chandrabhanji;Thomas Prof. Kuruppassery Varkey;Vichare Shri Rajan Baburao

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 Subordinate Courts at present along with the number of Judges appointed during 2015-16 in these courts, State-wise;
- (b) whether the Chief Justice of India has recently observed that huge gap in the judges-population ratio is the main reason for huge pendency of court cases and has projected a requirement of 70,000 more judges to clear the backlog and if so, the details thereof and the reaction of the Government thereto;
- (c) the details and the present implementation status of new and improved collegium system for appointment of judges;
- (d) whether the Government has any data regarding the number/percentage of law graduates appeared in the Judicial Services Examination in 2015-16 and if so, the details thereof; and
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-2-

- (e) the steps taken/being taken by the Government to attract young/talented law graduates towards judicial services in the country?

Answer

ANSWER

MINISTER OF STATE FOR LAW AND JUSTICE AND ELECTRONICS AND INFORMATION TECHNOLOGY
(SHRI P.P. CHAUDHARY)

(a): A statement showing the approved strength, working strength and vacancies of Judges in the Supreme Court of India and the High Courts as on 25.7.2016 is at Annexure-I. A statement showing the number of Judges appointed in Supreme Court and High Courts during 2015-16, State-wise is at Annexure-II. A statement showing the sanctioned strength, working Strength and vacancies of Judicial officers of District and Subordinate Courts as on 31.12.2015 is at Annexure-III. The Government does not maintain data on number of judicial officers/judges appointed in various States.

(b): The Hon'ble Chief Justice of India (CJI) during his inaugural address in the Joint Conference of Chief Ministers and Chief Justices of High Courts held on 24.04.2016, inter-alia, made a mention of the recommendations made by the Law Commission of India in its 120th Report (1987) for increasing the ratio of judges per million of population to 50. However, the criteria of judge-population ratio for determining the adequacy of the Judge Strength in the country has been reviewed by the Law Commission in its 245th Report (2014) prepared on the direction of the Supreme Court in the case of Intiyaz Ahmed versus State of Uttar Pradesh and others. In this case the Supreme Court asked the Law Commission of India to evolve a method for scientific assessment of the number of additional courts to clear the backlog of cases. In 245th report, the Law Commission has observed that filing of cases per capita varies substantially across geographic units as filings are associated with economic and social conditions of the population. As such the Law Commission did not consider the judge population ratio to be a scientific criterion for determining the adequacy of the judge strength in the country. The Law Commission found that in the absence of complete and scientific approach to data collection across various High Courts in the country, the "Rate of Disposal" method to calculate the number of additional judges required to clear the backlog of cases as well as to ensure that new backlog is not created, is more pragmatic and useful. In May, 2014, the Supreme Court asked the State Government and the High Courts to file their response to the recommendations made by the Law Commission. In August 2014, the Supreme Court asked the National Court Management System Committee (NCMS) constituted by it in 2012 to examine the recommendations made by the Law Commission and to furnish their recommendations in this regard. NCMS submitted its report to the Supreme Court in March, 2016. It has, inter-alia, observed that in the long term, the judge strength of the subordinate courts

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-3-

will have to be assessed by a scientific method to determine the total number of "Judicial Hours" required for disposing of the case load of each court. In the interim, this Committee has proposed a "weighted" disposal approach – disposal weighted by the nature and complexity of cases in local conditions. The matter is sub-judice before the Supreme Court.

(c): As per Supreme Court Order dated 16.12.2015, the Government of India proposed changes in the draft Memorandum of Procedure (MoP) for appointment of Judges to the Supreme Court and High Courts which were sent to Chief Justice of India (CJI) vide letter dated 22.3.2016. The response of the CJI has been received on 22.5.2016 and 1.7.2016. The Supreme Court Collegium has agreed with some of the suggestions made in the revised MoP while it has not agreed with some other provisions. Presently all the proposals are being processed as per the existing MoP.

(d): The Government of India does not maintain data regarding the number /percentage of Law graduates appearing in Judicial Services examinations.

(e): The matters relating to recruitment to the judicial services in the States fall within the domain of the High Courts and State Governments. An agenda item for creation of a Judicial Service Commission to help the recruitment to the post of district judges and review of selection process of judges / judicial officers at all levels was included in the agenda for the Chief Justices Conference, which was held on 03rd and 04th April, 2015. During the Conference, it was resolved to leave it open to the respective High Courts to evolve appropriate methods within the existing system to fill up the vacancies for appointment of District judges expeditiously.

