

[Translation]

SHRI BHAGWAN SHANKAR RAWAT : I am asking this in connection with Question No. 164 ...*(Interruptions)*

[English]

MR. SPEAKER : No, please. This is question No. 166.

[Translation]

SHRIMATI SUSHMA SWARAJ : He has not raised this hand to ask supplementary on Question No. 166.

SHRI BHAGWAN SHANKAR RAWAT : I am talking about Question No. 164.

[English]

MR. SPEAKER : Please, this is question no. 166. Put your supplementary for question no. 166 otherwise I will go to question no. 167.

[Translation]

SHRI BHAGWAN SHANKAR RAWAT : All right.

[English]

SHRI ANIL BASU : Sir, the answer of the hon. Minister is very evasive. She has announced that the Government have decided to accord industry status to the film industry.

MR. SPEAKER : That relates to question No. 164.

[Translation]

SHRIMATI SUSHMA SWARAJ : That question has already passed. This is question no. 166...*(Interruptions)* what is happening today ...*(Interruptions)* After question No. 165, I have given reply to many supplementaries ...*(Interruptions)*

[English]

SHRI ANIL BASU : Sir, then I am very much sorry.

SHRI SOMNATH CHATTERJEE Sushmaji, everybody is mesmerised by you.

Women Judges in High Courts

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*167. SHRI SADASHIVRAO DADOBA MANDLIK :
SHRI A. VENKATESH NAIK :

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

(a) the total number of women judges in the High Courts in the country with State-wise break-up;

(b) whether the Government propose to appoint more women judges in the High Courts;

(c) if so, the details thereof; and

(d) if not, the reasons therefor?

THE MINISTER OF LAW, JUSTICE AND COMPANY AFFAIRS AND MINISTER OF SURFACE TRANSPORT (SHRI M. THAMBI DURAI) : (a) A Statement is laid on the table of the House.

(b) to (d) Appointment of Judges of the High Courts are made in terms of Article 217 of the Constitution which does not provide for reservation for any caste or class of persons. The Government have, however, addressed letters to the Chief Ministers of the States and the Chief Justices of the High Courts from time to time requesting them to locate persons from the Bar belonging to Scheduled Castes, Scheduled Tribes, other Backward Classes, Minorities and Women who are suitable for appointment as High Court Judges.

Statement

S.No.	Name of High Court	No. of Women Judges
1	2	3
1.	Allahabad	—
2.	Andhra Pradesh	1
3.	Bombay	3
4.	Calcutta	1
5.	Delhi	1
6.	Gauhati	1
7.	Gujarat	1
8.	Himachal Pradesh	1
9.	Jammu & Kashmir	—
10.	Karnataka	—

1	2	3
11.	Kerala	2
12.	Madhya Pradesh	1
13.	Madras	2
14.	Orissa	—
15.	Patna	1
16.	Punjab & Haryana	1
17.	Rajasthan	1
18.	Sikkim	—
		17

[Translation]

SHRI SADASHIVRAO DADOBA MANDLIK : Mr. Speaker, Sir, from the statement given by Government we find that the number of women judges is very low. There are only 17 women Judges in the country. What was the response of letters written to State Governments, Chief Ministers and Chief Justices? My specific question is whether Government have any proposal to reserve seats for women judges in High Courts, besides Parliament and Legislative Assemblies?

[English]

DR. M. THAMBI DURAI : I have already mentioned in reply to part (b) and (c) of the question that there is no provision as such for giving reservation to women. We are only requesting the Chief Ministers and Chief Justices to consider women if at all they are suitable for the posts of Judges. But, there is no provision for giving reservation.

[Translation]

SHRI SADASHIVRAO DADOBA MANDLIK : Mr. Speaker, Sir, I would like to ask whether Government are making any special efforts regarding 33% reservation of seats for women judges?

[English]

MR. SPEAKER : On this Question, I will allow only lady Members to ask the supplementaries.

DR. M. THAMBI DURAI : I have already said that there is no provision for giving reservation to women. The Government has taken many steps in this regard. We have written letters to the Chief Ministers and Chief Justices to recommend the names of the suitable persons for the post. Earlier also, when Shri Shiv Shankar was the Minister of Law, he had written the similar letter to various Chief Ministers and Chief Justices. My predecessor also had written the similar letter. We are making efforts to see that more women are given chance, but there is no reservation policy as such.

