

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

**LOK SABHA
UNSTARRED QUESTION NO. 3024**

TO BE ANSWERED ON FRIDAY, THE 09.08.2024

Appointment of Sikh Judges

3024. SMT. HARSIMRAT KAUR BADAL:

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

- (a) whether the Government has withheld appointment of two eminent lawyers belonging to Sikh community as the judges of Punjab and Haryana High Court, if so, the details thereof;
- (b) whether the Supreme Court has also given recommendations regarding their elevation as judges, if so, the details thereof;
- (c) the reasons for being indecisive so far; and
- (d) the timeline by which the Government is likely to decide on this issue?

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): The Judges of the High Courts are appointed under Article 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).

2. 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 light of such other reports/inputs as may be available to the Government for assessing the suitability in respect of the names under consideration.

3. The 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. In the past three years, the Supreme Court Collegium (SCC) has made 34 recommendations for appointment of Judges to the Punjab & Haryana High Court, of which 31 have been appointed as Judges.

4. 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 exercises its opinion on the recommendations made by the Supreme Court Collegium (SCC) by virtue of this collaborative process so as to ensure that the most suitable and meritorious candidate is appointed to the esteemed post of a Judge in the Constitutional Courts. Only those persons are appointed as Judges of the Supreme Court and High Courts whose names have been recommended by the SCC.
