

**GOVERNMENT OF INDIA
MINISTRY OF LAW AND JUSTICE
DEPARTMENT OF JUSTICE**

**RAJYA SABHA
STARRED QUESTION NO. 97#**

ANSWERED ON 13/02/2025

VACANCIES OF JUDGES IN HIGH COURTS OF THE COUNTRY

97# SHRI SANDEEP KUMAR PATHAK:

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

- (a) the details of the steps taken by Government to fill up vacancies of Judges in all the High Courts of the country during the last three years;
- (b) the reasons for not filling up the vacancies of Judges in the High Courts so far; and
- (c) by when the vacancies of Judges in the High Courts would be filled and the 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): A statement is laid on the Table of the House.

STATEMENT REFERRED TO IN REPLY TO PARTS (A) TO (C) IN RESPECT OF RAJYA SABHA STARRED QUESTION NO. 97# FOR REPLY ON 13th FEBRUARY, 2025 REGARDING 'VACANCIES OF JUDGES IN HIGH COURTS OF THE COUNTRY'

(a) to (c): Appointment of Judges to High Courts is made 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 the 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. As per the MoP, the High Courts are required to make recommendations at least 06 months before the occurrence of a vacancy. However, this time limit is hardly adhered to by the High Courts. For appointments to the High Courts, the views of concerned State Government are obtained in accordance with the MoP. The recommendations also have to be considered in the light of such other reports as may be available to the Government in respect of the names under consideration. The recommendations of the High Court Collegium, the State Governments and the Government of India are then forwarded to the Supreme Court Collegium (SCC) for advice. Only those persons whose names have been recommended by the SCC are appointed as Judges of the High Courts. 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. Hence, the time needed for filling up of vacancies of the Judges in the High Courts cannot be indicated.

While very effort is made to fill up the existing vacancies expeditiously, vacancies of Judges in High Courts keep on arising on account of retirement, resignation or elevation of Judges and also due to increase in the sanctioned strength of Judges. Since May 2014, the Government has increased the sanctioned strength of High Court Judges from 906 to 1122 (as on date). Under the collaborative effort between the Government and the Judiciary, 323 Judges have been appointed in various High Court during the period 01.01.2022 to 07.02.2025.
