

**GOVERNMENT OF INDIA
LAW , JUSTICE AND COMPANY AFFAIRS
LOK SABHA**

STARRED QUESTION NO:266
ANSWERED ON:21.03.2002
SHORTAGE OF JUDGES IN HIGH COURTS
P.R. KHUTE;PUNNULAL MOHALE

Will the Minister of LAW , JUSTICE AND COMPANY AFFAIRS be pleased to state:

- (a) whether the Union Government have received memoranda/demand letters about shortage of judges in the High Courts and to fill the vacant posts;
- (b) if so, the action taken thereon and whether the Union Government are contemplating to appoint the retired judges under Article 228 of the Constitution as an alternative measure; and
- (c) whether the Union Government are contemplating to increase the sanctioned posts of judges keeping in view the increased number of pending cases before the High Courts including the Chhattisgarh High Court during the last one year ?

Answer

THE MINISTER OF LAW, JUSTICE AND COMPANY AFFAIRS (SHRI ARUN JAITLEY)

(a) to (c) Yes, Sir. Filling up of vacancies in the High Courts is a continuous, consultative process among the Constitutional authorities. While every effort is made to fill up the existing vacancies expeditiously, vacancies do keep arising on account of retirement, resignation or elevation of Judges. Government has been periodically reminding the Chief Justices of High Courts, the Chief Justice of India and the Chief Ministers of the States to initiate proposals for filling up all vacant posts of Judges in the High Courts. They have been reminded last on March 15, 2002.

No proposal is under consideration of the Government for filling up vacancies of Judges in the High Courts by appointment of retired Judges. However, a recommendation for appointment of a Judge in a High Court under art.224A of the Constitution has been received recently. The review of Judge strength of High Courts is undertaken every 3 years in terms of Supreme Court Judgment of October 6, 1993 with reference to the felt need for disposal of cases, taking into account, the backlog and expected future filing. Based on the last review in November, 1999, Judge strength in some High Courts was increased. The next review of the Judge strength of High Courts, including the Chhattisgarh High Court, would be undertaken during the current year.