

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

**LOK SABHA  
UNSTARRED QUESTION NO. †783**

**TO BE ANSWERED ON FRIDAY, THE 29.11.2024**

**Benches of High Courts**

**†783. Shri Amra Ram:  
Shri Shafi Parambil:**

Will the Minister of **Law and Justice** be pleased to state:

- (a) whether the Government proposes to set up a High Court bench in Udaipur district of Rajasthan and a bench of High Court in Thiruvananthapuram district of Kerala;
- (b) if so, the details thereof and if not, the reasons therefor;
- (c) the number of vacancies in the Supreme Court and High Courts indicating the date from which these above posts are lying vacant and the timeframe by which the said posts are likely to be filled up; and
- (d) the name of the judges against whom the court has received complaints during the last two years and outcome 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) & (b): High Court Benches are established in accordance with the recommendations made by the Jaswant Singh Commission and judgment pronounced by the Apex Court in W.P. (C) No. 379 of 2000 and after due consideration of a complete proposal from the State Government consenting to

provide necessary expenditure and infrastructural facilities along with the consent of the Chief Justice of the concerned High Court who is required to look after the day-to-day administration of the High Court. The proposal should also have the consent of the Governor of the concerned State.

At present, there is no proposal pending with the Government to establish benches of Rajasthan High Court at Udaipur and Kerala High Court at Thiruvananthapuram.

(c) : As on 25.11.2024, against the sanctioned strength of 34 Judges in the Supreme Court, 32 Judges are working, leaving 02 vacancies. In the High Courts, against the sanctioned strength of 1122 Judges, 757 are working and 365 posts are vacant. Judges of the Supreme Court and High Courts are appointed under Articles 124, 217 and 224 of the Constitution of India and according to 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 per the existing Memorandum of Procedure for appointment of High Court Judges, the proposal is initiated by the Chief Justice of the High Court in consultation with two senior-most puisne Judges of the High Court. The views of State Constitutional Authorities on the proposals are also obtained. The recommendations are further considered in the light of such other reports as may be available to the Government in respect of names under consideration. The complete material is then forwarded to the Chief Justice of India for his advice. Only those persons are appointed as Judges of the Supreme Court and High Courts whose names have been recommended by the SCC.

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. Hence, the time needed for filling up of vacancies of the Judges in the higher Judiciary cannot be indicated. 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.

(d): The Supreme Court of India, in its full Court meeting on 7th May, 1997, adopted two Resolutions namely (i) "The Restatement of Values of Judicial Life" which lays down certain judicial standards and principles to be observed and followed by the Judges of the Supreme Court and High Courts, and (ii) "in-house procedure" for taking suitable remedial action against judges who do not follow universally accepted values of Judicial life including those included in the Restatement of Values of Judicial life.

As per the established "In-house procedure" for the Higher Judiciary, the Chief Justice of India is competent to receive complaints against the conduct of Judges of the Supreme Court and the Chief Justices of the High Courts. Similarly, the Chief Justices of the High Courts are competent to receive complaints against the conduct of High Court Judges. In view of independence of the Judiciary in the Constitution of India, the complaints/representations received by the Government are also forwarded to the Chief Justice of India or to the Chief Justice of the concerned High Court, as the case may be, for appropriate action.