

GOVERNMENT OF INDIA
MINISTRY OF LAW AND JUSTICE
DEPARTMENT OF JUSTICE
LOK SABHA
UNSTARRED QUESTION NO. 1544

TO BE ANSWERED ON WEDNESDAY, THE 27.12.2017

Vacancy in Courts

1544. SHRI KONAKALLA NARAYANA RAO:
PROF. RAVINDRA VISHWANATH GAIKWAD:
SHRI J.C. DIVAKAR REDDY:

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

- (a) whether courts including High Courts in the country do not have regular Chief Justices and many posts are lying vacant across the judiciary in the country;
- (b) if so, the details thereof and the reasons therefor, State-wise and court-wise;
- (c) the steps being taken by the Government to fill all the posts in each court within a timeframe; and
- (d) the requests received from States in this regard and the action taken thereon?

ANSWER

MINISTER OF STATE FOR LAW AND JUSTICE AND CORPORATE AFFAIRS
(SHRI P.P. CHAUDHARY)

(a) & (b): Yes, Madam. As of 20.12.2017 nine High Courts have acting Chief Justices. A statement indicating approved strength, working strength and vacant posts of Judges in Supreme Court and High Courts is at Annexure-I. A statement indicating the vacancies of Judges/Judicial officers in the District and Subordinate Courts is at Annexure-II.

(c) & (d): Filling up of vacancies in the High Courts is a continuous and collaborative process of the Judiciary and Executive involving various Constitutional Authorities. Hence, the precise time frame for filling up the post of Judges of Supreme Court and High Courts cannot be indicated. As per the existing Memorandum of Procedure, the process of appointment of Chief Justice of High Court must be initiated well in time by Chief Justice of India in consultation with Supreme Court Collegium to ensure its

completion at least one month prior to the date of anticipated vacancy. The initiation of the proposal for appointment of Judges of the Supreme Court is done by the Chief Justice of India in consultation with a Collegium of four senior-most Judges of the Supreme Court. The Government of India has not received any proposal for filling up of the 6 vacancies of Judges in the Supreme Court and for appointment of Chief Justices in the nine High Courts which are functioning with acting Chief Justices.

The Supreme Court passed an order dated 16.12.2015 for improving the Collegium system of appointments by supplementing the existing Memorandum of Procedure (MoP). As the process was likely to take some time, at the initiative of the Government, the matter was taken up with Supreme Court and the appointment process was continued with the existing MoP. During 2016, 4 Judges in the Supreme Court and 14 Chief Justices of High Courts were appointed. Besides, 126 fresh appointments of Judges were made in High Courts which is the highest number in a calendar year. During 2017, as on 19.12.2017, 5 Judges in the Supreme Court, 8 Chief Justices of High Courts and 115 fresh appointments of Judges in the High Courts have been made.

The subject matter relating to filling up vacancies in the District and Subordinate Courts falls within the domain of the High Courts and the State Government concerned. The Central Government has no role in appointment of Subordinate Judiciary.

ANNEXURE-I

Statement referred to in reply to parts (a) & (b) of Lok Sabha Unstarred Question No. 1544 to be answered on 27.12. 2017.

(Position as on 20.12.2017)

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			
1	Allahabad	160	109	51
2	Telangana & Andhra Pradesh	61	31	30
3	Bombay	94	70	24
4	Calcutta	72	33	39
5	Chhattisgarh	22	12	10
6	Delhi	60	37	23
7	Gauhati	24	18	06
8	Gujarat	52	31	21
9	Himachal Pradesh	13	08	05
10	Jammu & Kashmir	17	11	06
11	Jharkhand	25	14	11
12	Karnataka	62	25	37
13	Kerala	47	37	10
14	Madhya Pradesh	53	34	19
15	Madras	75	60	15
16	Manipur	05	02	03
17	Meghalaya	04	02	02
18	Orissa	27	17	10
19	Patna	53	33	20
20	Punjab & Haryana	85	50	35
21	Rajasthan	50	35	15
22	Sikkim	03	03	0
23	Tripura	04	02	02
24	Uttarakhand	11	10	01
Total		1079	684	395

Annexure-II

Statement referred to in reply to parts (a) & (b) of Lok Sabha Unstarred Question No. 1544 to be answered on 27.12. 2017.

Vacancies of Judges / Judicial Officers in the District and Subordinate Courts

Sl. No	States	Vacancies as on 30.11.2017
1	Uttar Pradesh	1,344
2	Bihar**	825
3	Madhya Pradesh	748
4	Gujarat**	385
5	Tamil Nadu*	341
6	Karnataka**	325
7	Delhi**	316
8	Jharkhand**	251
9	Orissa	204
10	Maharashtra	149
11	Haryana	147
12	Punjab	136
13	Andhra Pradesh & Telangana**	114
14	Rajasthan**	96
15	West Bengal and A & N Island**	84
16	Assam	76
17	Kerala**	73
18	Chhattisgarh	63
19	Uttarakhand**	61
20	Meghalaya	58
21	Jammu & Kashmir	39
22	Mizoram	33
23	Tripura	31
24	Manipur	18
25	Pondicherry*	14
26	Goa	12
27	Arunachal Pradesh	11
28	Nagaland	11
29	Himachal Pradesh**	10
30	Sikkim**	8
31	Lakshadweep**	1
32	Chandigarh	0
33	D & N Haveli AND Daman & Diu**	0
Total		5,984

* as on 7.11.2017

**as on 31.10.2017
