

**GOVERNMENT OF INDIA
LAW AND JUSTICE
LOK SABHA**

UNSTARRED QUESTION NO:3364

ANSWERED ON:22.03.2017

Appointment of SC/HC Judges

Adhikari,Shri,Dibyendu;Premachandran Shri N.K.

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

- (a) the action taken by the Government to fill up the existing vacancies of judges in the Supreme Court and High Courts;
- (b) whether the Government received proposal from collegiums regarding such appointments;
- (c) if so, the action taken by the Government thereon;
- (d) whether the Government and collegiums fixed criteria other than seniority for promotion of the Judges in service;
- (e) if so, the details of the criteria fixed by the Government;
- (f) Whether it has come to the notice of the Government that there is violation from the existing norms in the list prepared and sent by High Courts so as to avoid certain Judges; and
- (g) if so, the action taken by the Government to make requisite changes and appoint those who are qualified considering their seniority?

Answer

ANSWER

Minister of State for Law and Justice and Electronics and Information Technology.

(SHRI P.P. CHAUDHARY)

(a) to (g) : Filling of vacancies of Judges in the Supreme Court and High Courts is a continuous and collaborative process of the Judiciary and Executive. While every effort is made to fill up the existing vacancies expeditiously, vacancies do keep on arising on account of retirement, resignation or elevation of Judges and increase in Judge strength. Further, on account of court case regarding the National Judicial Appointments Commission from April, 2015 till the date of pronouncement of judgement i.e. 16.12.2015, no fresh appointment of Judges in the Supreme Court and High Courts was made during the period.

After striking down the constitutional validity of the Constitution (Ninety-Ninth Amendment) Act, 2014 and the National Judicial Appointments Commission Act, 2014, the Supreme Court passed an order for improving the Collegium system in December, 2015 by supplementing the existing Memorandum of Procedure(MoP). As the process was likely to take some time, at the initiative of the Government of India, the matter was taken up with the Supreme Court and the process of appointment of Judges has been resumed. Based on the proposals received from the High Court Collegium, during 2016, 126 fresh appointments of Judges in High Courts and 131 Additional Judges were made Permanent, which is the highest number of appointments made in the last 26 years. Besides, based on the proposal received from the Supreme Court Collegium, 4 Judges were appointed in the Supreme Court in 2016. During the current year, as on date, 5 more Judges has been appointed in Supreme Court, 9 Judges have been appointed in High Courts and 16 Additional Judges have been made permanent.

A Judicial Officer is considered for elevation as a Judge of the High Court based on seniority subject to the fulfillment of prescribed age limit. Besides, other criteria include the quality of their Judgements which is scrutinized at the High Court level by a Judgement Evaluation Committee, ACRs, conduct and clearance from Vigilance angle etc. The proposals received from the High Court Collegiums are duly examined by the Government as well as by the Supreme Court Collegium to ensure that best candidates are appointed as High Court Judges.

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