

GOVERNMENT OF INDIA  
MINISTRY OF LAW AND JUSTICE  
DEPARTMENT OF JUSTICE

**LOK SABHA**  
**UNSTARRED QUESTION NO. 471**

**TO BE ANSWERED ON WEDNESDAY, THE 06.02.2019**

**Collegium System**

471. PROF. SAUGATA ROY:

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

- a) whether some controversy erupted over the Hon'ble Supreme Court Collegium's recommendation for appointment of Supreme Court Judges;
- b) if so, the details thereof;
- c) whether the Collegium is following any criteria on selection of Supreme Court Judges from sitting High Court Chief Justices/Judges of the country;
- d) if so, the details thereof; and
- e) the reasons for not considering the seniority of judges in this regard?

**ANSWER**  
**MINISTER OF STATE FOR LAW AND JUSTICE AND CORPORATE**  
**AFFAIRS**  
**(SHRI P.P. CHAUDHARY)**

(a) to (e): The Judges of the Supreme Court are appointed by the President under Article 124 (2) of the Constitution and as per the procedure laid down

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in the Memorandum of Procedure (MoP) prepared in 1998 pursuant to the Supreme Court Judgment of 6<sup>th</sup> October, 1993 (Second Judges case) read with the advisory opinion of 28<sup>th</sup> October, 1998 (Third Judges case). As per the MoP, the proposal for appointment of Judges in the Supreme Court is initiated by the Chief Justice of India in consultation with Supreme Court Collegium members. Beside seniority, other factors like merit, integrity, competence, regional representation etc are also taken into consideration by the Collegium while making its recommendation for appointment of Judges in the Supreme Court.

The Government is aware of some reports that appeared in the media on Supreme Court Collegium proceedings in connection with appointment of Judges in the Supreme Court. Judiciary being an independent organ under the Indian Constitution is capable of handling its internal matters. The Government is committed to the independence of Judiciary and does not intervene in its functioning.

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