

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

LOK SABHA

UNSTARRED QUESTION NO. 550

TO BE ANSWERED ON FRIDAY, THE 04.02.2022

Vacancies of Judges In High Courts

550. SHRI SANJAY KAKA PATIL:

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

- (a) whether the Government has undertaken steps to fill up the large number of vacancies of judges in high courts, if so, the details thereof; and
- (b) whether the Government has undertaken steps to ensure that the composition of higher judiciary reflects the socio-economic diversity of our country, if so, the details thereof?

ANSWER

MINISTER OF LAW AND JUSTICE

(SHRI KIREN RIJJU)

(a) to (b) : As per the existing Memorandum of Procedure for appointment of Judges of High Courts, the Chief Justice of the High Court is required to initiate the proposal for filling up of vacancies of a Judge in a High Court six months prior to the occurrence of vacancies. Government appoints only those persons as Judges of High Courts who are recommended by Supreme Court Collegium (SCC). At present, 172 proposals are at various stages of processing between the Government and the Supreme Court Collegium. Further recommendations from High Court Collegiums are yet to be received in respect of 239 vacancies in High Courts. Filling up of vacancies in the High 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 the State and Centre level. While every effort is made to fill up the existing vacancies expeditiously, vacancies of Judges in High Courts do keep on arising on account of retirement, resignation or elevation of Judges and also due to increase in the strength of Judges.

Appointment of Judges of the Supreme Court and High Courts is made under Articles 124, 217 and 224 of the Constitution of India, which do not provide for reservation for any caste or class of persons. Hence no class/category wise data is maintained centrally. However, the Government 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.
