

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

RAJYA SABHA

STARRED QUESTION NO. 166

TO BE ANSWERED ON THURSDAY, THE 17.03.2022

Appointment of judges from various communities

166. SHRI P. WILSON:

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

- (a) the steps taken by Government with regard to ensuring appointment of judges in High Courts and the Supreme Court, belonging to SC, ST, OBC, women and minority, the data relating to the judges of these communities from 2019 to 2021; and
- (b) the details of the action taken by the Government on various recommendations of the Department related Parliamentary Committee of the Ministry in this regard?

ANSWER

MINISTER OF LAW AND JUSTICE

(SHRI KIREN RIJIJU)

(a) & (b): A statement is laid on the Table of the House.

**Statement referred to in reply to parts (a) & (b) of Rajya Sabha
Starred Question No. 166 due for answer on 17.03.2022 regarding
“Appointment of judges from various communities”**

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 for reservation for any caste or class of persons. Hence no caste/category wise data is maintained centrally. The primary responsibility for making recommendations against vacancies in the High Courts vests with the High Court Collegium. In the 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. Government cannot appoint any person as a High Court Judge who is not recommended by the High Court Collegium/Supreme Court Collegium.

Reservation in Higher Judiciary has been recommended by the Department related Parliamentary Committee in its 107th Report, 2021-22 (Para 5.16); 87th Report, 2016 [Para 51 (xxiv)] and 21st Report, 2007 (Para 22). The Government remains committed to social diversity in the appointment of Judges in the Higher Judiciary and 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.
