

GOVERNMENT OF INDIA  
MINISTRY OF LAW AND JUSTICE  
DEPARTMENT OF JUSTICE

**RAJYA SABHA  
UNSTARRED QUESTION NO. 1390**

ANSWERED ON 14.12.2023

**Appointment of judges belonging to OBCs, SCs and STs**

1390. #SHRI HARNATH SINGH YADAV:

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

- (a) whether the provisions of reservation made in the Constitution are being followed in the appointment of judges from Backward, Schedule Caste and Scheduled Tribe categories in the Supreme Court and High Courts of the country;
- (b) if so, the number of judges appointed under the said categories as compared to the total number of judges currently working in the Supreme Court and High Courts of the country; and
- (c) whether Government has decided to formulate any action plan to implement the same after discussing it with the judiciary to ensure proper participation of all weaker sections to establish social harmony?

**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 FOR THE MINISTRY OF CULTURE**

**(SHRI ARJUN RAM MEGHWAL)**

(a) to (c): 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. Category-wise data pertaining to representation of OBCs, SCs, STs and Minorities among the Judges of High Courts is not maintained centrally. However, information on social background is being provided by the recommendees for elevation to High Court Judges as per the revised Annexure put into effect since 2018 wherein besides other information, details regarding their social background are made available in the prescribed format (prepared in consultation with the Supreme Court). As per information provided by the recommendees, out of 650 High Court Judges appointed since

2018 till 06.12.2023, 492 Judges belong to the General Category, 20 Judges belong to the SC category, 12 belong to the ST category, 77 Judges belong to the OBC category, 36 Judges belong to Minorities and for the remaining 13 Judges, there is no information available in the Annexures filled by them at the time of their consideration for appointment to the post of Judges. As on 08.12.2023, there are 34 Judges working in the Supreme Court and 790 Judges in the High Courts.

Appointment of Judges of the Supreme Court and High Courts under the provisions of Article 124, 217 and 224 of the Constitution of India is being done in accordance to the procedure 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 to fill up of vacancy of a High Court Judge six 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.

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