

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

UNSTARRED QUESTION NO:56

ANSWERED ON:24.11.2014

APPOINTMENT OF JUDGES

Biju Shri Parayamparanbil Kuttappan;Charitra Shri Ram;Gupta Shri Sudheer;Innocent Shri ;Karunakaran Shri P.;Premachandran Shri N.K.

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

- (a) whether the Government has decided to increase the present strength of judges in the Supreme Court and High Courts for reducing the burden of cases in the courts;
- (b) if so, the details thereof along with the steps taken by the Government to ensure speedy justice to the people;
- (c) whether the Government has received any proposal from the Law Commission to change the present system of appointment of judges;
- (d) if so, the details thereof and the time by which it is likely to be implemented; and
- (e) if not, the steps taken/proposed to be taken by the Government to introduce a uniform pattern for appointment of judges in various courts of the country?

Answer

MINISTER OF LAW AND JUSTICE (SHRI D.V. SADANANDA GOWDA)

(a) & (b): There is no proposal to increase the Judge Strength of the Supreme Court. As regards the Judge Strength of the High Courts, in the Conference of Chief Ministers of the States and the Chief Justices of the High Courts held on 7 April, 2013, it was inter-alia resolved that the total sanctioned strength of each High Court (Permanent and Additional Judges) be increased by 25%. As per this decision, the Department of Justice have computed up to 25% increase of the existing strength of judges (Permanent and Additional) for various High Courts. The then Chief Justice of India had been consulted in the matter and he was agreeable to the same as an interim measure. However, the proposed enhancement needs to be examined in the context of the existing vacancies of Judges, the infrastructure and the staff required for the enhanced strength.

After receiving the approval from the State Governments and the High Courts, the Judge Strength of the High Courts of Delhi, Himachal Pradesh, Jammu & Kashmir, Madhya Pradesh, Punjab & Haryana, and Jharkhand have been increased with effect from 1st July, 2014 and the High Courts of Karnataka, Orissa, Rajasthan and Uttarakhand have been increased with effect from 14th October, 2014 with the approval of the Chief Justice of India. After enhancement of Judge Strength of the said High Courts the Judge Strength of the High Courts stands increased from 906 to 984.

(c): Yes, Madam. The Law Commission in its Report No.214 (2008) has stated that the Indian Constitution provides a beautiful system of checks and balances under Articles 124 (2) and 217 (1) for the appointment of Judges of the Supreme Court and High Courts where both the executive and judiciary have been given a balanced role. This balance has been upset and the original balance of power needs to be restored. The Law may be passed restoring the primacy of the Chief Justice of India and the power of the Executive to make the appointments.

(d) & (e): Based on the Law Commission Report and the recommendations contained in various other Reports, views of eminent jurists and other stakeholders, the existing system of appointment of Judges in the Supreme Court and High Courts is proposed to be changed. The Parliament has passed the Constitution (One Hundred and Twenty First Amendment) Bill, 2014, and the accompanying National Judicial Appointments Commission Bill, 2014 for making amendments to the Constitution to establish a National Judicial Appointments Commission (NJAC) for appointment of Judges of Supreme Court and High Courts. The National Judicial Appointments Commission would be chaired by the Chief Justice of India. Its membership would include two senior most Judges of the Supreme Court, the Union Minister of Law and Justice, two eminent persons to be nominated by a committee of the Prime Minister of India, the Chief Justice of India, and the Leader of the Opposition in the House of the People, or if there is no Leader of the Opposition, then the Leader of the single largest Opposition Party in the House of the People. With a view to ensuring that the composition of the National Judicial Appointments Commission is inclusive, the Bill provides that one of the eminent persons shall be nominated from amongst persons belonging to the Scheduled Caste, the Scheduled Tribes, Other Backward Classes, Minorities or Women. The Bills would be sent to the President after the Constitution (One Hundred and Twenty First Amendment) Bill, 2014 is ratified by one half of the States.