

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

LOK SABHA

UNSTARRED QUESTION NO. 468

TO BE ANSWERED ON FRIDAY, THE 09.12.2022

Recommendation of Law Commission on Appointment of Judges

**468. SHRI SUSHIL KUMAR SINGH:
SHRI P.P. CHAUDHARY:**

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

- (a) whether the Government proposes to implement the recommendation of 230th report of the Law Commission wherein it is suggested not to appoint the Judges in those courts where their kith and kin are practicing;
- (b) if so, the details thereof and if not, the reasons therefor;
- (c) the number of judges whose kith or kin had earlier been in judiciary, High Court-wise;
- (d) the number of vacancies of judges in the High Courts across the country, State-wise including Rajasthan; and
- (e) whether any steps have been taken to fill up the vacancies of judges in the High Courts of the country and if so, the details thereof and if not, the reasons therefor?

ANSWER

MINISTER OF LAW AND JUSTICE

(SHRI KIREN RIJJU)

(a) to (c): Appointment of Judges of the Supreme Court and High Courts is made under Articles 124, 217 and 224 of the Constitution of India and as per 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 Judges of High Courts, the Chief Justice of the High Court is required to initiate the proposal for filling up of vacancies of a Judge in a High Court at least six months prior to the occurrence of vacancies.

Before forwarding his recommendation, the Chief Justice must consult two of his senior-most colleagues on the Bench regarding the suitability of the names proposed. Government appoints only those judges who are recommended by the Supreme Court Collegium. The data on number of judges whose kith or kin had earlier been in judiciary, High Court-wise, is not maintained.

(d) & (e): The details of vacancies of judges in High Courts of the country is at **Annexure-A**.

Filling up of vacancies in 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. At regular intervals, Government receives names recommended by the Supreme Court Collegium for appointment as Judges in various High Courts, which are processed for necessary approval as per the provisions of Memorandum of Procedure. 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.

ANNEXURE-A

Statement showing Sanctioned strength, Working Strength and Vacancies of Judges in the Supreme Court of India and the High Courts (As on 05.12.2022)

	High Court	Sanctioned strength			Working strength			Vacancies		
		Pmt.	Addl	Total	Pmt.	Addl	Total	Pmt.	Addl	Total
1	Allahabad	119	41	160	77	23	100	42	18	60
2	Andhra Pradesh	28	9	37	27	3	30	1	6	7
3	Bombay	71	23	94	40	26	66	31	-3	28
4	Calcutta	54	18	72	35	19	54	19	-1	18
5	Chhattisgarh	17	5	22	8	6	14	9	-1	8
6	Delhi	46	14	60	44	1	45	2	13	15
7	Gauhati	18	6	24	16	8	24	2	-2	0
8	Gujarat	39	13	52	28	0	28	11	13	24
9	Himachal Pradesh	13	4	17	10	0	10	3	4	7
10	J & K and Ladakh	13	4	17	11	4	15	2	0	2
11	Jharkhand	20	5	25	20	1	21	0	4	4
12	Karnataka	47	15	62	40	9	49	7	6	13
13	Kerala	35	12	47	28	9	37	7	3	10
14	Madhya Pradesh	39	14	53	31	0	31	8	14	22
15	Madras	56	19	75	44	10	54	12	9	21
16	Manipur	4	1	5	3	0	3	1	1	2
17	Meghalaya	3	1	4	3	0	3	0	1	1
18	Orissa	24	9	33	22	0	22	2	9	11
19	Patna	40	13	53	34	0	34	6	13	19
20	Punjab & Haryana	64	21	85	39	27	66	25	-6	19
21	Rajasthan	38	12	50	26	0	26	12	12	24
22	Sikkim	3	0	3	3	0	3	0	0	0
23	Telangana	32	10	42	31	2	33	1	8	9
24	Tripura	4	1	5	3	0	3	1	1	2
25	Uttarakhand	9	2	11	7	0	7	2	2	4
	Total	836	272	1108	630	148	778	206	124	330