

GOVERNMENT OF INDIA
MINISTRY OF LAW AND JUSTICE
DEPARTMENT OF JUSTICE

RAJYA SABHA
UNSTARRED QUESTION NO. 2192
ANSWERED ON 07/08/2025

WORKING OF COLLEGIUM SYSTEM

2192. DR. SASMIT PATRA:

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

- (a) the number of recommendations made by the Supreme Court Collegium in 2023-24 which are still pending with Government; and for how long;
- (b) the reason for lack of the Collegium system about any formal mechanism for public consultation, diversity tracking or grievance redressal;
- (c) the criteria Government applies in selectively withholding or returning Collegium recommendations; and
- (d) whether Government has proposed any reforms to improve accountability, such as publishing reasons for rejection or delay of Collegium proposals?

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): As on 01.08.2025, against the sanctioned strength of 1122 Judges, 778 Judges are working and 344 posts of Judges are vacant in various High Courts. Against these vacancies, 138 proposals for appointment of High Court Judges are at various stages of processing between the Government and the Supreme Court Collegium. The recommendations against 206 vacancies are yet to be received from the High Court Collegiums.

The 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). The Supreme Court in its Judgment dated 06.10.1993 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. Besides the above, the hallmarks of the most important personal qualifications required are moral vigour, ethical firmness and imperviousness to corrupting or venal influences, humility and lack of affiliations, judicial temperament, zeal and capacity to work.

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, as an important stakeholder in the process of appointment of Judges in the High Courts and as laid down in the Memorandum of Procedure on appointment of High Court Judges provides inputs which mainly contain information on the suitability, competence and integrity of the candidates under consideration for appointment to the high constitutional post in the judiciary. The recommendations along with inputs are then referred to the Supreme Court Collegium (SCC) for advice. Only those persons are appointed as Judges of the Supreme Court and High Courts whose names have been recommended by the Supreme Court Collegium. While it is of utmost importance that the appointments are made expeditiously, at the same time it is also important to ensure that only the most suitable candidates are appointed as Judges of the High Courts under the collaborative process.
