Vacancies in Lower Judiciary

Why in news?

Supreme Court had taken a serious note of the huge vacancies of judges in the lower judiciary.

What was the action of the 2 judge bench?

- The Supreme Court took suo motu cognizance of the problem due to the huge vacancies in subordinate courts across India.
- The bench exercised the extra-ordinary powers of the top court under Article 142 under the Constitution.
- Under this provision SC directed all the 24 high courts and 36 states and Union Territories to apprise it of issues like vacancies
- Supreme Court asked the High Courts to submit reports soon on

1. Recruitment processes undertaken by them in appointments
2. schedule followed
3. measures needed to expedite it
4. Infrastructural requirements.

- In the lower judiciary about 24% of judicial posts were vacant nation-wide.



- A record 2.5 crore cases are pending in lower courts.
- The time for a litigant to wrap up a case on an average exceeds 10 years.
- The Supreme Court recorded that there are a total of 22,036 posts in the district and subordinate judiciary, from district judges to junior civil judges, across the States.

What are the reasons for such vacancies?

- The backlog in cases in subordinate courts are caused due to vacancies, lack of infrastructure and funding

- The source of the vacancy problem lay in poor infrastructure.
- There is no proper infrastructure provision from courtrooms to residences for judges.
- Further the appointment process is not conducted on time and prolongs the process to appoint the appropriate person.

- The Constitution has limited superintendence power over lower courts.
- The SC has no power over the lower courts.
- As high courts have remained lax, successive CJIs have also tried to deal with the issue through judicial orders to states and HCs.

What were the details asked by the Supreme Court?

- The Supreme Court in its order has sought information as to when the process for appointment into "Higher Judicial Service" and "Lower Judicial Service" had been initiated in various states.
- It also asked whether the process is expected to be completed within the schedule formulated by the Supreme Court in the Malik Mazhar Sultan vs U.P. Public Service Commission & Ors judgment.
- SC enquired whether the time expected to be taken to complete the ongoing process/processes can be shortened.
- The court stated that it would consider the cases of different States in four groups.
- The first group to be considered will be the States of Uttar Pradesh, Maharashtra, West Bengal, Delhi, Chhattisgarh, and the North-Eastern States.

Bird's eye view of vacancies and cases pending

Source : The Hindu, Indian Express, Economic Times

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