

GOVERNMENT OF INDIA
MINISTRY OF LAW AND JUSTICE
DEPARTMENT OF JUSTICE

RAJYA SABHA
UNSTARRED QUESTION NO. 595
ANSWERED ON – 23/07/2026

STATUS OF JUDICIAL APPOINTMENTS AND JUDICIAL REFORMS

595 DR. SASMIT PATRA:

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

- (a) whether Government has held any consultations during the last five years with the judiciary, State Governments, constitutional authorities or other stakeholders regarding reforms in the existing system of appointment of judges to the Supreme Court and High Courts;
- (b) if so, the details and outcomes of such consultations;
- (c) whether Government has undertaken any study or comparative analysis of judicial appointment mechanisms followed in other constitutional democracies, with a view to improving transparency, accountability and institutional efficiency in judicial appointments; and
- (d) the present status of Government's proposals, if any, relating to reforms in the judicial appointments process?

ANSWER

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

(SHRI ARJUN RAM MEGHWAL)

(a) to (d): Appointments of judges in the Supreme Court and High Courts are governed by Articles 124, 217 and 224 of the Constitution of India.

The procedure for appointment of Judges of the Supreme Court and High Courts is 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). As per the MoP, initiation of proposal for appointment

of Judges in the Supreme Court vests with the Chief Justice of India and initiation of proposal for appointment of Judges in the High Courts vests with the Chief Justice of the concerned High Court. Only those persons are appointed as Judges of High Courts and the Supreme Court who are recommended by the Supreme Court Collegium (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.

In order to replace the Collegium system of appointments of Judges of the Supreme Court and High Courts with a more broad-based, transparent, accountable appointment mechanism and to bring greater objectivity in the system, the Constitution (Ninety-Ninth Amendment) Act, 2014 and the National Judicial Appointments Commission Act, 2014 were brought into effect on 13.04.2015. However, both Acts were challenged in the Supreme Court. The Supreme Court vide Judgment dated 16.10.2015 declared both Acts as unconstitutional and void. The Collegium system as existing prior to the enforcement of the Constitution (Ninety-Ninth Amendment) Act, 2014 was declared to be operative.
