

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

UNSTARRED QUESTION NO:4440
ANSWERED ON:03.05.2012
NATIONAL JUDICIAL COMMISSION
Rawat Shri Ashok Kumar

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

- (a) whether the Government proposes to constitute a National Judicial Commission and also provide representation to the persons belonging to the SC/ST category therein;
- (b) if so the details thereof;
- (c) if not, the reasons therefor;
- (d) the details of the views/suggestions received by the Government so far from the public representatives and other organizations in this regard; and
- (e) the action taken/proposed to be taken by the Government in the matter?

Answer

MINISTER OF LAW AND JUSTICE (SHRI SALMAN KHURSHID)

(a) to (e): There is no proposal to constitute a National Judicial Commission. Appointment of Judges of the Supreme Court and High Courts are made under Articles 124 and 217 of the Constitution of India respectively. They do not provide for reservation. However, the Government has been requesting Chief Justices of High Courts that due representation to persons of SC/ST category may be kept in view while recommending names for appointment as Judges of High Courts.

Appointment of Judges in the higher judiciary is based on the Supreme Court Judgment dated 6th October, 1993 in the case of Supreme Court Advocates on Record and ors vs. Union of India and ors. and their Advisory Opinion dated 28th October, 1998. Representations have been received from various quarters to review/change the existing procedure of appointment of Judges. But there is no proposal to change the existing system.