

GOVERNMENT OF INDIA
MINISTRY OF LAW AND JUSTICE
DEPARTMENT OF JUSTICE

**RAJYA SABHA
UNSTARRED QUESTION NO. 1068**

ANSWERED ON 13/02/2025

Judicial recruitments

1068. DR. FAUZIA KHAN :

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

- (a) whether Government is planning to establish a national-level recruitment process for judicial services of all States;
- (b) if so, the details thereof and if not, the reasons therefor; and
- (c) the details of measures taken to reform judicial appointments at the district, State and national level?

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): Recruitment of Judicial Officers is the responsibility of the High Courts and State Governments concerned. As per the Constitutional framework, in exercise of powers conferred under proviso to Article 309 read with Articles 233 and 234 of the Constitution, the respective State Government in consultation with the High Court frames the rules and regulations regarding the appointment and recruitment of Judicial Officers in the respective State Judicial Service. The Hon'ble Supreme Court vide judicial order passed in January 2007 in the Malik Mazhar Sultan case, has inter alia, stipulated certain timelines which are to be followed by the States and the respective High Courts for recruitment of judges in District and subordinate courts.

Judges of the Supreme Court and High Courts are appointed under Article 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). As per the MoP, 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. For appointments to the High Courts, under the MOP, the views of concerned State Government are also obtained. 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 are appointed as Judges of High Courts, whose names have been recommended by the SCC.

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. While every effort is made to fill up the existing vacancies expeditiously, vacancies of Judges in High Courts do keep on arising on account of retirement, resignation or elevation of Judges and also due to increase in the strength of Judges.
