

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

**LOK SABHA
UNSTARRED QUESTION NO. 1186**

TO BE ANSWERED ON FRIDAY, THE 09.02.2024

Elevation of High Court Judges

1186. SHRI MANISH TEWARI:

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

- (a) whether the Supreme Court collegium, consisting of Chief Justice and other senior judges unanimously recommend on 17/10/2023, elevation of five lawyers from Punjab and Haryana High Court;
- (b) if so, whether it is true that Justice Harmeet Singh Grewal and Deepinder Singh Nalwa haven't been appointed by the Government, despite their recommendation, if so, the reasons therefor; and
- (c) whether the bench, led by Justice Kaul and Dhulia, expressed concern on 20/11/2023, regarding action of the 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): Yes Sir. As per the Memorandum of Procedure for Appointment of Judges of High Courts, the proposals recommended by the High Court Collegium for appointment as High Court Judges, are to be considered in the light of such other reports/inputs as may be available to the Government for

assessing the suitability in respect of the names under consideration. The Government, being an indispensable consultee in the appointment process, in light of various reports/inputs received, which in opinion of the Government warrant further consideration by the Collegium, can send such proposals for reconsideration of the SCC. Only those persons are appointed as Judges of the Supreme Court and High Courts whose names have been recommended by the SCC.

Supreme Court in its Judgment dated 6.10.1993 in Supreme Court Advocate on Record Vs. Union of India (Second Judges Case) inter-alia observed that merit selection is the dominant method for judicial selections and the candidates to be selected must possess high integrity, honesty, skill, high order of emotional stability, firmness, serenity, legal soundness, ability and endurance.

Appointment of Judges in the higher judiciary 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. The Government can exercise its opinion on the recommendations made by the SCC by virtue of this collaborative process so as to ensure that most suitable and meritorious candidate is appointed to the esteemed post of a Judge in the Constitutional Courts.

(c): The Supreme Court in its Order dated 20.11.2023, while noting the progress made in the process of appointments and transfers and appreciating the action taken by the Government in a particular case has also made certain observations regarding appointment and transfers of Judges in the High Courts.
