

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

LOK SABHA

STARRED QUESTION NO. *432

TO BE ANSWERED ON FRIDAY, THE 31.03.2023

Appointment of Judges in Apex Courts

***432. SHRI RITESH PANDEY:**

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

- (a) whether the Supreme Court recently expressed its opinion over the delay in notifying the names of Judges recommended by the collegium;
- (b) if so, the details thereof indicating the number of collegium proposals pending with the Government as on date and the reasons for the delay along with the number of vacancies in the Supreme Court and High Courts;
- (c) the number of collegium proposals returned by the Government during the last five years and the reasons therefor;
- (d) the details of proposals recommended by High Courts pending with the Supreme Court collegium and the Government along with the reasons therefor, State-wise; and
- (e) whether the Government proposes to reintroduce National Judicial Appointments Commission with suitable modifications and if so, the details thereof?

ANSWER

MINISTER OF LAW AND JUSTICE

(SHRI KIREN RIJIJU)

(a) to (e): A statement is laid on the Table of the House.

Statement referred to in reply to parts (a) to (e) of Lok Sabha Starred Question No. *432 due for answer on 31.03.2023 regarding “Appointment of Judges in Apex Courts”

(a) to (d): Supreme Court while hearing a court case has expressed its opinion over delay in notifying the names of judges recommended by the collegium. Appointment of Judges of the Supreme Court and High Courts is made under Articles 124, 217 and 224 of the Constitution of India and as per 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). 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. Government appoints only those persons as Judges of High Courts who are recommended by Supreme Court Collegium (SCC). As on 27.03.2023, there is no vacancy in the Supreme Court and there is no proposal for appointment of Supreme Court Judge pending with the Government.

As on 27.03.2023 against the sanctioned strength of 1114 judges, 784 Judges are working leaving vacancy of 330 Judges to be filled in the High Courts. As on 27.03.2023, 18 proposals recommended by the SCC for appointment of High Courts Judges are pending with the Government.

On the advice of SCC, from 01.01.2018 till 27.03.2023, a total of 284 proposals have been remitted by the Government to the High Courts.

As on 27.03.2023, against 330 vacancies of Judges in the High Courts, 118 proposals recommended by the High Court Collegiums are at various stages of processing and the recommendations against 212 vacancies are yet to be received from the High Court Collegiums. The High Court-wise detail of proposals received from High Court Collegiums is at **Annexure**.

(e): No Sir, at present there is no such proposal.

Details of 118 proposals recommended by the High Courts and pending with GoI and SCC (As on 27.03.2023)

S. No.	High Court	Number of proposals
1.	Allahabad	14
2.	Andhra Pradesh	08
3.	Bombay	09
4.	Calcutta	03
5.	Chhattisgarh	05
6.	Delhi	09
7.	Gauhati	01
8.	Gujarat	07
9.	Himachal Pradesh	05
10.	J & K and Ladakh	-
11.	Jharkhand	-
12.	Karnataka	04
13.	Kerala	02
14.	Madhya Pradesh	19
15.	Madras	10
16.	Manipur	01
17.	Meghalaya	01
18.	Orissa	02
19.	Patna	02
20.	Punjab & Haryana	01
21.	Rajasthan	01
22.	Sikkim	-
23.	Telangana	07
24.	Tripura	02
25.	Uttarakhand	05
Total		118