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Annexure-I referred to Part (a) of LSUSQ No. 2056 due for answer on 28.7.2016. Statement showing the Approved strength, Working Strength and Vacancies of Judges in the Supreme Court of India and the High Courts
(As on 25.07.2016)

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

A. Supreme Court of India	31	28	03						
B. High Court	Pmt.	Addl	Total	Pmt.	Addl	Total			
1 Allahabad*	76	84	160	60	17	77	16	67	83
2 High Court of Judicature at Hyderabad*	46	15	61	25	0	25	21	15	36
3 Bombay	71	23	94	55	09	64	16	14	30
4 Calcutta	54	18	72	32	09	41	22	09	31
5 Chhattisgarh	17	05	22	08	--	08	09	05	14
6 Delhi	45	15	60	35	0	35	10	15	25
7 Gauhati	18	06	24	06	07	13	12	-01	11
8 Gujarat	39	13	52	27	06	33	12	07	19
9 Himachal Pradesh	10	03	13	09	02	11	01	01	02
10 Jammu & Kashmir	13	04	17	09	0	09	04	04	08
11 Jharkhand	19	06	25	09	05	14	10	01	11
12 Karnataka	47	15	62	23	04	27	24	11	35
13 Kerala *	35	12	47	26	07	33	09	05	14
14 Madhya Pradesh *	40	13	53	22	12	34	18	01	19
15 Madras	56	19	75	38	0	38	18	19	37
16 Manipur*	04	01	05	03	01	04	01	0	01
17 Meghalaya	03	01	04	03	0	03	0	01	01
18 Orissa	20	07	27	16	03	19	04	04	08
19 Patna *	40	13	53	27	0	27	13	13	26
20 Punjab & Haryana *	64	21	85	42	02	44	22	19	41
21 Rajasthan	38	12	50	24	07	31	14	05	19
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	771	308	1079	511	91	602	260	217	477

* Acting Chief Justice

Sl. No. Name of the Court Fresh appointments made during

1.1.2015 to 31.12.2015 1.1.2016 to 25.7.2016

A. Supreme Court of India 01
04

B. High Court

1 Allahabad 07 09

2 Telangana & Andhra Pradesh -- 01

3 Bombay -- 06

4 Calcutta 08 --

5 Gauhati 05 --

6 Gujarat -- 05

7 Himachal Pradesh -- 04

8 Jharkhand 01 02

9 Kerala 07 --

10 Madhya Pradesh -- 11

11 Madras -- 06

12 Manipur -- 01

13 Orissa 03 --

14 Patna 02 --

15 Punjab & Haryana 01 --

16 Rajasthan 07

17 Sikkim 01 --

Total 35 52

Annexure-II referred to Part (a) of LSUSQ No. 2056 due for answer on 28.7.2016.

Annexure-III referred to Part (a) of LSUSQ No. 2056 due for answer on 28.7.2016.

Sanctioned Strength, Working Strength and Vacancies of Judicial Officers of District and Subordinate Courts As on 31.12.2015

Sr. No.	Name of State / UT	Total Sanctioned Strength	Total Working Strength	Vacancies
1	Arunachal Pradesh	17	15	2
2	Andhra Pradesh & Telengana	1034	785	249
3	Assam	424	319	105
4	Bihar	1727	1067	660
5	Chandigarh	30	30	0
6	Chhattisgarh	385	341	44
7	Daman & Diu and Dadra Nagar Haveli	7	6	1
8	Delhi	793	490	303
9	Goa	57	49	8
10	Gujarat	1939	1170	769
11	Haryana	644	474	170
12	Himachal Pradesh	152	134	18
13	Jammu and Kashmir	245	220	25
14	Jharkhand	592	466	126
15	Karnataka	1122	820	302
16	Kerala	457	442	15
17	Lakshadweep	3	3	0
18	Madhya Pradesh	1350	1132	218
19	Maharashtra	2251	1917	334
20	Manipur	41	35	6
21	Meghalaya	57	29	28
22	Mizoram	63	30	33
23	Nagaland	27	25	2
24	Orissa	716	598	118
25	Puducherry	26	14	12
26	Punjab	672	490	182
27	Rajasthan	1191	985	206
28	Sikkim	18	14	4
29	Tamil nadu	1015	969	46
30	Tripura	104	68	36
31	Uttar Pradesh	2104	1827	277
32	Uttarakhand	280	206	74
33	West Bengal and A & N Islands	959	900	59
	Total	20502	16070	4432