

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

**RAJYA SABHA
UNSTARRED QUESTION NO. 908
ANSWERED ON 09/02/2023**

VACANCY OF JUDGES IN DISTRICT COURTS

908. SHRI VIKRAMJIT SINGH SAHNEY:

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

- (a) whether it is a fact that District Courts in the country have a total vacancy of 5,850 Judges, if so, the reasons therefor;
- (b) the number of vacant posts of Judges in District Courts during the last five years, year-wise, State-wise and district-wise for Punjab;
- (c) by when Government is planning to fill vacant positions of Judges in District Courts in the country, especially District Courts of Punjab; and
- (d) the details of the number of pending cases in District Courts during the last five years, year-wise, State-wise and district-wise for Punjab?

ANSWER

MINISTER OF LAW AND JUSTICE

(SHRI KIREN RIJJU)

(a): As per the information available with the Department as on 3rd February 2023, there is a total vacancy of 5768 judicial officers in the District and Subordinate Courts against the sanctioned and working strength of 25077 and 19309 judicial officers respectively.

As far as filling up of the vacancies of Judges in District Courts are concerned, the Central Government has no direct role. In exercise of powers conferred under proviso to Article 309 read with Articles 233 and 234 of the Constitution, the respective State Governments, in consultation with the High Courts, frame the Rules and Regulations regarding the issues of appointment, recruitment etc. of Judicial Officers in the State Judicial Service. Thus, the selection and appointment of judges in the District Courts is the responsibility of the High Courts and State Governments concerned.

(b)& (c): The detailed statement depicting the vacant posts of judges in District Courts, year-wise and State-wise for the last five years is at ***Annexure-I***.

As per the information provided by the Punjab and Haryana High Court, no separate district-wise vacancy position of judicial officers during the last five years in the State of Punjab is being maintained. The Punjab and Haryana High Court has further informed that the judicial officers in District and Subordinate Courts are posted as per pendency of cases in such courts.

As per the Constitutional provisions under Article 309 read with Articles 233 and 234 of the Constitution, the selection and appointment of judges in the District Courts is the responsibility of the High Courts and State Governments concerned. In so far as recruitment of judicial officers in the States is concerned, respective High Courts do it in certain States, whereas the High Courts do it in consultation with the State Public Service Commissions in other States. Central Government has no direct role in filling up vacant positions of Judges in District Courts.

As far as expeditious filling up of vacancies is concerned, the Hon'ble Supreme Court of India, through a judicial order in January 2007 in *Malik Mazhar Sultan* case, stipulated that process for recruitment of judges in subordinate courts would commence on 31st March of a calendar year and end by 31st October of the same year. In the said case, the Supreme Court, taking suo-motu cognizance of large number of judicial vacancies in lower courts, directed State Governments/UTs and Registrars General of

jurisdictional High Courts to inform the position regarding filling up of judicial vacancies. The Supreme Court is monitoring the filling up of vacancies under the said judicial order.

As per the information provided by Punjab and Haryana High Court, there are a total of 208 vacancies in Subordinate Judiciary in the State of Punjab as on 5th February, 2023. In case of vacancies in the cadre of Punjab Superior Judicial Service, for the vacancies under the 65% quota (to be filled by way of regular promotion), the recruitment process is at final stage. In case of 10% quota of seats to be filled through Limited Competitive Examination, no candidate was found to be suitable. Lastly, for the remaining 25% vacant posts to be filled through direct recruitment, the process of recruitment is being initiated. For the lower judiciary [P.C.S (Judicial Branch)] cadre of judicial officers, the process to fill up 159 vacancies has been initiated.

(d): The detailed statement showing number of pending cases in District Courts, year-wise and State-wise for the last five years is at ***Annexure-II***. As per information provided by Punjab and Haryana High Court, the detailed statement showing District-wise number of pending cases in District Courts of Punjab during the last 5 years is at ***Annexure-III***.

Vacancy Position for Past 5 years in District and Subordinate Courts.

S. No.	State/UTs	Vacancy position as on 31 st December of each year				
		2018	2019	2020	2021	2022
1	Uttarakhand	59	66	42	28	30
2	Andhra Pradesh	49	68	97	115	73
3	Arunachal Pradesh	5	14	9	9	8
4	Assam	47	29	54	31	60
5	Bihar	640	776	503	560	667
6	Chandigarh	0	1	4	0	0
7	Chhattisgarh	55	74	93	73	90
8	D & N Haveli	0	0	1	1	1
9	Daman & Diu	0	1	0	0	0
10	Delhi	258	118	150	173	203
11	Goa	8	7	10	10	10
12	Gujarat	356	336	369	400	431
13	Haryana	162	297	279	290	308
14	Himachal Pradesh	10	22	14	15	16
15	Jammu and Kashmir	86	58	41	59	91
16	Jharkhand	216	216	131	152	186
17	Karnataka	725	531	286	286	233
18	Kerala	63	79	68	81	122
19	Ladakh	-	-	8	8	8
20	Lakshadweep	0	0	0	0	0
21	Madhya Pradesh	511	401	411	469	372
22	Maharashtra	167	247	250	250	250
23	Manipur	15	16	18	17	17
24	Meghalaya	58	48	48	48	48
25	Mizoram	21	18	21	23	33
26	Nagaland	7	8	7	10	10
27	Odisha	156	149	194	191	234
28	Puducherry	7	15	15	15	17
29	Punjab	144	96	99	85	208
30	Rajasthan	229	307	197	274	331
31	Sikkim	4	6	5	8	9
32	Tamil Nadu	238	175	249	234	272
33	Telangana	48	79	96	49	150
34	Tripura	40	24	23	25	20
35	Uttar Pradesh	1188	838	1053	1092	1173
36	Andaman and Nicobar	0	-13	-13	-13	-13
37	West Bengal	75	96	96	96	96
TOTAL		5647	5203	4928	5164	5764

