

**GOVERNMENT OF INDIA
MINISTRY OF LAW AND JUSTICE
DEPARTMENT OF JUSTICE**

**LOK SABHA
UNSTARRED QUESTION NO. 174**

TO BE ANSWERED ON FRIDAY, THE 02.02.2024

Vacancies in Higher Courts

174. MS. S. JOTHIMANI:

Will the Minister of **LAW AND JUSTICE** be pleased to state:

- (a) the number of vacancies in the Supreme Court and High Courts, especially for the State of Tamil Nadu;
- (b) the number of proposals recommended against the said vacancies;
- (c) the time since the collegium of the Supreme Court recommended the said proposals;
- (d) whether the Government is aware of the delay in judicial appointments as well as transfers, if so, the reasons therefor and the action taken to reduce the delay; and
- (e) the reasons for non-clearance of names of judges of various High Courts recommended by the collegium of the Supreme Court?

ANSWER

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

(SHRI ARJUN RAM MEGHWAL)

(a) to (e): As on 29.01.2024, against the sanctioned strength of 34 Judges, the Supreme Court is functioning at full strength and there is no vacancy. As regards the High Courts, against the sanctioned strength of 1114 Judges, 783 Judges are working and 331 post of Judges are vacant in the various High Courts. The High Court-wise detail of sanctioned strength, working strength and

vacancy as on 29.01.2024 is at **Annexure**. The Madras High Court is functioning with a strength of 67 judges, against the sanctioned strength of 75 judges, leaving 8 vacancies of judges to be filled up. Out of these 8 vacancies, proposals for appointment of 4 posts of judges are under various stages of consideration with the Government. Recommendation against the remaining vacancies is yet to be received from the High Court Collegium.

As on 29.01.2024, 145 proposals for appointment of Judges received from various High Court Collegiums are at various stages of processing. Out of these 145 proposals, 84 proposals were sent to the Supreme Court Collegium (SCC) for seeking advice against which the SCC has provided advice on 65 proposals which are at various stages of processing in the Government. 19 proposals are under consideration with the SCC. 61 fresh proposals received recently are being processed for seeking the advice of the SCC. Recommendations are yet to be received from High Court Collegiums in respect of the remaining 186 vacancies. 07 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. Government, however, appoints only those persons as Judges of High Courts who are recommended by SCC.

Appointment of the Judges of the Constitutional Courts is a continuous, integrated and collaborative process between the Executive and the Judiciary. It requires consultation and approval from various constitutional authorities both at state and central level. As a result of the collaborative process between the Executive and Judiciary, during the year 2022, 165 Judges were appointed in various High Courts and during the year 2023, 110 Judges have been appointed in various High Courts and 34 judges have been transferred among various High Courts.

Statement showing Sanctioned strength, Working Strength and Vacancies of Judges in the Supreme Court of India and the High Courts (as on 29.01.2024)

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	76	14	90	43	27	70
2	Andhra Pradesh	28	9	37	22	8	30	6	1	7
3	Bombay	71	23	94	40	29	69	31	-6	25
4	Calcutta	54	18	72	37	14	51	17	4	21
5	Chhattisgarh	17	5	22	10	6	16	7	-1	6
6	Delhi	46	14	60	37	5	42	9	9	18
7	Gauhati	22	8	30	16	7	23	6	1	7
8	Gujarat	39	13	52	31	0	31	8	13	21
9	Himachal Pradesh	13	4	17	12	0	12	1	4	5
10	J & K and Ladakh	13	4	17	11	4	15	2	0	2
11	Jharkhand	20	5	25	17	1	18	3	4	7
12	Karnataka	47	15	62	39	12	51	8	3	11
13	Kerala	35	12	47	32	4	36	3	8	11
14	Madhya Pradesh	39	14	53	39	1	40	0	13	13
15	Madras	56	19	75	54	13	67	2	6	8
16	Manipur	4	1	5	4	0	4	0	1	1
17	Meghalaya	3	1	4	2	1	3	1	0	1
18	Orissa	24	9	33	20	0	20	4	9	13
19	Patna	40	13	53	35	0	35	5	13	18
20	Punjab & Haryana	64	21	85	41	15	56	23	6	29
21	Rajasthan	38	12	50	34	0	34	4	12	16
22	Sikkim	3	0	3	3	0	3	0	0	0
23	Telangana	32	10	42	21	5	26	11	5	16
24	Tripura	4	1	5	4	1	5	0	0	0
25	Uttarakhand	9	2	11	6	0	6	3	2	5
	Total	840	274	1114	643	140	783	197	134	331