

GOVERNMENT OF INDIA
MINISTRY OF LAW AND JUSTICE
DEPARTMENT OF JUSTICE

RAJYA SABHA
UNSTARRED QUESTION NO. 598
ANSWERED ON 07.12.2023

Appointment of Judges in the Supreme Court and High Courts

598. DR. JOHN BRITTAS:

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

- (a) the number of women Judges and Judges hailing from SC, ST and OBC communities, in the Supreme Court and High Courts, as on date, the details thereof, State-wise and category-wise;
- (b) whether Government has sent suggestions to the Supreme Court for supplementing the Memorandum of Procedure for appointment of Judges to the High Courts and the Supreme Court; and
- (c) if so, details of the suggestions made by Government and response thereto?

ANSWER

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

(SHRI ARJUN RAM MEGHWAL)

(a) to (c): A statement details of showing women judges working in the Supreme Court and various High Courts is at **Annexure-I**.

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 Proforma for seeking information on recommendee Judges for elevation to the High Courts, as prescribed by the Supreme Court for all the High Courts was revised in July 2017. Hence, data regarding appointment of judges hailing from SC, ST and OBC communities from year 2018 till 02.12.2023 is at **Annexure-II**. No category-wise data in respect of Supreme Court Judges is available with the Government.

In present system of appointment of Judges to the constitutional courts through the Collegium system, the onus to provide social diversity and representation to all sections of the society including SC/ST/OBC/Women/Minorities primarily falls on the Judiciary. As per MOP, initiation of a proposal for appointment of Judges in the Supreme Court vests with the Chief Justice of India, while initiation of a proposal for appointment of Judges in the High Courts vests with the Chief Justice of the concerned High Court. All the names recommended by High Court Collegium are sent with the views of the Government to the Supreme Court Collegium (SCC) for advice. Government appoints only those as recommended by the High Court Collegium/Supreme Court Collegium.

The Memorandum of Procedure was under finalization by the Government in consultation with the Supreme Court Collegium in view of Supreme Court judgment of WP(C) 13 of 2015 in NJAC matter vide Order dated 16-12-2015 on supplementing the Memorandum of Procedure (MoP). In the draft MoP for appointment of judges in the High Court, it was agreed by the Supreme Court that “Merit and integrity shall be the prime criteria for appointment of a judge in the High Court. As far as possible, representation shall be given to women and marginalized sections of society. However, in case of judicial officers, due weightage shall also be given to their inter-se seniority.”

The Supreme Court vide its order dated 4.07.2017 in *Suo Motu* Contempt Petition (Civil) No.1 of 2017 in case of one of the Judges of Calcutta High Court *inter alia* highlights the need to revisit the process of selection and appointment of Judges of the Constitutional Courts. The Government of India conveyed the need to make improvement on the draft MoP to the Secretary General of the Supreme Court vide letter dated 11.07.2017.

Later vide letter dated 18.08.2021 and 06.01.2023, the Government made more suggestions for improving the MoP and requested the Supreme Court to expedite finalization of MoP for making the system of appointment to the Constitutional Courts more transparent, fair, representative and acceptable. The views of the Supreme Court on draft MoP are awaited.

However, the Government remains committed to social diversity in the appointment of Judges in the Higher Judiciary. The Minister of Law & Justice 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.

Women Judges working in the Supreme Court and High Courts as on 02.12.2023

Sl. No	Name of the Court	Women Judges
1.	Supreme Court of India	3
High Courts		
2.	Allahabad	6
3.	Andhra Pradesh	5
4.	Bombay	11
5.	Calcutta	8
6.	Chhattisgarh	1
7.	Delhi	9
8.	Gauhati	4
9.	Gujarat	8
10.	Himachal Pradesh	1
11.	J & K and Ladakh	2
12.	Jharkhand	1
13.	Karnataka	7
14.	Kerala	5
15.	Madhya Pradesh	2
16.	Madras	12
17.	Manipur	1
18.	Meghalaya	0
19.	Orissa	1
20.	Patna	1
21.	P&H	15
22.	Rajasthan	3
23.	Sikkim	1
24.	Telangana	7
25.	Tripura	0
26.	Uttarakhand	0
	Total	111

Judges from SC, ST, OBC, Minority appointed in High Courts from 2018 till 02.12.2023.

Year	General	SC	ST	OBC	Minority	Not Available	Total
2018	82	2	2	5	6	11	108
2019	64	3	1	8	3	2	81
2020	52	2	-	11	1	-	66
2021	85	5	2	15	13	-	120
2022	137	6	-	17	5	-	165
2023	72	5	5	20	8	-	110
Total	492	23	10	76	36	13	650