

Article 348(2) provides that the Governor of the State may, with the previous consent of the President, authorize the use of Hindi language or any other language used for any official purpose of the State, in the proceedings of the High Court having its principal seat in that State, provided that decrees, judgements or orders passed by such High Courts shall be in English.

So far, the Governors of four States namely; Bihar, Madhya Pradesh, Rajasthan and Uttar Pradesh have authorized the use of Hindi in addition to English language in the proceedings of the High Courts in their States.

Proposals have been received for use of regional languages in the High Courts of Madras and Gujarat and for the use of Hindi in the High Court of Chhattisgarh.

The Law Commission of India, in its 216th report had recommended that "the higher judiciary should not be subjected to any kind of persuasive change in the present societal context." The full Courts of the Supreme Courts considered the proposals for use of Hindi and regional languages in the High Courts in its meeting held on 11th October, 2012 and reiterated the earlier similar resolutions of the Full Court adopted in 1997 and 1999 to not accept the proposals. The Government has accepted the stand of the Law Commission and the Supreme Court.

Vacant posts of Judges

1650. SHRI RAM KRIPAL YADAV: Will the Minister of LAW AND JUSTICE be pleased to state:

(a) whether it is a fact Hon'ble Supreme Court is short of 6 Judges and there are 275 vacancy of judges in different High Courts all over the country;

(b) if so, whether this is a major reason for delay in pending cases in Hon'ble Supreme Court and High courts all over the country;

(c) whether Government has any plan to fill the vacancies of Judges in a time-bound manner; and

(d) if not, the reasons therefor?

THE MINISTER OF LAW AND JUSTICE (SHRI KAPIL SIBAL): (a) There are 03 vacancies in the Supreme Court and 275 vacancies in the High Courts, as on 01.08.2013.

(b) Vacancies of Judges is one of the several reasons for pending cases in Hon'ble Supreme Court and High Courts which *inter-alia* also include increase in the volume of litigation, accumulation of first appeals, continuation of ordinary civil jurisdiction in some of the High Courts, appeals against orders of quasi-judicial forums going to High Courts, number of revisions/appeals, adjournments, indiscriminate use of writ jurisdiction in High Courts and lack of adequate arrangements to monitor, track and bunch cases for hearing.

(c) and (d) Pursuant to the Supreme Court Judgment of October 6, 1993 read with their Advisory Opinion of October 28, 1998, the process of initiation of proposal for appointment of a judge of a High Court rests with the Chief Justice of the concerned High Court and for appointment of a Judge in the Supreme Court, rests with the Chief Justice of India. In this arrangement, number of posts have remained vacant for want of proposals to fill the positions. The Government has been periodically reminding the Chief Justices of the High Courts to initiate proposals well in time for filling the existing vacancies as well as the vacancies anticipated in next six months in the High Courts.

Filling up of the vacancies in the High Courts is a continuous consultative process among Constitutional authorities to select suitable candidates for higher judiciary. It is time consuming process, as it requires consultation and approval from various Constitutional authorities. While every effort is made to fill up the existing vacancies expeditiously, vacancies do deep on arising on account of retirement, resignation or elevation of Judges.

Guidelines on freebies in manifestos

1651. SHRI PALVAI GOVARDHAN REDDY: Will the Minister of LAW AND JUSTICE be pleased to state:

(a) whether Government is aware of the recent observations of the Supreme Court for formulation of guidelines with regard to freebies in the manifestos;