

रविशंकर प्रसाद
RAVI SHANKAR PRASAD



मंत्री
विधि एवं न्याय, संचार
एवं
इलेक्ट्रॉनिकी और सूचना प्रौद्योगिकी
भारत सरकार
MINISTER OF
LAW & JUSTICE, COMMUNICATIONS
and
ELECTRONICS & INFORMATION TECHNOLOGY
GOVERNMENT OF INDIA

D.O. No. 15017/02/2020-US.I/II (pt.2)

Dear Shri Wilson Ji,

0202-139-97
28 SEP 2020

Please refer to the matter raised by you in Rajya Sabha during Zero Hour on 04.02.2020 regarding vacancy of Judges in High Courts.

2. I would like to inform you that the Judges of High Courts are appointed as per the Article 217 and 224 of the Constitution of India. As per the existing Memorandum of Procedure (MoP) for appointment of Judges, the initiation of proposal for appointment of Judges in the High Courts vests with the Chief Justice of the High Court. As on 01.09.2020, there are 398 vacancies in the High Courts. 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. As per the MoP, the Chief Justice of the High Court is required to initiate the proposals for filling up of vacancies of Judges in the High Court six months prior to the occurrence of vacancies but this timeline is rarely adhered to.

3. There is no stand-off between the Executive and the Judiciary. Filling up vacancies of Judges in the High Courts is continuous collaborative process between the executive and Judiciary as it requires consultation and approval of various constitutional authorities. Differences of opinion, if any are mutually reconciled by the Executive and the Judiciary to ensure that only apposite person is appointed as High Court Judge. However, the Government is committed to fill up the vacancies in the High Courts expeditiously.

4. The Government, as on 01.09.2020, has already appointed 48 new Judges in the High Courts.

With regards,

Yours sincerely,

(Ravi Shankar Prasad)

Shri P. Wilson,
Member of Parliament, Rajya Sabha,
177, South Avenue,
New Delhi, 110011