

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

**RAJYA SABHA
UNSTARRED QUESTION NO. 1868**

ANSWERED ON 22.12.2022

Formation of bench of women judges

1868. DR. AMEE YAJNIK:

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

- (a) whether for the third time in history of the Supreme Court, bench consisting of only women judges is hearing cases, if so, reasons for not constituting benches of women judges from time to time;
- (b) whether benches of only women judges have been constituted in any High Court, if so, details thereof and if not, reasons therefor; and
- (c) whether it is a fact that no significant efforts have been made during last 70 years to provide adequate representation to women in High Courts/Supreme Court, if so, details of initiative taken by Government to increase representation of women judges in Supreme Court?

ANSWER

MINISTER OF LAW AND JUSTICE

(SHRI KIREN RIJJU)

(a) to (c): Article 145 empowers the Supreme Court to make rules for regulating generally the practice and procedure of the Supreme Court. Further, the rules made under Article 145 may fix the minimum number of judges who are to sit for any purpose, and may provide for the powers of a single judge and Divisional Courts. Supreme Court Rules, 2013 made under the provisions of Article 145 regulate the practice and procedure of the Supreme Court. Order VI of the said Rules empowers the Chief Justice of India on the issue of Constitution of Division Courts. The Constitution of benches is, therefore the sole discretion of Chief Justice of India, who is master of the roster. Article 225 of the Constitution of India empowers the High Court to make rules regarding proceedings and other matters connected to the High Court. In case of the High Courts, the power to constitute Benches is exercised by the Chief Justice of the High Courts, who are masters

of rosters in their respective High Courts. The constitution of the benches comprising of women judges would also depend upon the availability of lady judges at a particular point in time. The information regarding High Court benches of only women is not centrally maintained.

Appointment of Judges of the Supreme Court and High Courts is made under Articles 124, 217 and 224 of the Constitution of India, which do not provide for reservation for any caste or class of persons. However, the Government has been requesting the Chief Justices of High Courts that while sending proposals for appointment of Judges, due consideration be given to suitable candidates belonging to Scheduled Castes, Scheduled Tribes, Other Backward Classes, Minorities and Women to ensure social diversity in appointment of Judges in High Courts.
