

Centre not planning a bill on appointment of judges, Kiren Rijiju tells Rajya Sabha

The Hindu Bureau

Union Minister for Law and Justice Kiren Rijiju speaks in the Rajya Sabha during Budget Session of Parliament, in New Delhi, on February 9, 2023. | Photo Credit: PTI

The appointment of judges to the higher judiciary is a collaborative process, and if differences crop up between the executive and the judiciary, they are mutually reconciled to ensure that only an appropriate person is appointed, Law Minister Kiren Rijiju told the Rajya Sabha on Thursday.

When asked if the government was planning to bring in a Bill with regard to the appointment of judges to the High Courts and the Supreme Court, Mr. Rijiju, in a written answer, replied in the negative

He was responding to a question by the Trinamool Congress' Jawhar Sircar on the "sharp differences" emerging between the Central government and the Supreme Court with regard to procedure and power to appoint judges in the HC and the top court.

'Mutually reconciled'

"Appointment of Judges in Higher Judiciary is a collaborative and integrated process involving both the Executive and the Judiciary," the Law Minister said. "It requires consultation and approval from various Constitutional Authorities. Differences of opinion, if any, are mutually reconciled by the Executive and the Judiciary to ensure that only the appropriate person is appointed to the high constitutional post of a Judge," added Mr. Rijiju.

In a separate reply to different question, asked by the Leader of the Opposition and Congress President Mallikarjun Kharge, about the government sending back names of judges that were reiterated by the Supreme Court Collegium (SCC), the Law Minister said that there were 10 such cases.

"Out of these 10 proposals, SCC has reiterated its earlier recommendation for appointment in respect of three proposals. On the remaining seven reiterated proposals, the SCC has sought additional inputs from the High Court Collegium," the Law Minister said.

High vacancies, high pendency

Answering another question posed by BJP MP Sushil Modi on the memorandum of procedure to appoint judges, the Law Minister said that the government has written to the Chief Justice of India about setting up a search-cum-evaluation committee that would have representatives from the Centre and State governments.

Discussing the need to fill up vacancies, the Law Minister said that as on February 6, the Supreme Court was functioning with 32 judges as against a sanctioned strength of 34

judges. “The process to fill up the two remaining vacancies is under consideration. In the High Courts, against the sanctioned strength of 1108 judges, 771 judges are working and 337 posts of judges are vacant,” he said.

Responding to another question Mr. Rijiju said that the Upper House had over 69,000 cases pending in the top court, while nearly 60 lakh cases are pending in the High Courts as on February 1.