

GOVERNMENT OF INDIA  
MINISTRY OF LAW AND JUSTICE  
DEPARTMENT OF JUSTICE

**RAJYA SABHA**  
**STARRED QUESTION NO. 66**

ANSWERED ON 08.02.2024

**Delay in notification of collegium recommendations**

\*66. SHRI P. WILSON:

Will the Minister of *Law and Justice* be pleased to state:

- (a) whether request of the Supreme Court Collegium for appointment of judges has been withheld without any justification even after repeated resolution passed to appoint certain names;
- (b) whether the recommendation for subsequent appointment has been approved but some names especially in respect of Madras High Court and in various other High Courts are withheld without any justification, if so, the reasons for not approving the names and the details thereof; and
- (c) the details of recommendations of collegium that are pending for more than six months and reasons for delay in approval?

**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) to (c): A statement is laid on the Table of the House.

**Statement referred to in reply to parts (a) to (c) of Rajya Sabha Starred Question No. \*66 due for answer on 08.02.2024 regarding “Delay in notification of collegium recommendations”**

(a) to (c) : 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.

As on 05.02.2024, there are only 09 proposals recommended by the Supreme Court Collegium for appointment, which are under consideration in the Government for more than six months. 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 under the collaborative process.