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## **"Government must have say in judges appointment"**

Legal Correspondent

*Executive, legislature must recommend best talent*

New Delhi: Law Minister Veerappa Moily on Saturday unveiled the Centre's 'vision statement' containing a package of judicial reforms to reduce pendency of cases from 15 to 3 years and make the justice delivery system efficient, transparent and more accessible to the poor.

The statement calls for changes in the collegium procedure of appointment of judges. "The government and the collegium should work hand in hand while appointing judges, so that the difference between the two does not lead to delay in appointment. The government should also be given the power to suggest outstanding lawyers and jurists as judges."

### **Cumbersome process**

It said the increased strength of collegiums "has made the consultation process cumbersome and hence there is a delay in the selection and elevation of judges. There are no guidelines dealing with situations of a deadlock or lack of consensus among the members of the collegium, or dealing with situations where the majority of members disagree with the Chief Justice of India (CJI)."

Therefore, the statement suggested comprehensive guidelines which the collegium should follow. "The executive and the legislature must take the initiative in recommending the best possible talent for selection to the judiciary. The collegium should be given a timeline to clear the backlog in vacancies."

CJI K.G. Balakrishnan, who released the vision statement after inaugurating a two-day 'National consultation for strengthening the judiciary towards reducing pendency and delays', said: "As far as appointments to the Supreme Court are concerned, we are bound by the procedure in accordance with the Constitution Bench decisions given by our predecessors in 1993 and 1998. The proper forum for suggesting changes to the appointment process is Parliament. It would, of course, not be proper for me to enter the debate at this stage."

Mr. Moily said it was proposed "to establish a National Arrears Grid [NAG] to ascertain the exact number of arrears in every court on a scientific basis and to oversee continued reduction of arrears, increase in efficiency and optimal utilisation of infrastructure."

The vision statement says: "The NAG will submit a report to the Prime Minister on January 31, 2010 of the goals achieved and the work done till that date."

### **Expresses concern**

Expressing concern over arrears, Mr. Moily said "a major reason for backlogs is the high number of judicial posts lying vacant."

The remedial measures suggested in the vision document include filling up vacancies in High Courts within 8 weeks and trial court vacancies within 3 months; appointing retired judges/ eminent lawyers for a fixed term; appointing a further 700 judges in High Courts and having 15,000 judge positions in the subordinate judiciary as an extraordinary measure.

Mr. Moily said: "We also propose to introduce a National Litigation Policy, where the government, as the largest litigant, will be transformed from a compulsive litigant to a responsible and reluctant litigant. Statistics on pending matters have been called from every government department, including PSUs, and will be incorporated into an action plan to be launched separately and spearheaded by the offices of Attorney-General and Solicitor-General."

The conference, being attended by Supreme Court judges, Chief Justices and senior judges of High Courts, academicians and senior lawyers, will discuss the vision statement and formulate strategies for its implementation.

<http://www.thehindu.com/2009/10/25/stories/2009102560850900.htm>

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