

**GOVERNMENT OF INDIA
MINISTRY OF LAW & JUSTICE
DEPARTMENT OF JUSTICE**

RAJYA SABHA

**UNSTARRED QUESTION NO. 594
TO BE ANSWERED ON THURSDAY, THE 21ST JULY, 2022**

APPOINTMENT OF JUDGES

**594. DR. PRASHANTA NANDA:
DR. AMAR PATNAIK:**

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

- (a) details of the steps taken by Government to fill the vacancies of the number of judges in the Courts including Subordinate Courts throughout the country;**
- (b) the reasons for delay in appointment of judges;**
- (c) whether Government has fixed any timeframe for fulfilling the commitment of appointment of a certain number of judges in the country;**
- (d) if so, the details thereof; and**
- (e) the total number of judges appointed in the last five years, State-wise?**

ANSWER

MINISTER OF LAW AND JUSTICE

(SHRI KIREN RIJJU)

(a) to (e): While filling up of vacancies in the High Courts is a continuous, integrated and collaborative process requiring consultation and approval from various Constitutional Authorities, vacancies keep on arising on account of retirement, resignation or elevation of Judges. Government is committed to filling up of vacancy expeditiously in time-bound manner.

The Details of appointment of Judges in Supreme Court and High Courts during the last five years is as under:-

(As on 14.07.2022)

Sl. No.	Court	Year				
		2018	2019	2020	2021	2022 (as on 14.07.2022)
1.	Supreme Court	08	10	-	09	02
2.	High Courts	108	81	66	120	79

Under Article 235 of the Constitution of India, the administrative control over the members of district and subordinate judiciary in the States vest with the concerned High Court. Further, in exercise of powers conferred under proviso to Article 309 read with Articles 233 and 234 of the constitution, the respective State Government, in consultation with the High Court, frames the Rules and Regulations regarding the issue of appointment, promotion, reservations and retirement of Judicial Officers in the State Judicial Service. Hence, in so far as recruitment of judicial officers in the States is concerned, respective High Courts do it in certain States, whereas the High Courts do it in consultation with the State Public Service Commissions in other States.

The Union Government does not have a role under the Constitution in the selection and appointment of judicial officers in District/ subordinate judiciary. The Supreme Court, in its orders of 04th January, 2007 in Malik Mazhar case, has devised a process and time frame to be followed for the filling up of vacancies in subordinate judiciary which stipulates that the process for recruitment of judges in the subordinate courts would commence on 31st March of a calendar year and end by 31st October of the same year. The Supreme Court has permitted State Governments / High Courts for variations in the time schedule in case of any difficulty based on the peculiar geographical and climatic conditions in the State or other relevant conditions.

Further, in compliance of the above directions of the Supreme Court, Department of Justice forwarded a copy of the Malik Mazhar judgement to Registrars General of all High

Courts for necessary action. Department of Justice is writing from time to time to Registrars General of all High Courts to expedite the filling up of vacancies in subordinate judiciary mandated by Malik Mazhar case.

Sanctioned and working strength of judicial officers in District and Subordinate Courts has increased during the last five years and current year as follows:

As on	Sanctioned Strength	Working Strength
30.06.2016	21,320	16,383
15.07.2022	24,631	19,289
