

# The Indian Express

## In lower courts, 21 per cent judges post vacant


WITH A new Memorandum of Procedure (MoP), a crucial document that guides appointments in higher judiciary, stuck due to differences between the Supreme Court and the Centre, there is a renewed focus on vacancies in the Supreme Court and state high courts.

But the situation in the subordinate judiciary, the foundation of the country's justice delivery infrastructure, is no better.

“If you want to understand the gravity of the situation, consider the fact that while there are 2.15 crore-plus cases pending in district courts across the country, there were 38.76 lakh cases pending in all high courts as on December 31, 2015. But, while the focus is on higher judiciary, nobody is talking about the subordinate judiciary and how to fill the large number of vacancies in the lower courts at the earliest,” said a senior government functionary.

Official figures accessed by The Indian Express paint a grim picture: As of December 31, 2015, there are only 16,070 judges for subordinate courts, against a sanctioned strength of 20,502 judicial officers in the states and union territories. This means that 4,432 or 21 per cent posts are vacant.

In most of the big states, the selection of judicial officers is done by the high courts.



STATE	VACANCY
Gujarat	40%
Bihar	38%
Delhi	38%

According to official data, in 11 states, recruitment of subordinate judiciary is done by the high courts, while in 17 states, it is done by the state public service commissions.

Among the bigger states, Gujarat, which has a sanctioned strength of 1,939 judicial officers, has the highest number of vacant posts — 769 or almost 40 per cent. It is closely followed by Bihar — 660 vacant posts out of total sanctioned strength of 1,727, and Delhi — 303 vacant posts out of total 793 sanctioned posts.

The function of selecting judicial officers in Gujarat is performed by the Gujarat High Court, while in Bihar it is done by the state public service commission.

The North-East is also facing a problem of shortage of judges, with almost 50 per cent posts vacant in Meghalaya and 35 per cent vacant in Tripura.

But, here is another worrying statistic: if all the existing posts in subordinate judiciary are somehow filled, there won't be enough rooms for the judicial officers to hold court.

As of December 31, 2015, Gujarat had only 1,186 functional courtrooms while the sanctioned strength is 1,939. Bihar, with a sanctioned strength of 1,727, has seating space for only 1,300 judicial officers. On the other hand, West Bengal, which has about 900 judicial officers working currently, had only 768 courtrooms till end of last year while 102 more were under construction.

Sources said that with many states refusing to allocate adequate funds for judicial infrastructure, the situation is not likely to improve soon.