

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

RAJYA SABHA

UNSTARRED QUESTION NO. 2179

TO BE ANSWERED ON THURSDAY, THE 04.08.2022

Delay in the appointment process of High Court Judges

2179. DR. JOHN BRITTAS:

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

- (a) whether the Supreme Court has prescribed certain timelines to be followed by Government in the matter of processing of appointments of Judges to the High Courts vide its order dated 20.04.2021 in M/s PLR Projects Pvt Ltd. vs Mahanadi Coalfield Ltd. and Ors [transfer petition (civil) no: 2419 of 2019];
- (b) if so, the details of appointment proposals of judges to various High Courts pending with the Government which exceeded the time limits prescribed by the Supreme Court; and
- (c) if so, details thereof and if not, reasons therefor?

ANSWER

MINISTER OF LAW AND JUSTICE

(SHRI KIREN RIJJU)

(a) to (c): Appointment of Judges in the High Courts is an administrative matter between the Executive and the Judiciary. As per the existing Memorandum of Procedure for appointment of Judges of High Courts, the Chief Justice of the High Court concerned is required to initiate the proposal for filling up of vacancies six months prior to the occurrence of vacancies.

Hon'ble Supreme Court while hearing WP(C) 13 of 2015 in NJAC matter issued detailed Order on 16-12-2015 on supplementing the Memorandum of Procedure (MoP). In para 10 of the ibid Order, it was laid down that Government of India may finalize the Memorandum of Procedure by supplementing it in consultation with the Chief Justice of India. The Chief Justice of India will take a decision based on the unanimous view of the Collegium comprising of four senior most puisne Judges of the Supreme Court. The Supreme Court has prescribed certain timelines to be followed by all Constitutional authorities in the matter of processing of appointments of Judges to the High Courts vide its order dated 20.04.2021 in M/s PLR Projects Pvt Ltd. vs Mahanadi Coalfield Ltd. and Ors [transfer petition (civil) no: 2419 of 2019]. However, these timelines are not part of MoP.

In so far as appointment of Judges in the High Court is concerned, it 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. In the year 2022 till date, Government has appointed 100 Judges in various High Courts.
