

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

LOK SABHA

UNSTARRED QUESTION NO. 3277

TO BE ANSWERED ON FRIDAY, THE 05.08.2022

Impact of Delay in Appointment on Seniority of Judges

3277. SHRI V.K. SREEKANDAN:

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

- (a) whether the delay in judicial appointments affects seniority of judges;
- (b) if so the details thereof and the steps taken in this regard;
- (c) whether a High Court judge in Karnataka has faced threat of life on the issue of transfer of judicial officials in Karnataka;
- (d) if so, whether the Government has taken serious note and made any inquiry into it; and
- (e) if so, the details thereof?

ANSWER

MINISTER OF LAW AND JUSTICE

(SHRI KIREN RIJJU)

(a) and (b): 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 six months prior to the occurrence of vacancies.

Filling up of vacancies in the 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. 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.

The seniority of recommendees is not the only criterion for making recommendations by the High Court Collegiums for appointment of judges in the High Courts. Government appoints only those persons as Judges of High Courts who are recommended by Supreme Court Collegium (SCC).

(c) to (e): As per information provided by the Karnataka High Court, no incident of threat of life faced by the Judges of the High Court on the issue of transfer of Judicial Officers in Karnataka has been reported. 'Police' and 'Public order' are State subjects under the Seventh Schedule to the Constitution of India and State Governments/UT Administrations are responsible for prevention, detection, registration and investigation of crime and for prosecuting the criminals through their law enforcement agencies. Further, maintenance of order in the Court's premises as well as safety and security of Judges is also the responsibility of State Governments /UT Administrations.
