

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

UNSTARRED QUESTION NO:1073
ANSWERED ON:16.08.2012
REFORMS OF LAW COMMISSION
Botcha Lakshmi Smt. Jhansi

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

- (a) whether the Law Commission has mooted sweeping reforms to bring in equal role for Judiciary, Legislature and Executive in appointment of Judges;
- (b) if so, the details thereof;
- (c) if not, the reasons therefor; and
- (d) the main features of the reforms suggested by the Law Commission?

Answer

MINISTER OF LAW AND JUSTICE (SHRI SALMAN KHURSHID)

(a) and (b) Yes, Madam. The Law Commission of India has made suggestion in its 214th Report dated 21.11.2008 titled 'Proposal for Reconsideration of Judges cases I, II and III - S.P. Gupta Vs. UOI reported in AIR 1982 SC 149, Supreme Court Advocates on Record Association Vs. UOI reported in 1993(4) SCC 441 and Special Reference 1 of 1998 reported in 1998 (7) SCC 739'.

(c) Does not arise.

(d) The Commission was of the view that reconsideration of Judges' cases (I, II & III) is called for in order to bring about clarity and consistency in the process of appointment of Supreme Court and High Court Judges. The Commission suggested in the alternative that 'a law may be passed restoring the primacy of the Chief Justice of India and the power of the executive to make the appointments'. The Commission commented that the judges constituting the collegium do not have adequate information about the candidates being considered for judgeship to superior Courts.