

(d) by when the final decision on the list received from the Collegium would be taken?

THE MINISTER OF STATE IN THE MINISTRY OF LAW AND JUSTICE (SHRI P. P. CHAUDHARY): (a) to (d) Yes, Sir. Out of 77 proposals submitted by Supreme Court Collegium (SCC), the Government has appointed 34 Judges in various High Courts and sent the names of 43 recommendees to the SCC for reconsideration. SCC reiterated the names of 37 recommendees; the proposal of 3 recommendees has been deferred and the proposal of 3 recommendees are with SCC. The major reasons for referring back 43 recommendees to Supreme Court Collegium on the appointment of Judges are views of consultee Judges, views of Constitutional Authorities, adverse Intelligence Bureau (IB) inputs, serious nature of complaints received against recommendees etc.

Filling of vacancies of Judges in the Supreme Court and High Courts is a continuous and collaborative process of the Judiciary and Executive. As the process of finalization of the revised Memorandum of Procedure (MoP) for appointment of Judges to 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. During the current year, as on 21.11.2016, 124 Additional Judges have been made permanent and 120 fresh appointments of Judges have been made in the High Courts.

#### **Banning on exit polls during elections**

†1224. SHRI SANJAY SETH: Will the Minister of LAW AND JUSTICE be pleased to state:

(a) whether Government has taken or proposes to take any steps to make appropriate laws to ban the exit polls during elections; and

(b) if so, the details thereof, as on date, and if not, the reasons therefor?

THE MINISTER OF STATE IN THE MINISTRY OF LAW AND JUSTICE (SHRI P. P. CHAUDHARY): (a) and (b) As per section 126A of the Representation of the People Act, 1951, there is a ban on conducting and disseminating result of exit polls during the period starting from commencement of polls till the completion of poll.

#### **Vacant posts of Judges**

†1225. SHRI MAHENDRA SINGH MAHRA: Will the Minister of LAW AND JUSTICE be pleased to state:

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† Original notice of the question was received in Hindi.

(a) whether it is a fact that there is a delay in administration of justice to the people due to absence of sufficient number of Judges in Supreme Court and the High Courts;

(b) if so, the number of vacant posts of Judges in Supreme Court and the High Courts situated in States and since when these posts are vacant;

(c) the details of the reasons for not appointing Judges against the vacant posts; and

(d) by when Judges will be appointed against the vacant posts?

THE MINISTER OF STATE IN THE MINISTRY OF LAW AND JUSTICE (SHRI P. P. CHAUDHARY): (a) to (d) Disposal of cases in Courts falls within the domain of Judiciary. However, vacancy of judges is one of the several reasons for pendency of cases. The details of the number of vacant posts of Judges in Supreme Court and the High Courts situated in States and since when these posts are vacant are given in the Statement (*See* below).

Filling of vacancies of Judges in the Supreme Court and High Courts is a continuous and collaborative process of the Judiciary and Executive. As the process of finalization of the revised Memorandum of Procedure (MoP) for appointment of Judges to 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. The major reasons for referring back the names of recommendees to Supreme Court Collegium on the appointment of Judges are views of consultee Judges, views of Constitutional Authorities, adverse Intelligence Bureau (IB) inputs, serious nature of complaints received against recommendees etc.

During the current year, as on 22.11.2016, 4 Judges in Supreme Court and 120 Judges in the High Courts have been appointed. 124 Additional Judges in the High Courts have been made permanent.

**Statement**

*Details of number of vacant posts of judges in Supreme Court and High Courts in States and since when these posts and vacant*

Sl. No.	Name of the Court	Vacancies against the approved strength as on 22.11.2016	Year-wise vacancies of Judges remained unfilled in Supreme Court and High Courts (as per approved strength of Parent High Court) position as on 22.11.2016					
			Upto 2011	2012	2013	2014	2015	2016 (up to 22.11.16)
1	2	3	4	5	6	7	8	9
A	<b>Supreme Court of India</b>	07	-	-	-	-	01	06
B.	<b>High Court</b>							
1.	Allahabad	73	31	03	05	13	14	07
2.	High Court of Judicature at Hyderabad	37	07	02	05	04	03	16
3.	Bombay	29	-	-	01	-	23	05
4.	Calcutta	34	-	02	03	07	05	17
5.	Chhattisgarh	11	02	-	-	02	05	02
6.	Delhi	20	01	03	01	09	02	04
7.	Gauhati	08	-	-	-	-	02	06
8.	Gujarat	20	03	01	-	01	12	03

Written Answers to

[25 November, 2016]

Unstarred Questions 223

1	2	3	4	5	6	7	8	9
9.	Himachal Pradesh	01	-	-	-	01	-	-
10.	Jammu and Kashmir	10	02	-	03	03	-	02
11.	Jharkhand	12	-	02	01	06	01	02
12.	Karnataka	32	02	02	02	15	05	06
13.	Kerala	10	-	-	-	-	01	09
14.	Madhya Pradesh	11	-	-	-	06	--	05
15.	Madras	16	-	-	-	-	11	05
16.	Manipur	02	-	-	01	-	01	-
17.	Meghalaya	03	-	-	01	-	01	01
18.	Odisha	09	-	-	-	04	02	03
19.	Patna	25	01	-	04	03	15	02
20.	Punjab and Haryana	37	-	-	02	21	08	06
21.	Rajasthan	18	01	01	02	10	04	-
22.	Sikkim	02	01	-	-	-	01	-
23.	Tripura	02	-	-	01	-	-	01
24.	Uttarakhand	06	01	-	01	04	-	-
TOTAL		428	52	16	33	109	116	102

224 Written Answers to

[RAJYA SABHA]

Unstarred Questions