

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

**LOK SABHA**

**UNSTARRED QUESTION NO. 3298  
TO BE ANSWERED ON FRIDAY, THE 05<sup>TH</sup> AUGUST, 2022**

**RESERVATION FOR TRANSGENDER IN JUDICIARY**

**3298. MS. DIYA KUMARI:**

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

- (a) whether the Government has any data on the number of women and transgender persons in the judiciary during the last ten years;**
- (b) if so, the details thereof;**
- (c) whether the Government has taken any steps to make the judiciary more accessible and inclusive for women and transgender persons, if so, the details thereof and if not, the reasons therefor;**
- (d) whether the Government has any plans for providing reservations to women and transgender persons in the judiciary; and**
- (e) if so, the details thereof?**

**ANSWER**

**MINISTER OF LAW AND JUSTICE**

**(SHRI KIREN RIJJU)**

**(a) & (b):** 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 reservation for any caste or class of persons. Hence no caste/category wise data is maintained centrally. However, the data on the number of women judges presently working in the Supreme Court and various High Courts, is at *Annexure-I*.

Under Article 235 of the Constitution of India, the administrative control over the members of district and subordinate judiciary in the States vest with the concerned High Court. Further, in exercise of powers conferred under proviso to Article 309 read with Articles 233 and 234 of the constitution, the respective State Government, in consultation with the High Court, frames the Rules and Regulations regarding the issue of appointment, promotion, reservations and retirement of Judicial Officers in the State Judicial Service. Hence, in so far as recruitment of judicial officers in the States is concerned, respective High Courts do it in certain States, whereas the High Courts do it in consultation with the State Public Service Commissions in other States. However, the details of working strength of women judges in District & Subordinate Courts is at *Annexure-II*.

**(c) to (e):** 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.

The Union Government does not have a role under the Constitution in the selection and appointment of judicial officers in District/ subordinate judiciary. The Supreme Court, in its orders of 04<sup>th</sup> January, 2007 in Malik Mazhar case, has devised a process and time frame to be followed for the filling up of vacancies in subordinate judiciary which stipulates that the process for recruitment of judges in the subordinate courts would commence on 31st March of a calendar year and end by 31st October of the same year. The Supreme Court has permitted State Governments / High Courts for variations in the time

schedule in case of any difficulty based on the peculiar geographical and climatic conditions in the State or other relevant conditions.

Further, in compliance of the above directions of the Supreme Court, Department of Justice forwarded a copy of the Malik Mazhar judgement to Registrars General of all High Courts for necessary action. Department of Justice is writing from time to time to Registrars General of all High Courts to expedite the filling up of vacancies in subordinate judiciary mandated by Malik Mazhar case.

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**Annexure-I****STATEMENT REFERRED TO IN REPLY TO PARTS (A) & (B) OF LOK SABHA UNSTARRED QUESTION NO. 3298 FOR ANSWER ON 05.08.2022 REGARDING 'RESERVATION FOR TRANSGENDER IN JUDICIARY'.**

S. No.	Name of the Court	Working Strength of Women Judges as on 25.07.2022
<b>A.</b>	<b>Supreme Court</b>	<b>04</b>
<b>B.</b>	<b>High Court</b>	
1	Allahabad	05
2	Andhra Pradesh	04
3	Bombay	08
4	Calcutta	07
5	Chhattisgarh	01
6	Delhi	12
7	Gauhati	02
8	Gujarat	06
9	Himachal Pradesh	02
10	J & K and Ladakh	02
11	Jharkhand	01
12	Karnataka	05
13	Kerala	06
14	Madhya Pradesh	03
15	Madras	12
16	Manipur	00
17	Meghalaya	00
18	Orissa	01
19	Patna	00
20	Punjab & Haryana	07
21	Rajasthan	02
22	Sikkim	01
23	Telangana	09
24	Tripura	00
25	Uttarakhand	00
	<b>Total (B)</b>	<b>96</b>

**Annexure-II****STATEMENT REFERRED TO IN REPLY TO PARTS (A) & (B) OF LOK SABHA UNSTARRED QUESTION NO. 3298 FOR ANSWER ON 05.08.2022 REGARDING 'RESERVATION FOR TRANSGENDER IN JUDICIARY'.****Statement showing the details of working strength of Women Judges in District & Subordinate Courts as on 25.07.2022**

Sl. No.	States & Uts	Civil Judge (Junior Division)	Civil Judge (Senior Division)	District Judge
1	Andhra Pradesh	123	55	45
2	Arunachal Pradesh	7	4	1
3	Delhi	166	20	95
4	Karnataka	149	120	89
5	Puducherry	2	0	3
6	Rajasthan	260	121	126
7	Tamil Nadu	216	100	112
8	Nagaland	6	2	7
9	Telangana	131	36	50
10	D & N Haveli	0	0	0
11	Daman & Diu	0	0	0
12	Goa	15	8	5
13	Maharashtra	346	139	112
14	Sikkim	0	0	0
15	Meghalaya	14	9	9
16	Manipur	5	10	4
17	Mizoram	13	2	6
18	Assam	120	61	21
19	Bihar	256	33	38
20	Chandigarh	7	0	4
21	Chhattisgarh	99	40	44
22	Gujarat	104	74	50
23	Haryana	70	59	52
24	Himachal Pradesh	36	11	8
25	Jammu and Kashmir	37	24	8
26	Kerala	125	39	42
27	Ladakh	1	2	0
28	Lakshadweep	0	0	0
29	Madhya Pradesh	300	133	103
30	Odisha	185	114	45
31	Punjab	156	59	60
32	Tripura	20	14	4
33	Uttar Pradesh	404	170	220
34	Uttarakhand	51	33	22
35	Jharkhand	85	39	10
36	Andaman and Nicobar	0	0	0
37	West Bengal	210	80	40
<b>TOTAL</b>		<b>3719</b>	<b>1611</b>	<b>1435</b>

