

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

**RAJYA SABHA
UNSTARRED QUESTION NO. 1791
ANSWERED ON 22.12.2022**

Collegium system for appointments in higher judiciary

1791.SHRI BINOY VISWAM:

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

- (a) whether Government intends to change the current collegium system for appointing judges to the Supreme Court and High Courts;
- (b) the number of pending appointments in the High Courts after the collegium provided a recommendation and the details thereof;
- (c) the reasons for delays in transfers and appointments; and
- (d) the number of vacancies in the High Courts and the Supreme Court?

ANSWER

MINISTER OF LAW AND JUSTICE

(SHRI KIREN RIJJU)

(a) to (d): In order to make the Collegium system of appointments of Judges of the Supreme Court and High Courts more broad-based, transparent, accountable and bringing objectivity in the system, the Government brought into force the Constitution (Ninety-Ninth Amendment) Act, 2014 and the National Judicial Appointments Commission Act, 2014 w.e.f. 13.04.2015. However, both the Acts were challenged in the Supreme Court. The Supreme Court vide Judgment dated 16.10.2015 declared both the Acts as unconstitutional and void. The Collegium system as existing prior to the enforcement of the Constitution (Ninety-Ninth Amendment) Act, 2014 was declared to be operative. Representations from diverse sources on lack of transparency, objectivity and social diversity in the collegium system of appointment of judges to the Constitutional Courts are received from time to time with the request to improve this system of appointment of judges.

Government has sent suggestions for supplementing the Memorandum of Procedure for appointment of Judges to the High Courts and Supreme Court.

As on 16.12.2022, 154 proposals received from High Courts are at various stages of processing between the Government and the Supreme Court Collegium.

Filling up of vacancies in the High Courts is a continuous, integrated and collaborative process between the Executive and the Judiciary. Transfer and appointments of Judges of the High Courts require consultation and approval from various constitutional authorities both at state and central 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.

As on 16.12.2022, against the sanctioned strength of 34 Judges, 28 Judges are working in the Supreme Court leaving 06 vacancies to be filled. Against the sanctioned strength of 1108, 775 Judges are working in the High Courts, leaving 333 vacancies to be filled. At present, 154 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 179 vacancies in High Courts.