SHRIMATI GEETA MUKHERJEE . Sir, it is not a question of reservation policy. The fact remain that in many High Courts — I know at least about the Calcutta High Court there are a number of leading women lawyers many of whom can surely become good judges, but it is a matter of regret that in Calcutta High Court last year we had three woman judges and this year the number has come down to one. The names of how many women have been included in the next round of the recommendations, which have gone from Rashtrapatiji in consultation with the Supreme Court? If no name has been included, what efforts have been made by the Government to improve the situation immediately?

DR. M. THAMBI DURAI : Sir, the recent letter which we have received from the Calcutta High Court is under consideration. The initiative has actually been taken by the Chief Justice of the Calcutta High Court.

So far as appointing woman judges is concerned, we have already written letters to consider it favourably but so far we have not received any information. Whenever any recommendation comes in future, we will definitely consider it.

SHRIMATI JAYANTI PATNAIK : Mr. Speaker, Sir, we had one woman judge in my State also in the past but there is none now. I would like to know from the hon. Minister, the percentage-wise figures of women lawyers, women judges and women members of bars, vis-a-vis the women and male judges, for the whole country as well as my State.

DR. M. THAMBI DURAI : Sir, I will have the percentages calculated and send them in a couple of days.

SHRIMATI JAYANTI PATNAIK : The number is negligible, that is why I want to know about it.

MR. SPEAKER : Because there is no other lady Member on this question, I would allow the male Members now. Shri Somnath Chatterjee.

SHRI SOMNATH CHATTERJEE (Bolpur) : One possible woman candidate for judgeship has now become 'Minister for Misinformation'.

Sir, the hon. Minister's mind seems to be elsewhere today. All his party colleagues have left him.

DR. M. THAMBI DURAI : I am here and I am fully aware of the issue. My colleague is sitting right here.

[Translation]

SHRI CHAMAN LAL GUPTA : Mr. Speaker, Sir, you had said that for this question, chance will be given to women member's ...*(Interruptions)*

[English]

MR. SPEAKER : Please take your seats. I have allowed Somnath Babu.

SHRI SOMNATH CHATTERJEE : Sir, there are many 'super-Speakers' in the House...*(Interruptions)*

MR. SPEAKER : Hon. Members, this is not good.

SHRI SOMNATH CHATTERJEE : What happened to Jhinhouli?

[Translation]

whether training has been given? ...*(Interruptions)*

DR. MURLI MANOHAR JOSHI : Nothing can be done if members start speaking continuously ...*(Interruptions)*

[English]

SHRI SOMNATH CHATTERJEE : Sir, this is too much. There is a limit to interruptions ...*(Interruptions)*

MR. SPEAKER : Hon. Members, please take your seats.

SHRI SOMNATH CHATTERJEE : Sir, the Government of India has its offices in almost all the High Courts now. All the recommendations come from the Chief Justice of India now. That is the law now. The Supreme Court has the final authority. So far as selection of candidates in the judiciary is concerned, the Chief Justice of the Supreme Court does it and the Government of India cannot go back on it. So, why does the Government also not initiate moves in the matter, since it has officers, competent lawyers, in all the High Courts in India including the Supreme Court? The Government of India can also

find it out, instead of saying that the State Governments are not taking steps in this regard. I would like to know from the Government whether such a process is in existence or not.

DR. M. THAMBI DURAI : Sir, Shri Somnath Chatterjee has raised a very valid point. He knows very well that since the judgement of the nine-judge Bench, the Central Government has not been taking any initiative to find out suitable persons for appointment to these posts. Only the Chief Justice of the High Court initiates action. Afterwards the Chief Justice of the Supreme Court processes it and sends it to us, then we recommend to the concerned authorities. If this point has to be taken into consideration, certain procedures have to be changed.

SHRI S. MALLIKARJUNIAH : Mr. Speaker, Sir, I would like to know whether it has come to the notice of the Government that there are States which are demanding for creation of more Benches. If more Benches are created, will it not be open for the Government to appoint more women judges, especially so when the Government is committed for 33 per cent reservation for women?

