

GOVERNMENT OF INDIA
MINISTRY OF LAW AND JUSTICE
DEPARTMENT OF JUSTICE

RAJYA SABHA
UNSTARRED QUESTION NO. 414

ANSWERED ON 25.07.2024

VACANCIES IN HIGH COURTS AND SUPREME COURT

414. SHRI HARIS BEERAN:

Will the Minister of *Law and Justice* be pleased to state:

- (a) the number of vacancies in High Courts and the Supreme Court along with the number of proposals recommended against the said vacancies;
- (b) the period of time since the Collegium of the Supreme Court recommended the said proposals;
- (c) whether Government is aware of delay in judicial appointments as well as transfers, if so, the reasons for the delay; and
- (d) the detailed reasons for non-clearance of names of judges of various High Courts recommended by the Collegium?

ANSWER

MINISTER OF STATE (INDEPENDENT CHARGE) OF THE MINISTRY OF LAW AND JUSTICE; AND MINISTER OF STATE IN THE MINISTRY OF PARLIAMENTARY AFFAIRS

(SHRI ARJUN RAM MEGHWAL)

(a) to (d): The Supreme Court is functioning at full strength and as on date, there is no vacancy. Against the sanctioned strength of 1114 Judges in various High Courts, 757 Judges are working and 357 posts of Judges are vacant in various High Courts. The High Court-wise detail of sanctioned strength, working strength and vacancy as on 19.07.2024 is at Annexure.

As on 19.07.2024, 219 proposals for appointment of Judges received from various High Court Collegiums are at various stages of processing. Out of these 219 proposals, 90 proposals were sent to the Supreme Court Collegium (SCC) for seeking advice against which the SCC has provided advice on 82 proposals which are at various stages of processing. 129 fresh proposals received recently are being processed for seeking the advice of the SCC. The recommendations are yet to be received from High Court Collegiums in respect of the

remaining 138 vacancies. Further, 05 proposals for transfer of Judges are under consideration of the Government.

Judges of the Supreme Court and High Courts are appointed under Article 124, 217 and 224 of the Constitution of India and according to the procedure laid down in the Memorandum of Procedure (MoP) prepared in 1998 pursuant to the Supreme Court Judgment of October 6, 1993 (Second Judges case) read with their Advisory Opinion of October 28, 1998 (Third Judges case). As per MoP, initiation of proposal for appointment of Judges in the High Courts vests with the Chief Justice of the concerned High Court. Chief Justice of the High Court is required to initiate the proposal to fill up vacancy of a High Court Judge six months prior to the occurrence of vacancy. However, this timeline is often not adhered to by the High Courts. All the names recommended by High Court Collegium are sent with the views of the Government to the Supreme Court Collegium (SCC) for advice. Only those persons are appointed as Judges of High Courts, who are recommended by SCC.

Appointment of Judges in the High Courts is a continuous, integrated and collaborative process, involving approval from various Constitutional Authorities. The Government is committed to expeditious processing of appointment of Judges to the Constitutional Courts.

The proposal for transfer of High Court Judges is initiated by the Chief Justice of India, in consultation with four senior most puisne Judges of the Supreme Court. All transfers are to be made in public interest i.e. for promoting better administration of justice throughout the country. No timeline has been prescribed in the MoP for transfer of judges from one High Court to another.

ANNEXURE**(As on 19.07.2024)****Statement showing Sanctioned strength, Working Strength and Vacancies of Judges in the Supreme Court of India and the High Courts**

A.	Supreme Court	Sanctioned strength			Working strength			Vacancies		
		34			34			0		
B.	High Court	Pmt.	Addl	Total	Pmt.	Addl	Total	Pmt.	Addl	Total
1	Allahabad	119	41	160	75	9	84	44	32	76
2	Andhra Pradesh	28	9	37	23	6	29	5	3	8
3	Bombay	71	23	94	49	17	66	22	6	28
4	Calcutta	54	18	72	34	10	44	20	8	28
5	Chhattisgarh	17	5	22	10	5	15	7	0	7
6	Delhi	45	15	60	34	5	39	11	10	21
7	Gauhati	22	8	30	19	5	24	3	3	6
8	Gujarat	39	13	52	29	0	29	10	13	23
9	Himachal Pradesh	13	4	17	12	0	12	1	4	5
10	J & K and Ladakh	13	4	17	12	3	15	1	1	2
11	Jharkhand	20	5	25	19	0	19	1	5	6
12	Karnataka	47	15	62	43	7	50	4	8	12
13	Kerala	35	12	47	29	10	39	6	2	8
14	Madhya Pradesh	40	13	53	36	0	36	4	13	17
15	Madras	56	19	75	50	13	63	6	6	12
16	Manipur	4	1	5	4	0	4	0	1	1
17	Meghalaya	3	1	4	3	1	4	0	0	0
18	Orissa	24	9	33	20	0	20	4	9	13
19	Patna	40	13	53	34	0	34	6	13	19
20	Punjab & Haryana	64	21	85	51	4	55	13	17	30
21	Rajasthan	38	12	50	33	0	33	5	12	17
22	Sikkim	3	0	3	3	0	3	0	0	0
23	Telangana	32	10	42	25	3	28	7	7	14
24	Tripura	4	1	5	4	1	5	0	0	0
25	Uttarakhand	9	2	11	7	0	7	2	2	4
	Total	840	274	1114	658	99	757	182	175	357