

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

**RAJYA SABHA
UNSTARRED QUESTION NO. 821
TO BE ANSWERED ON THURSDAY, THE 09.02.2023**

Supreme Court Collegium recommendations

821 SHRI MALLIKARJUN KHARGE:

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

- (a) whether it is a fact that Government has returned the recommendations made by the Supreme Court Collegium, which the Collegium had previously reiterated;
- (b) if so, under what rules and procedure were such recommendations again sent back to the Supreme Court Collegium despite their reiteration;
- (c) whether Government has taken into consideration the comments made by the Supreme Court in regard to the appointment of Judges and pending recommendations of the Collegium; and
- (d) if so, the details thereof?

ANSWER

**MINISTER OF LAW AND JUSTICE
(SHRI KIREN RIJJU)**

(a) to (d): 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 considers 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.

10 proposals reiterated by SCC were recently referred back to the SCC for reconsideration. Out of these 10 proposals, SCC has reiterated its earlier recommendation for appointment in respect of 03 proposals. On the remaining 07 reiterated proposals, SCC has sought additional inputs from the High Court Collegium.

In view of various reports/ input received by Government, which in the opinion of the Government warrant further consideration by the Collegium, the Government has sent such reiterated cases for reconsideration as was done in the past as well. There have been instances in the past when the SCC had agreed to the views expressed by the Government and recalled its reiterated recommendations.
