

GOVERNMENT OF INDIA
MINISTRY OF LAW AND JUSTICE
DEPARTMENT OF JUSTICE

RAJYA SABHA
UNSTARRED QUESTION NO. 438

ANSWERED ON 28/11/2024

SOCIAL DIVERSITY IN HIGHER JUDICIARY

438. SHRI P. WILSON:

Will the Minister of *Law and Justice* be pleased to state:

- (a) whether Government has included in memorandum of procedure proposed for appointment of High Court and Supreme Court judges, requirement of social diversity/reservations;
- (b) details and number of SC,ST,OBC, forward caste, women and minority judges in all the High Courts and in Supreme Court as on 31.10.2024;
- (c) reasons due to which the names of Ramasamy Neelakandan and John Sathyam have been kept pending despite being recommended by the Supreme Court Collegium on 17.01.2023 for appointment as judges of Madras High Court; and
- (d) details of total number of vacancies in all High Courts for judges with total strength as on 31.10.2024?

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 (d): Appointment of Judges to the Supreme Court and High Courts is made under Articles 124, 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), which do not provide for reservation for any caste or class of persons. Therefore, category-wise data pertaining to representation of SCs, STs and OBCs among the Judges of High Courts are not centrally maintained. However, since 2018, the recommendees for the post of High Court Judges are required to provide details regarding their social background in the prescribed format (prepared in consultation with the Supreme Court). Based on the information provided by the recommendees, out of 684 High Court Judges appointed since 2018,

21 belong to SC category, 14 belong to ST category, 82 belong to OBC category and 37 belong to Minorities. As on 31.10.2024, 02 women Judges are working in the Supreme Court and 106 in various High Courts.

2. As per the Memorandum of Procedure (MoP), the responsibility for initiation of proposals for appointment of Judges in the Supreme Court vests with the Chief Justice of India, while the responsibility for initiation of proposals for appointment of Judges in the High Courts vests with the Chief Justice of the concerned High Court, in consultation with two senior-most puisne Judges of the High Court. However, 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.

3. As per the Memorandum of Procedure (MoP), the proposals recommended by the High Court Collegium for appointment as High Court Judges, are to be considered in light of such other reports/inputs as may be available to the Government for assessing the suitability in respect of the names under consideration. The Supreme Court in its Judgment dated 6.10.1993 in Supreme Court Advocates on Record Vs. Union of India (Second Judges Case) inter-alia observed that merit selection is the dominant method for judicial selections and the candidates to be selected must possess high integrity, honesty, skill, high order of emotional stability, firmness, serenity, legal soundness, ability and endurance.

4. Appointment of Judges in the higher judiciary 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. The Government exercises its opinion on the recommendations made by the Supreme Court Collegium (SCC) by virtue of this collaborative process so as to ensure that most suitable and meritorious candidate is appointed to the esteemed post of a Judge in the Constitutional Courts. Only those persons are appointed as Judges of the Supreme Court and High Courts whose names have been recommended by the SCC.

5. The sanctioned strength and vacancies of Judges in the High Courts as on 31.10.2024 is at **Annexure.**

ANNEXURE

**Statement showing Sanctioned strength and Vacancies of Judges in the High Courts
(As on 31.10.2024)**

Sl. No.	High Court(s)	Sanctioned Strength	Vacancies
1	Allahabad	160	78
2	Andhra Pradesh	37	8
3	Bombay	94	25
4	Calcutta	72	29
5	Chhattisgarh	22	5
6	Delhi	60	23
7	Gauhati	30	6
8	Gujarat	52	20
9	Himachal Pradesh	17	6
10	J & K and Ladakh	25	10
11	Jharkhand	25	7
12	Karnataka	62	12
13	Kerala	47	2
14	Madhya Pradesh	53	18
15	Madras	75	8
16	Manipur	5	1
17	Meghalaya	4	0
18	Orissa	33	14
19	Patna	53	18
20	Punjab & Haryana	85	32
21	Rajasthan	50	18
22	Sikkim	3	0
23	Telangana	42	15
24	Tripura	5	0
25	Uttarakhand	11	5
	Total	1122	360