

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

**LOK SABHA
UNSTARRED QUESTION NO. 4143**

TO BE ANSWERED ON FRIDAY, THE 20.12.2024

Appointment of Judges in Judiciary

4143. SHRI MATHESWARAN V S:

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

- (a) whether the Government has any plan to bring constitutional amendment to provide reservation in appointment of judges to Supreme court and High court and if so, the details thereof; and
- (b) the number of Supreme Court collegium recommendations on appointment of High Court judges that are pending with the Government for more than one year?

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) and (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 for reservation for any caste or class of persons.

The procedure for appointment of Judges of the Supreme Court and High Courts is 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 per the MoP, initiation of proposal for appointment of Judges in the High Courts vests with the Chief Justice of the concerned High Court. Chief Justice of the High Court is required to initiate the proposal for filling up of vacancy of a High Court Judge six (06) months prior to the occurrence of vacancy. All the names recommended by High Court Collegium are sent with the views of the Government to the Supreme Court Collegium (SCC) for advice. Only those persons are appointed as Judges of High Courts who are recommended by the SCC.

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. 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.

As on 16.12.2024, 32 proposals recommended by the Supreme Court Collegium for appointment of High Court Judges, are under various stages of processing.
