

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

LOK SABHA

UNSTARRED QUESTION NO. 330

ANSWERED ON 03/02/2023

Guidelines for Appointment of Judges in High Courts

330. SHRI VIJAYAKUMAR ALIAS VIJAY VASANTH:

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

- (a) the details of memorandum or guideline for appointing Judges and Chief Justice of High Courts;
- (b) the details of recommendations for appointment of Judges pending before the Government alongwith the details of vacancies expected to arise due to retirement and elevation of judges to Higher Courts, State-wise; and
- (c) whether the Government has sought any advice from the judiciary in this respect and if so, the details thereof?

ANSWER

MINISTER OF LAW AND JUSTICE

(SHRI KIREN RIJJU)

(a): Appointment of Judges in various High Courts is governed by Article 217 of the Constitution of India along with the Manual of Procedure governing the appointment of High Court Judges. As per existing Memorandum of Procedure the initiation of proposal for appointment as Chief Justice of a High Court is done by the Chief Justice of India in consultation with the Supreme Court Collegium (SCC) consisting of two senior-most puisne judges of the Supreme Court. After receiving the proposal from the SCC, the views of the State Government are obtained. Upon receiving the approval from the Constitutional Authorities, appointment of Chief Justice of High Court is notified.

The initiation of proposal for appointment of High Court Judges is done by the Chief Justice of the High Court in consultation with the High Court Collegium (HCC) consisting of two senior most Judges of the High Court. The views of State Constitutional Authorities on the proposals are also obtained. The Union Minister of Law & Justice considers the recommendations in the light of such other reports as may be available to the Government in respect of the names under consideration. The complete material is then forwarded to the Chief Justice of India for his advice. Upon receiving the advice of Supreme Court Collegium and approval from the Constitutional Authorities, appointment of Judge of High Court is notified. Only those recommended by the SCC are appointed as Judges in the High Courts.

(b) & (c): As on 01.02.2023, 142 proposals recommended by the High Court Collegiums are at various stages of processing with the Government. Out of these 142 proposals, 4 proposals are pending with the Supreme Court Collegium and 138 proposals are under different stages of processing. A statement showing State-wise details of vacancies expected to arise due to retirement of Supreme Court & High Court Judges in 2023 is placed at **Annexure**.

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. While every effort is made to fill up the existing vacancies expeditiously, vacancies of judges do keep on arising on account of retirement, resignation or elevation of Judges and also due to increase in strength of Judges.

Annexure
(As on 31.01.2023)

Statement referred to in part (b) & (c) of the Lok Sabha Unstarred Question No. 330 regarding “Guidelines for Appointment of Judges in High Courts”, showing Court-wise details of vacancies arising due to Judges retiring in 2023.

Sl. No.	No. of Judges retiring in 2023	
A.	Supreme Court of India	8
B.	High Court	
1.	Allahabad	9
2.	Andhra Pradesh	3
3.	Bombay	2
4.	Calcutta	4
5.	Chhattisgarh	1
6.	Delhi	6
7.	Gauhati	3
8.	Gujarat	2
9.	Himachal Pradesh	1
10.	J&K & Ladakh	1
11.	Jharkhand	-
12.	Karnataka	2
13.	Kerala	4
14.	Madhya Pradesh	7
15.	Madras	2
16.	Manipur	-
17.	Meghalaya	1
18.	Orissa	4
19.	Patna	2
20.	Punjab & Haryana	9
21.	Rajasthan	3
22.	Sikkim	-
23.	Telangana	3
24.	Tripura	-
25.	Uttarakhand	3
	Total	80