

**GOVERNMENT OF INDIA  
LAW , JUSTICE AND COMPANY AFFAIRS  
LOK SABHA**

UNSTARRED QUESTION NO:2667  
ANSWERED ON:13.03.2000  
APPOINTMENT OF WOMEN PROSECUTORS AND JUDGES  
RAM SHAKAL;RANEE NARAH

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

- (a) Whether the Law Commission has recommended that more women public prosecutors and judges may be appointed to deal with the cases involving women;
- (b) if so, the details of the recommendations made in this regard and the action taken/proposed to be taken thereon;
- (c) Whether at present the women public prosecutors and judges are much less in the country;
- (d) if so, the details in this regard; and
- (e) the number of women judges and public prosecutors appointed in the country so far, state-wise?

**Answer**

MINISTER OF LAW, JUSTICE AND COMPANY AFFAIRS ( SHRI O. RAJAGOPAL ) :

(a) & (b) The Law Commission of India has in its 154th Report on the Code of Criminal Procedure, 1973, inter alia, recommended that the Government, while appointing Public Prosecutors and Assistant Public Prosecutors under sections 24 and 25 Cr.P.C. shall, as far as practicable, appoint sufficient number of woman Public Prosecutors and Assistant Public Prosecutors so that they can effectively deal with cases involving women who are under 18 years of age and in respect of whom offences under sections 354, 376, 376A, 376B, 376C, 376D and 509 of the Indian Penal Code, 1860, have been committed. The Law Commission also recommended that an offence under section 376 of the Indian Penal Code shall be tried as far as practicable by a court presided over by a woman. Since the Criminal Procedure Code is on the Concurrent List of the Constitution and Criminal Laws are administered by the State Governments, the Report of the Law Commission was referred to State Governments for their views. Further, since some of the recommendations of the Commission do not require any amendment to the Code of Criminal Procedure, 1973, State Governments were requested to implement them. These included, inter alia, appointment of women public prosecutors.

(c) to (e) Appointment of Judges of the Supreme Court and High Courts is made under Articles 124 and 217 of the Constitution which do not provide for reservation for any caste or class of persons. The Government have, however, from time to time addressed letters to the Chief Minister of the States and the Chief Justices of the High Courts requesting them to locate suitable persons from the Bar belonging to Scheduled Castes, Scheduled Tribes, other Backward Classes, Minorities and Women for appointment as High Courts Judges. As on 1st March, 2000, there is one woman Judge in the Supreme Court of India and 16 women Judges in the High Courts.