

- The Indecent Representation of Women (Prohibition) Act, 1986.

Concerned law enforcement agencies take necessary action for violation noticed or reported as per the law.

Vacancies of Judges

*137. SHRI RAM KUMAR KASHYAP: Will the Minister of LAW AND JUSTICE be pleased to state:

(a) the total number of posts of Judges of High Courts which are lying vacant in the country, the details thereof along with the steps taken to fill up the same;

(b) the process of appointing Judges of High Courts;

(c) whether the reservation policy is applicable in the appointment of Judges of High Courts and if not, the reasons therefor; and

(d) whether there is any proposal to reserve 33 per cent posts of Judges of High Courts and the Supreme Court for SC, ST and OBC, if not, the reasons therefor?

THE MINISTER OF LAW AND JUSTICE (SHRI RAVI SHANKAR PRASAD):

(a) to (d) The details of the Approved strength, Working Strength and Vacancies of Judges in various High Courts as on 24 July, 2017 are given in the Statement (*See below*). As on 24.7.2017, there are 406 posts of High Court Judges lying vacant.

As per the existing Memorandum of Procedure (MoP) for appointment and transfer of Chief Justices and Judges of High Courts, the proposal for initiation of filling up of vacancies in the High Courts vests with the Chief Justice of concerned High Court. However, if the Chief Minister desires to recommend the name of any person, he should forward the same to the Chief Justice of the High Court for his consideration. The Governor as advised by the Chief Minister forwards his recommendation along with the entire set of papers to the Union Minister for Law and Justice. The Union Minister of Law and Justice considers the recommendations in the light of such other reports as may be available to the Government in respect of the names under consideration. The complete material is then forwarded to the Chief Justice of India for his advice, who forms his opinion in consultation with the two Senior most Judges of the Supreme Court along with the views of Consultee Judges. The Supreme Court Collegium sends its recommendations to the Union Minister of Law and Justice who then seeks the approval of the Constitutional Authorities at the Centre.

Filling up of vacancies in the High Courts is a continuous and collaborative process, between the Judiciary and Executive. It requires consultation and approval

from various Constitutional Authorities. While every effort is made to fill up the existing vacancies expeditiously, vacancies do keep on arising on account of retirement, resignation or elevation of Judges and increase in Judge Strength from 906 in 30.06.2014 to 1079 as on today.

Due to the combined efforts of Executive and Judiciary, 126 fresh appointment of Judges were made in the High Court which is the highest ever in a given year. During the current year (as on 24 July 2017), 75 fresh appointment of Judges have been made in the High Courts.

Appointment of Judges of the High Courts is made under Article 217 of the Constitution of India. This Article does not provide for reservation for any caste or class of persons. Therefore, no caste or class-wise data of Judges is maintained. There is no proposal to reserve 33% posts of Supreme Court and High Court Judges for SC/ST/OBC categories. The Government has, however been requesting the Chief Justices of the High Courts that while sending proposals for appointment of Judges, due consideration be given to suitable candidates belonging to Scheduled Castes, Scheduled Tribes, Other Backward Classes, Minorities and women.

Statement

The details of the Approved strength, Working Strength and Vacancies of Judges in the High Courts

(As on 24.07.2017)

Sl. No.	Name of the High Court	Approved Strength			Working Strength			Vacancies as per Approved Strength		
		Pmt.	Addl	Total	Pmt.	Addl	Total	Pmt.	Addl	Total
1	2	3	4	5	6	7	8	9	10	11
1.	Allahabad	76	84	160	67	24	91	9	60	69
2.	Telangana and Andhra Pradesh	46	15	61	27	0	27	19	15	34
3.	Bombay	71	23	94	54	20	74	17	3	20
4.	Calcutta	54	18	72	32	1	33	22	17	39
5.	Chhattisgarh	17	5	22	7	5	12	10	0	10
6.	Delhi	45	15	60	38	0	38	7	15	22
7.	Gauhati	18	6	24	7	12	19	11	-6	5
8.	Gujarat	39	13	52	25	6	31	14	7	21
9.	Himachal Pradesh	10	3	13	6	2	8	4	1	5
10.	Jammu and Kashmir	13	4	17	12	0	12	1	4	5

1	2	3	4	5	6	7	8	9	10	11
11.	Jharkhand	19	6	25	8	6	14	11	0	11
12.	Karnataka	47	15	62	20	8	28	27	7	34
13.	Kerala	35	12	47	31	5	36	4	7	11
14.	Madhya Pradesh	40	13	53	17	18	35	23	-5	18
15.	Madras	56	19	75	45	9	54	11	10	21
16.	Manipur	4	1	5	2	0	2	2	1	3
17.	Meghalaya	3	1	4	3	0	3	0	1	1
18.	Odisha	20	7	27	18	0	18	2	7	9
19.	Patna	40	13	53	23	12	35	17	1	18
20.	Punjab and Haryana	64	21	85	41	10	51	23	11	34
21.	Rajasthan	38	12	50	21	16	37	17	-4	13
22.	Sikkim	3	0	3	3	0	3	0	0	0
23.	Tripura	4	0	4	2	0	2	2	0	2
24.	Uttarakhand	9	2	11	9	1	10	0	1	1
TOTAL		771	308	1079	518	155	673	253	153	406

Departmental inquiry in contract for National Internet Backbone

*138. SHRI JAVED ALI KHAN: Will the Minister of COMMUNICATIONS be pleased to refer to the answers to Starred Question 107 and Unstarred Question 3424 given in the Rajya Sabha on 25th November, 2016 and 16th December, 2016, respectively and state:

(a) whether Government has completed the departmental inquiry, which was to be completed by December, 2016, into the ₹ 300 crore scam in BSNL in award of contract for expansion of National Internet Backbone and in annual maintenance contract along with purchase of new hardware;

(b) if so, the details thereof along with details of action taken against the erring companies and officials till 10th July, 2017;

(c) if not, the reasons for delay;

(d) whether Government has fixed responsibility in this regard; and

(e) if so, the details thereof and if not, the reasons therefor?