

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

**RAJYA SABHA
UNSTARRED QUESTION NO. 124
ANSWERED ON 02/02/2023**

Return of collegium proposals by Government

124 DR. JOHN BRITTAS:

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

- (a) total number of collegium proposals returned by Government on its own to Supreme Court Collegium during the last three years;
- (b) the reasons therefor;
- (c) the number of proposals resubmitted by Supreme Court Collegium out of the proposals so returned and actions taken thereon; and
- (d) the number of returned proposals concurred with by the Collegium?

ANSWER

MINISTER OF LAW AND JUSTICE

(SHRI KIREN RIJJU)

(a) to (b): As per existing Memorandum of Procedure on appointment of High Court Judges, the proposal is initiated by the Chief Justice of the High Court in consultation with two senior most puisne Judges of the High Court. The views of State Constitutional Authorities on the proposals are also obtained. The Union Minister of Law & Justice consider the recommendations in the light of such other reports as may be available to the Government in respect of the names under consideration. The complete material is then forwarded to the Chief Justice of India for his advice. Accordingly, the Government sends all proposals received from the High Court Collegiums to the Supreme Court Collegium (SCC) for advice. Government appoints only those persons whose names have been recommended by the SCC as Judges of the Supreme Court and High Courts.

(c) to (d): Government can seek reconsideration on names recommended by the SCC, and as on 31.01.2023 there are total 18 proposals on which reconsideration of SCC has been sought. SCC decided to reiterate 06 cases, in 07 cases SCC has desired updated inputs from the High Court Collegiums, and 05 cases have been decided to be remitted by the SCC to the High Courts.
