



Courts reject move to appoint judges on merit

Majority of high courts are strongly opposed to the introduction of merit in appointment of judges, and want the present selection procedure by a committee of senior most judges to continue.

Only three of 21 high courts have agreed to a proposal for the introduction of a selection procedure on the lines of the Indian Administrative Services (IAS), for appointment to 1/4th posts of district and high court judges, official documents show.

The agenda document discussed at the three-day meet of top judges of the country, which concluded on Sunday, shows the proposal for the creation of an All India Judicial Service could not find favour with the judges for the second consecutive year.

The negative response of high courts came on a resolution passed in the chief justices conference last year, asking them to consider direct recruitment of judges for 25 per cent posts.

The proposal was based recommendations of the Law Commission of India and Parliamentary Standing Committee on Law and Justice.

Both of them had recommended the introduction of direct recruitment of judges through an IAS type selection procedure — at the district level and high courts — for at least one-fourth of the total posts.

The issue was discussed again in this year's conference, which concluded on Sunday.

“The high courts will consider entrusting recruitment up to 25 per cent posts in higher judicial service, required to be filled-up by direct recruitment, on an all India basis and send their views to the Supreme Court,” stated the resolution.

The agenda document circulated to top judges for this year's conference said: “It has been outrightly rejected by high courts of Andhra Pradesh, Madhya Pradesh, Chhattisgarh, Guwahati, Gujarat, Allahabad, Uttaranchal, Delhi, Karnataka, Punjab & Haryana, Madras, Patna and Kerala.”

High courts of Bombay, Jharkhand and Rajasthan are still considering it, while Calcutta and Jammu & Kashmir did not send any reply.

Only the high courts of Sikkim and Himachal Pradesh have agreed to the resolution, while the Orissa high court has given a conditional nod.

High court judges are appointed by a committee of seniormost judges (collegium), a system which has been under criticism for lack of transparency.

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