

GOVERNMENT OF INDIA  
MINISTRY OF LAW AND JUSTICE  
DEPARTMENT OF JUSTICE

**RAJYA SABHA**

**UNSTARRED QUESTION NO. 908**

ANSWERED ON THURSDAY, THE 27.07.2023

**Appointment of High Court Judges from senior lawyers**

908.SHRI VIKRAMJIT SINGH SAHNEY:

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

- (a) whether it is a fact that the number of senior lawyers who became High Court Judges is more than the number of district court/session court judges who got promotion and became High Court Judges;
- (b) if so, the details thereof, High Court-wise;
- (c) whether Government is planning to recommend the collegium that district court/session court judges should be given priority in appointment of High Court Judges; and
- (d) if so, the details thereof, if not, the reasons therefor?

**ANSWER**

**MINISTER OF STATE (INDEPENDENT CHARGE) OF THE  
MINISTRY OF LAW AND JUSTICE; MINISTER OF STATE IN THE  
MINISTRY OF PARLIAMENTARY AFFAIRS; AND MINISTER OF  
STATE IN THE MINISTRY OF CULTURE**

**(SHRI ARJUN RAM MEGHWAL)**

(a) to (d): Pursuant to the Resolution passed in the Conference of Chief Justices in 1999 and the Supreme Court order dated 29<sup>th</sup> April, 2002 in WP (C) No. 410 of 2001, 66 $\frac{2}{3}$ % of vacancies are filled from amongst members of the Bar and 33 $\frac{1}{3}$ % from the Judicial Service in appointment of Judges in High Courts. A statement showing judges from Bar and Services as on 21.07.2023 is given in **Annexure.**

The process of appointment of High Court Judges is laid down in Article 217 and 224 of the Constitution and as per procedure laid down in the Memorandum of Procedure (MoP) prepared in 1998 pursuant to the Supreme Court Judgement of October 6, 1993(Second Judges case) read with their Advisory Opinion of October 28, 1998 (Third Judges case). As per MoP, initiation of proposal for appointment of Judges in High Courts vests with the Chief Justice of the concerned High Court. The names recommended by High Court Collegium are sent with the views of the Government to the Supreme Court Collegium (SCC) for advice. The Government appoints only those recommendees as High Court Judges who are recommended by the Supreme Court Collegium.

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A statement showing judges from Bar and Services as on 21.07.2023

Sl. No.	Name of High Court	Sanctioned Strength	Working Strength		
			Bar	Service	Total
1.	Allahabad	160	75	20	95
2.	Andhra Pradesh	37	16	12	28
3.	Bombay	94	41	25	66
4.	Calcutta	72	30	21	51
5.	Chhattisgarh	22	09	06	15
6.	Delhi	60	34	11	45
7.	Gauhati	30	16	08	24
8.	Gujarat	52	22	08	30
9.	Himachal Pradesh	17	07	02	09
10.	Jammu & Kashmir and Ladakh	17	10	06	16
11.	Jharkhand	25	12	08	20
12.	Karnataka	62	32	19	51
13.	Kerala	47	23	09	32
14.	Madhya Pradesh	53	19	15	34
15.	Madras	75	40	23	63
16.	Manipur	05	02	01	03
17.	Meghalaya	04	02	01	03
18.	Orissa	33	15	06	21
19.	Patna	53	21	11	32
20.	Punjab & Haryana	85	45	17	62
21.	Rajasthan	50	20	14	34
22.	Sikkim	03	02	01	03
23.	Telangana	42	18	08	26
24.	Tripura	05	03	00	03
25.	Uttarakhand	11	05	03	08
<b>Total</b>		<b>1114</b>	<b>519</b>	<b>255</b>	<b>774</b>
<b>% of working strength (774)</b>			<b>67%</b>	<b>33%</b>	