Syllabus subtopic: Appointment to various Constitutional posts, powers, functions and responsibilities of various Constitutional Bodies.

Prelims and Mains focus: about the delay in the appointments of judges in High courts and lower judiciary and its implications on justice delivery system

News: Two hundred and thirteen names recommended for appointment to various High Courts are pending with the government/Supreme Court Collegium, the Supreme Court said in a judicial order.

What does the judicial order say on appointments?

At least the names on which the Supreme Court Collegium, the High Courts and the governments had agreed upon should be appointed within six months, the order said.

If recommendations of the High Court Collegium meet with the approval of the Supreme Court Collegium and the government, at least their appointments must take place within six months. This is not to say that in other cases the process should not be completed within six months,” a Bench of Justices Sanjay Kishan Kaul and K.M. Joseph said in an order dated December 6 and made available on Tuesday.

It emphasised that the appointments required “a continuous, collaborative and integrated process, where the government is an important consultee”.

Why is the judicial order significant?

The order is significant, coming at a time when inordinate delays in the appointment of High Court judges and depleting numbers in the higher judiciary threaten to affect the justice delivery mechanism.

The court has asked for a list with details of the 213 names, including when their files were forwarded to the Prime Minister’s Office (PMO) and the time taken by the Law Ministry to forward them to the PMO.

Process of appointments of judges

Once the Supreme Court collegium clearing the recommendees, the Union Law Ministry has to put up within three weeks the recommendations to the Prime Minister who would advise the President on the appointment.

However, no time limit has been prescribed for action by the Prime Minister and the President.
Falling appointments

The number of judges appointed to the High Courts has steadily dipped since 2017. Judicial appointments to High Courts have nearly halved in 2019 compared to 2017 and 2018. Only 65 judges have been appointed to High Courts in 2019. It was 115 in 2017 and 108 in 2018. The High Courts are functioning at nearly 50% of their sanctioned judicial strength. Of a total 1,079 judges sanctioned in the High Courts, there are 410 vacancies.