LOK SABHA

UNSTARRED QUESTION NO.3906

TO BE ANSWERED ON WEDNESDAY, THE 09.08.2017

SC/ST/OBC Judges

+3906. **SHRI.CHIRAG PASWAN**
 DR. ANUPAM HAZRA
 SHRI HARINDER SINGH KHALSA

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

(a) the details of the Judges from the SC,ST and OBC communities working in the High Court and Supreme Court since last 15 years;

(b) whether it is a fact that the prejudice or the non-availability of the candidates from these communities are instrumental for the current situation and if so, the details thereof;

(c) whether the principle of merit governs the selection of the judges for the higher judiciary and if so, what are those standards and how these have been objectively applied in such selection since the last 10 years along with the details of cases, name-wise; and

(d) whether steps have been taken by the Government to establish the principle of meritocracy in the selection of judges in the higher judiciary and if so, the details thereof?

ANSWER

Minister of State for Law and Justice and Electronics and Information Technology.

(SHRI P.P. CHAUDHARY)

 (a) to (d): Appointment of Judges of the Supreme Court and High Courts are made under Articles 124 and 217 of the Constitution of India respectively, which do not provide for reservation for any caste or class of persons. Therefore, no caste or class-wise data of Judges is maintained. The Government has, however been requesting the Chief Justices of the 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.

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The Judges of Supreme Court and High Courts are appointed after a rigorous process of selection. The initiation of the proposal for appointment of a Judge of Supreme Court vests with the Chief Justice of India who forms his opinion in consultation with a Collegium of the four senior-most puisne Judges of the Supreme Court. Similarly the initiation of the proposal of appointment of a Judge of a High Court vests with the Chief Justice of the concerned High Court who makes a recommendation in consultation with the two senior-most Judges of the High Court which constitute the High Court Collegium. If the Chief Minister desires to recommend the name of any person, he should forward the same to the Chief Justice of the High Court for consideration.

A citizen is qualified for appointment as a Judge of a High Court if he has held Judicial Office in the territory of India for at least 10 years or has for at least 10 years been an Advocate of a High Court or of two or more such courts in succession. The Judges of High Court are appointed after being assessed by Judiciary on various parameters such as standing and experience, competence, Judicial potential, integrity and character. An Advocate is assessed based on his Gross Professional Income, the reported and unreported Judgments in which he has argued independently etc. The Judicial Officer is assessed by the Judiciary based on his seniority, fulfilment of prescribed age limit, Annual Performance Appraisal Reports during the last 15 years and scrutiny of the quality of Judgments passed by the officers by a Judgment Evaluation Committee.

The name-wise details of the Judges of Supreme Court and High Courts as on 1.11.2014 (Final) and as on 1.5.2017 (Provisional) along with their bio-data are available on the website of the Department of Justice which can be accessed at http://www.doj.gov.in as Judges Handbook.

The endeavour of the Government as well as the Judiciary is to ensure that the most meritorious and the most suitable candidates are appointed as Judges of Supreme Court and High Courts. The effort of the Government is to supplement the existing Memorandum of Procedure (MoP) by making the appointment process transparent, fair and accountable according to the Supreme Court Judgment dated 16.12.2015.

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