

GOVERNMENT OF INDIA
MINISTRY OF LAW AND JUSTICE
DEPARTMENT OF JUSTICE

RAJYA SABHA
UNSTARRED QUESTION NO. 1386

ANSWERED ON 14.12.2023

Reservation in judiciary

1386. SHRI SUBHAS CHANDRA BOSE PILLI:
SHRI RYAGA KRISHNAIAH:

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

- (a) whether it is a fact that the representation of OBCs, SCs, STs and Minorities among High Court Judges are to the extent of 23 per cent only and 77 per cent are from the upper castes; and
- (b) whether Government has proposal to bring in reservation to ensure adequate representation to reserved categories in appointment of judges to High Courts and if so, the details thereof and 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) and (b): 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. Therefore, category-wise data pertaining to representation of OBCs, SCs, STs and Minorities among the Judges of High Courts are not maintained centrally.

The procedure for appointment of Judges of the Supreme Court and High Courts is laid down in the Memorandum of Procedure (MoP) prepared in 1998 pursuant to the Supreme Court Judgment of October 6, 1993 (Second Judges case) read with their Advisory Opinion of October 28, 1998 (Third Judges case). As per the MoP, initiation of proposal for appointment of Judges in the High Courts vests with the Chief Justice of the concerned High

Court. Chief Justice of the High Court is required to initiate the proposal for filling up of vacancy of a High Court Judge six (06) months prior to the occurrence of vacancy. 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 the appointment of Judges in High Courts.
