1	2	3	4	5
8.	Gujarat	52	31	21
9.	Himachal Pradesh	13	10	03
10.	Jammu and Kashmir	17	10	07
11.	Jharkhand	25	13	12
12.	Karnataka	62	30	32
13.	Kerala	47	38	09
14.	Madhya Pradesh	53	39	14
15.	Madras	75	57	18
16.	Manipur	05	03	02
17.	Meghalaya	04	03	01
18.	Odisha	27	18	09
19.	Patna	53	27	26
20.	Punjab & Haryana	85	46	39
21.	Rajasthan	50	34	16
22.	Sikkim	03	02	01
23.	Tripura	04	03	01
24.	Uttarakhand	11	07	04
	TOTAL	1079	648	431

Vacancies in Supreme Court and High Courts

†2803. DR. SANJAY SINH: Will the Minister of LAW AND JUSTICE be pleased to state:

(a) the number of vacant posts of Judges in High Courts and the Supreme Court;

(b) the number of posts lying vacant for more than one year out of those posts;

(c) whether the judicial process in High Courts and the Supreme Court is getting delayed due to these vacancies;

(d) whether Government is mulling over any scheme to expeditiously dispose the cases of serious nature; and

†Original notice of the question was received in Hindi.

(e) the difficulties being faced in making appointments against the vacant posts in High Courts and the Supreme Court and by when appointments would be made against these posts?

THE MINISTER OF STATE IN THE MINISTRY OF LAW AND JUSTICE (SHRI P. P. CHAUDHARY): (a) and (b) The details indicating sanctioned strength, working strength and vacant posts of Judges in Supreme Court and High Courts are given in the Statement. [Refer to the Statement Appended to the Answer to USQ No. 2802 part (b)] As on 1.12.2016. 431 posts are lying vacant in various High Courts, which includes 35 newly created posts in the High Courts during the year 2016. Out of 431 vacant posts, 326 posts of High Court Judges are lying vacant for a period of more than one year. Vacancies do keep on arising on account of retirement, resignation, elevation of Judges, increase in Judge Strength etc.

(c) to (e) Filling of vacancies of Judges in the Supreme Court and High Courts is a continuous and collaborative process of the Judiciary and Executive involving various Constitutional Authorities. Hence the precise time taken for making appointment of Judges cannot be indicated. As the process of finalization of the revised Memorandum of Procedure (MoP) for appointment of Judges to the Supreme Court and High courts was likely to take some time, on the initiative of the Government of India the matter was taken up with the Supreme Court and the process of appointment of Judges has been resumed, pending finalization of the revised MoP. Presently, all appointment of Judges to the Supreme Court and High Courts are being processed as per the existing MoP.

Delay in filling up of vacancies is due to the fact that the High Courts are not initiating the proposals six months prior to the occurrence of the vacancies. Other reasons are - around 30% rejection of recommendations of High Court Collegiums by the Supreme Court Collegium and recommendations are yet to be received for about 50% vacancies from the High Courts.

As on 01.12.2016, there are 7 vacancies of Judges in Supreme Court. The Government of India has so far not received any proposal from the Chief Justice of India for filling up of these vacancies. During the current year, as on 01.12.2016, 120 fresh appointment of Judges have been made to the High Courts and 124 Additional Judges of High Courts have been made Permanent.

Disposal of cases is within the domain of Judiciary. The Government has adopted a co-ordinated approach to assist judiciary for phased liquidation of arrears and

pendency in judicial systems, which, *inter-alia,* involves better infrastructure for courts including computerisation, increase in strength of judicial officers / judges, policy and legislative measures in the areas prone to excessive litigation and emphasis on human resource development.

Court cases involving Government

2804. DR. KANWAR DEEP SINGH: Will the Minister of LAW AND JUSTICE be pleased to state:

(a) whether, of all cases pending before Courts, 43 per cent relate to Government sector;

(b) if so, whether most of these cases relate to income Tax, if so, the reasons therefor; and

(c) the action being taken to reduce this proportion substantially?

THE MINISTER OF STATE IN THE MINISTRY OF LAW AND JUSTICE (SHRI P. P. CHAUDHARY): (a) to (c) Information is being collected and will be laid on the Table of the House.

Consensus between Government and judiciary on appointment of Judges

2805. SHRI SHANTARAM NAIK: Will the Minister of LAW AND JUSTICE be pleased to state:

(a) whether issues related to appointment of Judges of Supreme Court and High Courts have been resolved;

(b) whether any new rules have been framed or being worked out;

(c) whether any consensus has been arrived at between judiciary and the executive on this issue;

(d) whether Government is insisting on the principle of committed judiciary with respect to interpretation of basic structure of the Constitution; and

(e) whether Government has sought the advice of any association or organisation other than Government bodies, in this regard, the details thereof?

THE MINISTER OF STATE IN THE MINISTRY OF LAW AND JUSTICE (SHRI P. P. CHAUDHARY): (a) to (e) The Supreme Court *vide* its Order dated 16.12.2015 on improvement in the 'Collegium System" have directed that the Government of India may