

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

LOK SABHA

**UNSTARRED QUESTION NO.2941
TO BE ANSWERED ON FRIDAY, THE 17TH MARCH, 2023**

REPRESENTATION OF WEAKER SECTIONS IN JUDICIARY

2941. SHRI RAVIKUMAR D.:

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

- (a) the steps being taken to ensure adequate representation of SCs, STs and OBCs in the judiciary;**
- (b) the measures being taken to sensitize the judiciary with respect to caste to ensure that no bias creeps into delivery of judgments;**
- (c) the conviction rate under the SC/ST (Prevention of Atrocities) Act;**
- (d) whether any steps have been taken/proposed to be taken by the Government to sensitize the concerned authorities at every stage of a complaint under this Act and ensure that the cases are properly filed and carried on without any discrimination; and**
- (e) if so, the details thereof?**

ANSWER

MINISTER OF LAW AND JUSTICE

(SHRI KIREN RIJJU)

(a)& (b): Appointment of Judges of the High Courts is made under Articles 217 and 224 of the Constitution of India, which do not provide for reservation for any caste or class of persons. However, the Government is committed to social diversity in the appointment of Judges in the Higher Judiciary and has been requesting the Chief Justices of 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 to ensure social diversity in appointment of Judges in High Courts.

As per the available information regarding the category/caste of High Court Judges, which is indicated by the recommendee in the biodata w.e.f.2018 at the time of their recommendation for appointment as High Court Judge by the High Court Collegium (HCC), has been compiled by the Department of Justice and the breakup is as under:-

Category	Total (As on 15.03.2023)
General	444
OBC	64
Minority	15
SC	17
ST	09
Information not available	20

In case of District and Subordinate judiciary, as per proviso to Article 309 read with Articles 233 and 234 of the Constitution, the respective State Governments, in consultation with their High Courts, frame the rules and regulations regarding the issue of appointment and reservations of Judicial Officers in the State Judicial Service. Hence, in so far as recruitment or reservation of judicial officers in the States is concerned, the Central Government has no role in the selection and appointment of judicial officers in District and Subordinate judiciary.

(c): As reported in the Crime in India Report (2021) which is published by National Crime Records Bureau (NCRB), the conviction rate under crime/atrocities against Scheduled Caste (SCs) for the year 2021 is 36.0% whereas in case of Scheduled Tribes (STs) it is 28.1% under the SC/ST (Prevention of Atrocities Act).

(d) & (e): As per the information made available by the Department of Social Justice & Empowerment, Ministry of Social Justice & Empowerment, 'Police' and 'Public Order' are State subjects under the Seventh Schedule (List-II) to the Constitution of India and the State Governments/Union Territory Administrations are primarily responsible for prevention, detection, registration, investigation and prosecution of all crimes within their jurisdiction including crimes against members of Scheduled Castes and Scheduled Tribes. The responsibility for the implementation of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 and rules made thereunder also lies with the State Government/UT Administrations. The Government at its level issues advisories to the State Governments/UT Administrations from time to time for effective implementation of the SC/ST (PoA) Act, 1989 and Rules made thereunder in the letter and spirit.

For the effective implementation of the Protection of Civil Rights Act, 1955 and the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 a Centrally Sponsored Scheme is in force to provide admissible Central assistance to State Governments and Union Territory Administrations for inter-alia, Awareness Generation and Publicity as well.

Further, a National Helpline against Atrocities (NHAA) for the members of Scheduled Castes and the Scheduled Tribes has been also launched by the Department of Social Justice & Empowerment. The objective of the helpline is to generate awareness about the provisions and processes under the Law that are aimed at ending discrimination and provide protection. The NHAA is available on toll-free number '14566' across the country.