Source: MIS Portal, Department of Justice

ANNEXURE II

**REGARDING DETAILS OF CASES PENDING IN DISTRICT AND SUBORDINATE COURTS
DURING THE LAST FIVE YEARS**

S.No	State/UT	Pendency Position (as on 31 st December)				
		2018*	2019*	2020**	2021**	2022**
1.	Andhra Pradesh	1068400	567096	635220	773952	829147
2.	Andaman & Nicobar	10229	9795	0	0	11886
3.	Arunachal Pradesh	9652	10658	Not available on NJDG		
4.	Assam	291960	301427	357197	417788	488800
5.	Bihar	2502204	2714344	3158070	3379229	3445159
6.	Chandigarh	56357	62955	57418	69502	79526
7.	Chhattisgarh	267429	285025	324273	376220	411599
8.	Delhi	834813	882366	955850	1082415	1293571
9.	Diu and Daman			2777	2878	2901
10.	DNH at Silvassa	5468	5344	3502	3681	3770
11.	Goa	42783	49049	56545	59370	56375
12.	Gujarat	1447459	1595813	1890667	1951550	1743723
13.	Haryana	728097	853375	1100904	1281697	1458270
14.	Himachal Pradesh	256640	293706	416564	455949	476137
15.	Jammu & Kashmir	163520	172769	215803	243026	299716
16.	Jharkhand	330607	365642	438567	495108	519156
17.	Karnataka	1494608	1531008	1746886	1823103	1893265
18.	Kerala	1652509	1614277	1798342	1943255	1933363
19.	Ladakh			749	824	1154
20.	Lakshadweep	364	397	Not available on NJDG		
21.	Madhya Pradesh	1354602	1455435	1690053	1876194	2000268
22.	Maharashtra	3531425	3821487	4516311	4881718	4982911
23.	Manipur	6216	6516	10794	12802	12269
24.	Meghalaya	13584	13673	10403	14622	16135
25.	Mizoram	6154	6589	4699	5882	5142
26.	Nagaland	4994	3361	1539	2603	2966
27.	Odisha	1319031	1433522	1382538	1519106	1559338
28.	Puducherry	27161	30094	0	34029	29831
29.	Punjab	602014	642327	843791	945609	923581
30.	Rajasthan	1732308	1769823	1830462	2029814	2123475
31.	Sikkim	1208	1142	1570	1926	1843
32.	Tamil Nadu	1084286	1137684	1288573	1363917	1432575
33.	Telangana		580193	674301	805622	1059401
34.	Tripura	58261	27491	41032	39204	40012
35.	Uttar Pradesh	6987417	7807863	8572092	9822224	10973480
36.	Uttarakhand	232338	195281	260564	301001	327350
37.	West Bengal	1950492	2048697	2380633	2589993	2772290
Total		30074590	32296224	36668689	40605813	43210385

*Data Source: Supreme Court of India.

**Data Source : NJDG Portal.

ANNEXURE III

REGARDING DETAILS OF CASES PENDING DISTRICT-WISE IN PUNJAB DISTRICT AND SUBORDINATE COURTS DURING THE LAST FIVE YEARS

S.No	Name of District	Pendency Position (as on 31 st December)				
		2018*	2019*	2020**	2021**	2022**
1.	Amritsar	49973	58810	77983	87399	83670
2.	Barnala	9085	9312	11943	13433	14652
3.	Bathinda	29839	32257	43807	48520	47661
4.	Faridkot	9694	10333	14529	17307	17966
5.	Fatehgarh Sahib	15513	16516	19844	20146	20363
6.	Fazilka	22025	23559	29217	34366	31067
7.	Ferozepur	17822	18689	25036	32322	30445
8.	Gurdaspur	23985	27065	37127	41723	40577
9.	Hoshiarpur	27517	27815	36122	39872	40193
10.	Jalandhar	55613	60899	77160	84736	77891
11.	Kapurthala	19209	17994	25275	26065	25631
12.	Ludhiana	120671	122801	160881	168611	161452
13.	Mansa	11826	12436	18502	20133	20094
14.	Moga	13698	14939	20260	23621	22649
15.	Pathankot	9604	10911	13718	16755	18298
16.	Patiala	51492	54019	69039	76537	76068
17.	Rupnagar	18275	17869	22338	25089	25050
18.	SAS Nagar	24511	28070	38358	50574	51221
19.	Sangrur	31346	35623	45928	51732	53232
20.	SBS Nagar	10700	10837	13982	16730	14920
21.	Sri Muktsar Sahib	13950	15857	21855	25444	25566
22.	Tarn Taran	15666	15716	20887	24494	24915
	TOTAL	602014	642327	843791	945609	923581

Source: Punjab and Haryana High Court