

GOVERNMENT OF INDIA
MINISTRY OF LAW AND JUSTICE
DEPARTMENT OF JUSTICE

RAJYA SABHA
UNSTARRED QUESTION NO. 3151

ANSWERED ON 27.03.2025

VACANCIES IN HIGH COURTS

3151. SHRI DEREK O' BRIEN:

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

- (a) the total number of vacant positions of High Court judges in the country;
- (b) whether Government has received recommendations from the Supreme Court of India to fill each of the vacancies;
- (c) if so, the details thereof and if not, the reasons therefor;
- (d) the number of recommendations received by Government that are pending for appointments in the last two years;
- (e) the number of recommendations returned by Government to the Supreme Court of India in the last two years; and
- (f) the reasons for return of such recommendations?

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 (f): As on 24.03.2025, against the sanctioned strength of 1122 Judges, 765 Judges are working and 357 posts of Judges are vacant in various High Courts. Against these vacancies, 168 proposals for appointment of High Court Judges are at various stages of processing between the Government and the Supreme Court Collegium. The recommendations against 189 vacancies are yet to be received from the High Court Collegiums.

Appointment of Judges to High Courts is made under Articles 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 rarely observed. 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.

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. Only those persons whose names have been recommended by the SCC are appointed as Judges of the High Courts.