DR. M. THAMBI DURAI : Sir, as far as Benches are concerned, it is a separate question.

MR. SPEAKER : He is asking about 33 per cent reservation.

SHRI M. THAMBI DURAI : He asked about Benches also. For 33 per cent reservation, we have to change the Act. After changing the Act only we can do it. Article 217 of the Constitution has to be amended for that. Only then it is possible and till that time we cannot do anything in this regard.

SHRI S. MALLIKARJUNIAH : Benches is not a new subject. It has already appeared in the Question List. Unfortunately, Shri Bhagwan Shankar Rawat was not in time to ask that question. The Minister must have thoroughly studied the subject. So, there should not be any problem in answering that question.

[Translation]

SHRI MOHAN SINGH : Mr. Speaker, Sir, the most unfortunate thing is that the law of the land itself which has to be implemented by the Judiciary is not applicable on Judiciary. The reservation laws made under Constitution of India, whether it is law for reservation of Dalits or for backward castes or for women or for those who are going to make laws, these are applicable to all but not to higher judiciary service. Therefore, I would like to know from the hon'ble Minister as to whether

Government is going to make some rules so that the most important law for social reform of the country can also be applicable to higher Judiciary service of India also in which women, Dalits and people of backward castes could also be recruited.

[*English*]

DR. M. THAMBI DURAI : We would refer the point raised by the hon. Member to the Law Commission. Let them go through it and suggest ways and means as to how we can make such changes. We will consider that.

[*Translation*]

SHRI MOHAN SINGH : It is very strange.

[*English*]

DR. M. THAMBI DURAI : There is no provision under article 217 of the Constitution. What can we do in this regard?

[*Translation*]

SHRI MOHAN SINGH : Sir, it is very strange that such an important law is not applicable on Judiciary of India itself.

[*English*]

SHRI E. AHAMED : The hon. Minister has mentioned in his reply that the Government will be sending letters from time to time to the Chief Justice of India and the Chief Justices of the States to locate persons from Scheduled Castes, women, minorities, etc. I would like to know the result of such an exercise. What is the response of the Chief Justices of the High Court as well as the Chief Justice of India with regard to the appointment of women, Scheduled Castes and minorities in this category? The matter of appointment of minorities in the High Court or the Supreme Court has been lagging far behind and it has not been taken into consideration. I would like to know the response of the hon. Minister?

SHRI M. THAMBI DURAI : The Ministry had written letters to the various authorities in this regard. Some improvement has taken place in this direction. Seventeen woman judges have been appointed because of the efforts of the Ministry.

As far as the suggestion of the hon. Member regarding the minorities etc. is concerned, I would like to say that there is no provision for reservation of any caste or class of persons under article 217 of the Constitution ...(*Interruptions*)

SHRI MOHAN SINGH : Why is it so? ...(*Interruptions*)

MR. SPEAKER : Shri Athawale, you are not supposed to stand up like this?

[*Translation*]

Yoga Education in Government Schools

*169. DR. RAM VILAS VEDANTI : Will the Minister of HUMAN RESOURCE DEVELOPMENT be pleased to state :

(a) whether the Government propose to introduce Yoga education in all the Government schools of the country;

(b) if so, the details thereof; and

(c) the names of the States which have already decided to introduce Yoga education in their schools alongwith details in this regard?

THE MINISTER OF HUMAN RESOURCE DEVELOPMENT AND MINISTER OF SCIENCE AND TECHNOLOGY (DR. MURLI MANOHAR JOSHI) : (a) and (b): Yoga has been already introduced as a part of Physical Education in the schools which are being directly run by the Central Government, viz., the Navodaya Vidyalayas and Kendriya Vidyalayas. The Government proposes to request all the State Governments to take identical steps in the schools being run by them. Necessary guidelines and syllabi to introduce Yoga in the school curriculum have already been developed by NCERT for suitable adoption. As a new initiative, an amount of Rs. 30.00 lakhs has been kept earmarked in the current year's budget for promotion of Yoga.

(c) The information is being collected from the States and will be laid on the table of the Sabha.

DR. RAM VILAS VEDANTI : Hon'ble Mr. Speaker, Sir, the question I had put pertained not only to the Central Government schools but also to all those