

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

**LOK SABHA  
UNSTARRED QUESTION NO. 803**

**TO BE ANSWERED ON FRIDAY, THE 26.07.2024**

**Delay in Appointment of High Court Judges**

**803. SMT. KANIMOZHI KARUNANIDHI:**

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

- (a) the number of recommendations for appointing high court judges pending for approval of the Government and the reasons for the delay in providing approval;
- (b) the number of recommendations of SC/ST/OBC candidates pending with the Government for approval of their appointment as High Court judges;
- (c) whether the Government has withheld approval for certain recommended candidates owing to their social media posts; and
- (d) if so, the details thereof?

**ANSWER**

**MINISTER OF STATE (INDEPENDENT CHARGE) OF THE MINISTRY  
OF LAW AND JUSTICE; AND MINISTER OF STATE IN THE  
MINISTRY OF PARLIAMENTARY AFFAIRS**

**(SHRI ARJUN RAM MEGHWAL)**

(a) to (d): The Judges of High Courts are appointed under Article 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). As on date, 205 proposals recommended by High Court Collegiums are at various stages of processing.

2. Appointment of Judges to 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. Therefore, category-wise data pertaining to representation of SCs, STs and OBCs among the Judges of High Courts are not centrally maintained. However, since 2018, the recommendees for the post of High Court Judges are required to provide details regarding their social background in the prescribed format (prepared in consultation with the Supreme Court). Hence, since 2018 the data on appointees to that extent is available. Out of 661 High Court Judges appointed since 2018, 21 belong to SC category, 12 belong to ST category, 78 belong to OBC category and 499 belong to General category (till 22.07.2024). Further, 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 the appointment of Judges in High Courts.

3. Based on the information provided by the recommendees to the High Courts in the prescribed format, the number of recommendations in respect of SC, ST, OBC and Backward Community candidates, which are under process are as follows:

<b>Sl. No.</b>	<b>Category (SC/ST/OBC)</b>	<b>Number of recommendees</b>
1.	SC	08
2.	ST	03
3.	OBC	25
4.	BC	02

4. The Supreme Court in its Judgment dated 06.10.1993 in Supreme Court Advocate on Record Vs. Union of India (Second Judges Case) inter-alia, observed that merit selection is the dominant method for judicial selections and the candidates to be selected must possess high integrity, honesty, skill, high order of emotional stability, firmness, serenity, legal soundness, ability and endurance. Besides the above, the hallmarks of the most important personal qualifications required are moral vigour, ethical firmness and imperviousness to corrupting or venal influences, humility and lack of affiliations, judicial temperament, zeal and capacity to work.

5. The Supreme Court Collegium (SCC) has inter-alia opined that expression of views by a candidate does not disentitle him to hold a constitutional office so long as the person proposed for judgeship is a person of competence, merit and integrity. The Government, as an important stakeholder in the process of appointment of Judges in the High Courts and as laid down in the Memorandum of Procedure on appointment of High Court Judges provides inputs which mainly contain information on the suitability, competence and integrity of the candidates under consideration for appointment to high constitutional post in the judiciary. The recommendations along with inputs are then submitted to the SCC for advice. It may be mentioned that only those persons, who are recommended by the SCC, are appointed.

6. 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.

\*\*\*\*