

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

**LOK SABHA
UNSTARRED QUESTION NO. 1905**

TO BE ANSWERED ON FRIDAY, THE 02.08.2024

Procedure for Appointment of Judge

1905. Smt. Mala Roy:

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

- (a) whether the Government has taken any steps to finalise the Memorandum of Procedure (MoP) for the appointment of the Judges in Supreme Court and High Courts;
- (b) if so, the details thereof; and
- (c) if not, the reasons therefor?

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): Yes Sir

(b): The Supreme Court vide order dated 16.12.2015 in the WP(C) 13 of 2015 directed that the existing Memoranda of Procedure (MoPs) be finalized by supplementing them in consultation with the Supreme Court Collegium (SCC) taking into consideration eligibility criteria, transparency, establishment of secretariat and mechanism to deal with complaints. Accordingly, changes were proposed to the existing MoPs and the draft MoPs were sent to the Hon'ble Chief Justice of India vide letter dated 22.03.2016.

2. The response from the SCC were received on 25.05.2016 and 01.07.2016. The comments in response to the views of SCC were conveyed to the Chief Justice of India on 03.08.2016. The SCC provided their comments on the draft MoP on 13.03.2017. Subsequently, the Supreme Court in judgement dated 04.07.2017 in Suo-Motu Contempt proceedings against a Judge of the Calcutta High Court inter-alia highlighted the need to revisit the process of selection of judges. The views of the Government on points raised therein were conveyed to the Secretary General, Supreme Court vide letter dated 11.07.2017. The Supreme Court in WP(C) 1236 of 2019 order dated 20.04.2021 laid down fresh criteria for appointment of retired judges. Accordingly, the views of the Government on supplementing Para 24 of existing MoP, which provides for the appointment of retired judges at the sitting of High Courts, were communicated to the Chief Justice of India vide letter dated 18.08.2021.

3. The Chief Justice of India was requested to look into various issues raised earlier on the MoP vide letter dated 06.01.2023.

(c): Does not arise.
