

GOVERNMENT OF INDIA
MINISTRY OF LAW AND JUSTICE
DEPARTMENT OF JUSTICE

RAJYA SABHA
UNSTARRED QUESTION NO. 1240

ANSWERED ON 01/08/2024

RECOMMENDATIONS OF SC COLLEGIUM

1240. SHRI P. WILSON:

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

- (a) the details of all pending SC Collegium recommendations for appointment of High Court Judges, including recommended date, expected timeline taken and the reasons for delay for each recommendation, if pending for more than 3 months;
- (b) the steps taken to fix strength of High Court and Supreme Court Judges according to population ratio, the details thereof; and
- (c) whether Government has taken any steps to enhance pay, allowance and pension, etc., for the Judges of Supreme Court and High Courts considering the burden of work and the fact that it has not been revised since 2017, if so, details thereof?

ANSWER

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

(SHRI ARJUN RAM MEGHWAL)

(a) to (c): As on 25.07.2024, 24 proposals recommended by the Supreme Court Collegium for appointment of High Court Judges, are under various stages of processing. Appointment of the Judges of the Constitutional Courts is a continuous, integrated and collaborative process between the Executive and the Judiciary. It requires consultation and approval from various constitutional authorities both at state and central level. Judges of the High Courts are appointed under Article 217 and 224 of the Constitution of India and according 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 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. However, this timeline is often not adhered to by the High Courts. All the names recommended by High Court Collegium are sent with the views of the Government to the Supreme Court Collegium (SCC) for advice. Only those persons are appointed as Judges of High Courts who are recommended by SCC.

2. In the Joint Conference of Chief Justices and Chief Ministers held on 07.4.2013, a recommendation was made to increase the number of Judges of the High Courts by 25%. Accordingly, since 1.07.2014, Government increased the Judge strength of the High Courts from 906 to 1114 (i.e. by 208 posts). The Supreme Court (Number of Judges) Act, 1956 was amended to increase the sanctioned strength of the Judges of the Supreme Court of India from 30 to 33 (excluding CJI). The Supreme Court (Number of Judges) Amendment Act, 2019 came into force w.e.f. 9.8.2019.

3. Pay, allowances, pension etc. in respect of Judges of Supreme Court and High Courts are governed by The Supreme Court Judges (Salaries and Conditions of service) Act, 1958 and The High Court Judges (Salaries and Conditions of service) Act, 1954 respectively. The salary, pension and allowances of Judges of Supreme Court and High Courts were last revised w.e.f. 01.01.2016 consequent upon implementation of 7th Central Pay Commission recommendation by the Government, through an amendment in both the applicable laws mentioned above. Presently, no proposal for enhancing pay, allowance and pension etc. for the judges of Supreme Court and High Court is under consideration of the Government.
