

GOVERNMENT OF INDIA
MINISTRY OF LAW AND JUSTICE
DEPARTMENT OF JUSTICE

RAJYA SABHA
UNSTARRED QUESTION NO. 1377

ANSWERED ON 14.12.2023

Recommendations sent by the Collegium for appointments of judges

1377. SHRI P. WILSON:

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

- (a) the details of recommendations sent by the Collegium with respect to appointment of judges since 2020 and the details of time-frame taken by Government to issue notification with regard to each recommendations; and
- (b) the details of recommendations pending with Government?

ANSWER

MINISTER OF STATE (INDEPENDENT CHARGE) OF THE MINISTRY OF LAW AND JUSTICE; MINISTER OF STATE IN THE MINISTRY OF PARLIAMENTARY AFFAIRS; AND MINISTER OF STATE IN THE MINISTRY OF CULTURE

(SHRI ARJUN RAM MEGHWAL)

(a) and (b): As on 01.01.2020, 198 proposals received from the High Court Collegiums were at different stages of processing between Government and the Supreme Court Collegium (SCC). From 01.01.2020 till 11.12.2023, 635 proposals were received from various High Courts. During the above period, appointment of 461 High Court Judges was notified and 249 recommendations were remitted to High Courts on advice of the Supreme Court Collegium (SCC). As on 11.12.2023, 123 proposals received from various High Court Collegiums are at various stages of processing with the Government and Supreme Court Collegium. While 81 proposals are under processing with the Government, 42 proposals have been sent to the Supreme Court Collegium for advice.

Since, the year 2020 the Government has received 26 proposals for appointment of Judges in the Supreme Court, which were notified after approval of the Constitutional authorities within shortest timeframe.

Judges of the Supreme Court and High Courts are appointed under Article 124, 217 and 224 of the Constitution of India and according to the procedure laid down in the Memorandum of Procedure (MoP) prepared in 1998 pursuant to the Supreme Court Judgment of October 6, 1993 (Second Judges case) read with their Advisory Opinion of October 28, 1998 (Third Judges case).

The existing Memorandum of Procedure on appointment of High Court Judges provides that 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. Only those persons are appointed as Judges of the Supreme Court and High Courts whose names have been recommended by the SCC.

Appointment of the Judges of the Constitutional Courts is a continuous, integrated and collaborative process between the Executive and the Judiciary. It requires consultation and approval from various constitutional authorities both at state and central level. While it is of utmost importance that the appointments are made expeditiously, at the same time it is also important to ensure that only the most suitable candidates are appointed as Judges in the High Courts that under the collaborative process.
