

GOVERNMENT OF INDIA
MINISTRY OF LAW AND JUSTICE
DEPARTMENT OF JUSTICE

RAJYA SABHA
UNSTARRED QUESTION NO. 1233

ANSWERED ON 01/08/2024

SOCIAL DIVERSITY IN APPOINTMENT OF JUDGES

1233. SHRI MUKUL BALKRISHNA WASNIK:

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

- (a) the latest information on the social status of High Courts and Supreme Court Judges;
- (b) whether it is a fact that there exists a social diversity deficit in the higher judiciary;
- (c) if so, whether Government has any plans to ensure that social diversity gets reflected in the appointment of Judges in the High Courts and the Supreme Court; and
- (d) if so, the details thereof and if not, the reasons therefor?

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): 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 25.07.2024).

2. As per the Memorandum of Procedure (MoP), the responsibility for initiation of proposals for appointment of Judges in the Supreme Court vests with the Chief Justice of India, while the responsibility for initiation of proposals for appointment of Judges in the High Courts vests with

the Chief Justice of the concerned High Court, in consultation with two senior-most puisne Judges of the High Court. However, 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 per the Memorandum of Procedure for appointment of Judges in the Supreme Court and High Courts, only those persons are appointed as Judges of the Supreme Court and High Courts whose names have been recommended by the Supreme Court Collegium.
