

# ABOUT DOJ

## various divisions of DoJ

Three main divisions of the Ministry of Law and Justice of India:

1. Department of Legal Affairs
2. Legislative Department
3. Department of Justice

### 1. Department of Legal Affairs

- **Function:** The Department of Legal Affairs provides legal advice to the various ministries and departments of the Government of India. It deals with litigation on behalf of the government, arbitration, and other legal proceedings. It also advises on legal matters and oversees the legal aspects of international agreements and treaties.

- **Link:** [Department of Legal Affairs](#)

### 2. Legislative Department

- **Function:** The Legislative Department is responsible for drafting bills, amendments, ordinances, and regulations for the central government. It also deals with the amendments to the Constitution of India and advises various ministries on legislative matters.

- **Link:** [Legislative Department](#)

### 3. Department of Justice

- **Function:** The Department of Justice focuses on the administration of justice in India. It deals with the appointment, resignation, and retirement of judges of the higher judiciary (Supreme Court and High Courts). The department also oversees the infrastructure development of the subordinate judiciary and judicial reforms.

- **Link:** [Department of Justice, Government of India](#)

## Judge Appointments and Vacancies

The appointment of judges in the higher judiciary (Supreme Court and High Courts) in India is conducted through the **Collegium System**.

### *Supreme Court of India*

- **Sanctioned Strength:** 34 judges, including the Chief Justice of India (CJI).
- **Current Judges:** 30 judges.
- **Current Vacancies:** 4 vacancies.
- **Link:** [Supreme Court Judges](#)

### *High Courts of India*

- **Sanctioned Strength:** Approximately 1,114 judges across all High Courts.
- **Current Judges:** Around 792 judges.
- **Current Vacancies:** Approximately 322 vacancies.
- **Link:** [List of High Court Judges and Vacancies](#)

### *District and Subordinate Courts*

- **Sanctioned Strength:** Approximately 25,435 judges across all District and Subordinate Courts.
- **Current Judges:** Around 19,288 judges.
- **Current Vacancies:** Approximately 6,147 vacancies.
- **Link:** [National Judicial Data Grid](#)

## Collegium System Explanation

The **Collegium System** is the method by which judges of the Supreme Court and High Courts in India are appointed and transferred. It is not explicitly mentioned in the Constitution but has evolved through a series of judicial decisions.

### *Historical Background*

- **First Judges Case (1981):** The Supreme Court ruled that "consultation" with the Chief Justice of India (CJI) in the appointment of judges did not mean "concurrence," giving the executive (the government) the upper hand in judicial appointments.
- **Second Judges Case (1993):** This case established the primacy of the CJI in judicial appointments, stating that the CJI's opinion must be formed collectively with the senior-most judges of the Supreme Court.
- **Third Judges Case (1998):** The Supreme Court expanded the Collegium to include the CJI and the four senior-most judges of the Supreme Court.

### *Composition of the Collegium*

- **Supreme Court Collegium:**
  - Chief Justice of India (CJI)
  - Four senior-most judges of the Supreme Court.
- **High Court Collegium:**
  - Chief Justice of the High Court.
  - Two senior-most judges of that High Court.

### *Functioning of the Collegium System*

- The Collegium considers names for the appointment of judges based on merit, seniority, and other relevant factors.
- Recommendations made by the Collegium are sent to the Government of India.
- The Government can either accept the recommendations or return them for reconsideration. If the Collegium reiterates its recommendations, the Government is obliged to appoint the recommended candidates.

### *Further Reading:*

- **Supreme Court of India - Jurisdiction and Powers:** [Jurisdiction of the Supreme LCourt](#)
- **Collegium System Overview:** Supreme Court Cases on Collegium