**SHORTAGE OF JUDGES**

 **\*48. Sh. Rakesh Daultabad, M.L.A**: Will the Chief Minister be pleased to state the following information regarding the Judges in Lower Courts in State:-

a) the Court wise number of Judges in State;

b) whether the State has adequate number of Judges in Courts or is there a shortage of Judges in State;

c) the number of required Judges in State with Court wise division; and

d) the steps being taken by the Government to meet out the shortage of Judges in Haryana judiciary?

**Sh. Manohar Lal, Chief Minister, Haryana**

Sir, a statement is laid on the table of the House.

**STATEMENT OF SH. MANOHAR LAL, CHIEF MINISTER IN RESPECT OF STARRED QUESTION \*48 ASKED BY SH. RAKESH DAULATABAD, M.L.A.**

a) The sanctioned strength of **246** posts of Haryana Superior Judicial Service Officers (Sessions Court) and **526** posts of Civil Judge (Junior Division) are sanctioned in **Lower Courts** in cadre of Haryana Civil Service (Judicial Branch);

b)& c) The State has adequate number of sanctioned strength of Judges, a temporary shortage that may occur due to retirement, etc., is being addressed by direct recruitment and promotions regularly. Presently, the State requires 68 Officers in Higher Judiciary in the cadre of Haryana Superior Judicial Service, out of which 39 posts are to be filled by promotion and remaining to be filled up by way of direct recruitment. Whereas, 129 positions of Civil Judges (Junior Division) are vacant in cadre of Haryana Civil Service (Judicial Branch), the recruitment is in process; and

d) The matter regarding filling up 129 vacant posts of Haryana Civil Service (Judicial Branch) is under consideration of the State Government. An Interlocutory Application in Civil Appeal No. 1867/2006 titled as Malik Mazhar Sultan vs. UPPSC and others was moved by the State of Haryana in the Supreme Court of India on 07 April 2022. The matter regarding filling up of 29 vacancies (under direct quota) in Haryana Superior Judiciary is under consideration in the High Court and promotion case of Civil Judges (Junior Division) to the post of Additional District and Sessions Judges is also under consideration with State Government after an advice was sought from the Ministry of Law and Justice, Government of India.

 **NOTE FOR PAD**

**District Court: -**

1. That the sanctioned strength in District Court’s i.e.**Sessions Court** (Higher Judiciary) are **246** posts of Haryana Superior Judicial Service Officers and **526** posts of Civil Judge (Junior Division) are sanctioned in **Lower Courts** in cadre of Haryana Civil Service (Judicial Branch) in State;

There are two methods of recruitment in Higher Judiciary i.e. in the cadre of Haryana Superior Judicial Service are as under: -: -

Recruitment to the Service shall be made by the Governor,-

(i) by promotion from amongst the Haryana Civil Service (Judicial Branch) in consultation with the High Court; and

(ii) by direct recruitment from amongst eligible Advocates on the recommendations of the High Court on the basis of the written and viva voce test conducted by the High Court.

**Regular recruitment.**

(1) Recruitment to the Service shall be made,-

(a) **65 percent by promotion** from amongst the Civil Judges (Senior Division)/Chief Judicial Magistrates/ Additional Civil Judges (Senior Division) on the basis of principle of merit-cum-seniority and passing a suitability test;

(b) **10 percent by promotion strictly on the basis of merit** through limited competitive examination of Civil Judges (Senior Division) having not less than five years qualifying service as Civil Judges (Senior Division)/Chief Judicial Magistrates/Additional Civil Judges (Senior Division); and who are not less than thirty five years of age on the last date fixed for submission of applications for taking up the limited competitive examinations:

Provided that if candidates are not available for 10 percent seats, or are not able to qualify in the examination then vacant posts shall to be filled up by regular promotion in accordance with clause (a); and

(c) **25 percent of the posts shall be filled by direct recruitment** from amongst the eligible advocates on the basis of the written and viva voce test, conducted by the High Court.

b) The State Government has increased the sanctioned strength of Haryana Judiciary by 20% at Both levels vide this office letter No. 23/01/2013-1SIII, dated 29.08.2019 as recommendations made by the Registrar General, Punjab and Haryana High Court, Chandigarh as decided by the Hon’ble Arrears Committee in its meeting dated 06.*05*.2019, in compliance of the D.O. letter dated 26.02.2023 of the Hon’ble Mr. Justice Altamas Kabir, the then Chief Justice of India. Therefore, the State of Haryana has adequate number of sanctioned strength of Higher and Lower posts of Judges at both level in the Haryana District Courts, but there is some temporary shortage of Judges in State due to retirement in Higher Judiciary & discrepancies noticed by State in promotion case to this cadre.

 Further, in Lower Judiciary also there is temporary shortage of 129 Officers of Haryana Civil Service (Judicial Branch) due pendency of case at Supreme Court of India, as the recruitment is an ongoing process;

c) The State Government has required 68 Judicial officers in Higher Judiciary in the cadre of Haryana Superior Judicial Service, out of which 39 posts are to be filled by promotion and remaining vacancies are to be filled up by direct recruitment, which is totally under administrative control of the High Court as per Article 235 of the Constitution of India. Whereas, 129 positions of Civil Judges (Junior Division) are vacant in cadre of Haryana Civil Service (Judicial Branch), which is under consideration of the State Government; and

d) The State Government is also taking steps to initiate the fresh recruitment process to fill up 129 vacant posts of Haryana Civil Service (Judicial Branch) to meet out the shortage of Judges in Lower Judiciary, but it is put on hold due to pending Interlocutory Application in Civil Application No. 1867/2006 titled as Malik Mazhar Sultan vs. UPPSC and others in the Supreme Court of India. Further, the matter regarding filling up of vacancies in Haryana Superior Judiciary is also under consideration in the High Court to fill up 29 posts of direct recruitment, whereas the promotion case of Civil Judges (Junior Division) to the post of Additional District and Sessions Judges is also under consideration with State Government.

 Further, stated that the last recruitment have been conducted by the High Court in Higher Judiciary as well as in the Lower Judiciary by the Hon’ble Selection Committee in year 2022-23 only.

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