

of the case load of each court. In the interim, the Committee has proposed a “weighted” disposal approach—disposal weighted by the nature and complexity of cases in local conditions. The matter is sub-judice before the Supreme Court, at present. As per the direction of the Hon’ble Supreme Court in its Order dated 02.01.2017, the Department of Justice has forwarded a copy of interim report of the NCMS Committee to all State Governments and High Courts to enable them to take follow up action to determine the required Judges Strength of district judiciary based on the NCMS report. As per the Supreme Court, the sanctioned strength and working strength of Judges and Judicial Officers of District and Subordinate Courts is 21,374 and 16,528 respectively as on 30.09.2016.

At present 201 proposals for appointment of Judges in High Courts are at various stages of processing.

#### **Filling up of posts of Judges in Patna High Court**

†1221. SHRI RAM NATH THAKUR: Will the Minister of LAW AND JUSTICE be pleased to state:

- (a) the number of posts of Judges vacant in Patna High Court;
- (b) since when these posts are lying vacant;
- (c) by when these vacancies would be filled up;
- (d) whether there is a rule to start the process of filling the vacant posts six months before the date on which they fall vacant; and
- (e) whether these processes are being followed?

THE MINISTER OF STATE IN THE MINISTRY OF LAW AND JUSTICE (SHRI P. P. CHAUDHARY): (a) to (e) As on 1.3.2017 there were 23 posts of Judges lying vacant in Patna High Court. These vacancies have arisen during the period July, 2013 to February, 2017. While every effort is made to fill up the existing vacancies expeditiously, vacancies keep on arising on account of retirement, resignation or elevation of Judges and increase in the Judge strength of High Courts. Filling up of vacancies in High Courts is a continuous and collaborative process of the Judiciary and the Executive. It requires consultation and approval from various Constitutional Authorities. Hence, the time frame for filling up of the vacancies cannot be indicated. During 2016, 6 new Judges were appointed in the Patna High Court.

As per the Memorandum of Procedure (MoP) for appointment and transfer of Chief Justices and Judges of High Courts, when a permanent vacancy is expected to

---

† Original notice of the question was received in Hindi.

arise in any year in the Office of a Judge, the Chief Justice will as early as possible, but at least six months before the date of occurrence of the vacancy, communicate to the Chief Minister of the State, his views as to the persons to be selected for appointment.

### **Appointment of Judges**

1222. DR. K.V.P. RAMACHANDRA RAO: Will the Minister of LAW AND JUSTICE be pleased to state:

(a) whether any progress has been made in reaching an understanding with the Supreme Court on selection/promotion/ transfer of Judges in the higher judiciary, if so, the details thereof; and

(b) the stumbling blocks in quickening the filling up of vacancies in High Courts?

THE MINISTER OF STATE IN THE MINISTRY OF LAW AND JUSTICE (SHRI P. P. CHAUDHARY): (a) The Supreme Court pronounced its Order on improvement in the "Collegium System" on 16.12.2015. *Vide* this order they have decided that the Government of India may finalize the existing Memorandum of Procedure (MoP) by supplementing it in consultation with the Supreme Court Collegium (SCC). The Supreme Court has indicated broad categories under which existing MoP can be supplemented such as eligibility criteria, transparency in the appointment process, Secretariat and complaint mechanism etc. The Government of India after due deliberations, proposed changes in the draft MoP's which were sent to the former Chief Justice of India *vide* letter dated 22.3.2016.

The response of the former Chief Justice of India was received on 25.5.2016 and 01.07.2016. The SCC has agreed with some of the suggestions made in the revised MoP while it has not accepted some other provisions. The views of Government were conveyed to the SCC on 3.8.2016.

(b) Filling of vacancies of Judges in the High Courts is a continuous and collaborative process of the Judiciary and Executive. As the process of finalization of the revised MoP 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 was resumed, pending finalization of the revised MoP. During 2016, 131 Additional Judges have been made permanent and 126 fresh appointments of Judges have been made in the High Courts. During the current year, as on 1.3.2017, 9 fresh appointments of Judges have been made in the High Courts and 16 Additional Judges have been made permanent.