

**GOVERNMENT OF INDIA
LAW AND JUSTICE
LOK SABHA**

UNSTARRED QUESTION NO:2473

ANSWERED ON:11.03.2010

SELECTION OF JUDGES

Dubey Shri Nishikant ;Rao Shri Nama Nageswara;Ray Shri Rudramadhab

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

(a) whether the Government plans to make selection of Judges to Supreme Court transparent and lay written guidelines and parameters for selection of judges;and

(b) if so, the present norms for selection of judges to Supreme Court?

Answer

MINISTER OF THE STATE IN THE MINISTRY OF LAW AND JUSTICE (DR. M, VEERAPPA MOILY)

(a) & (b): The appointment of the Judges of the Supreme Court of India is made as per the provisions of Article 124 of the Constitution of India. There is already a `Memorandum showing the Procedure for appointment of the Chief Justice of India and Judges of the Supreme Court of India` drawn up pursuant to the Supreme Court Judgement of October 6, 1993 in the Supreme Court Advocates-on-Record & Anr. Vs. Union of India, read with the Advisory Opinion of October 28, 1998. There is no proposal before the Government to bring about any change in the present system of appointment of Judges in the Supreme Court of India. The qualification of a person for appointment as a Judge of the Supreme Court has been laid down in Article 124(3) of the Constitution which provides that a person shall not be qualified for appointment as a Judge of the Supreme Court unless he is a citizen of India and -

(a) has been for at least five years a Judges of a High Court or of two or more such Courts in succession; or

(b) has been for at least ten years an advocate of a High Court or of two or more such Courts in succession; or

(c) is, in the opinion of the President, a distinguished jurist.