

**GOVERNMENT OF INDIA
MINISTRY OF LAW AND JUSTICE
DEPARTMENT OF JUSTICE
RAJYA SABHA
STARRED QUESTION NO. 78
TO BE ANSWERED ON THURSDAY, THE 09.02.2023**

Differences with the top Judiciary

78*. SHRI JAWHAR SIRCAR:

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

- (a) the details regarding sharp points of difference between the Supreme Court and Government on important issues like the power and procedure of appointing Judges to the High Courts and the Supreme Court;
- (b) the status regarding the Supreme Court's recommendations made for filling up the posts of Judges in High Courts and the Supreme Court; and
- (c) whether Government proposes to introduce any Bill in this regard?

ANSWER

MINISTER OF LAW AND JUSTICE

(SHRI KIREN RIJJU)

(a) to(c): A statement is laid on the Table of the House.

Statement referred to in reply to parts (a) to (c) of Rajya Sabha Starred Question No. *78 due for answer on 09.02.2023 regarding “Differences with the top Judiciary”

(a) to (b): Appointment of Judges in Higher Judiciary is a collaborative and integrated process involving both the Executive and the Judiciary. It requires consultation and approval from various Constitutional Authorities. Differences of opinion if any are mutually reconciled by the Executive and the Judiciary to ensure that only the appropriate person is appointed to the high constitutional post of a Judge.

As on 06.02.2023 against the sanctioned strength of 34 Judges, 32 Judges are working in the Supreme Court and recommendation to fill up remaining 02 vacancies received from the Supreme Court Collegium is at various stages of processing.

In the High Courts, against the sanctioned strength of 1108 Judges, 771 Judges are working and 337 posts of Judges are vacant. Appointment in respect of 13 Judges in various High Courts has been notified on 06.02.2023. Against these vacancies 127 proposals recommended by High Court Collegium are at various stages of processing and recommendations against 210 vacancies in the High Courts are yet to be received from the High Court Collegiums.

(c) No Sir.
