

SC fumes over delay in appointing judges

Dhananjay Mahapatra , TNN 6 July 2009, 03:02am IST

NEW DELHI: It has been more than six months since Parliament increased the strength of judges in the Supreme Court from 25 to 30 but the process for appointment of new judges has been held up due to lack of houses for them.

But with pending cases in the Supreme Court breaching the 50,000 mark, Chief Justice K G Balakrishnan's patience is wearing out. "We cannot wait any more and will soon start the process of recommending the names of judges to fill the vacancies, whether the government provides houses or not," he told TOI.

Parliament this year okayed the Supreme Court (Number of Judges) Amendment Bill, 2008, and it received assent of the President. Though passage of the bill in both Houses took nearly a year, the time was not utilised by the government to identify and allocate five more houses to Supreme Court pool to facilitate early appointment of judges.

The SC on February 14 wrote to the government for "placement of five more type-VIII category bungalows, preferably in areas such as Akbar Road, Krishna Menon Marg, Tughlaq Road and Motilal Nehru Marg, at the disposal of the Supreme Court judges pool" as the strength of the judges had been increased from 25 to 30.

The government wrote back recently saying, "In view of non-availability of any vacant accommodation in the above said areas, it has not been found possible to place any such category house at the Supreme Court judges pool immediately. However, efforts are being made to locate suitable accommodation on priority."

Lack of accommodation is the only factor that is stalling the collegium headed by the CJI from initiating the selection process.

"The arrears are mounting and we have to fill the vacancies fast to bring them down. The justice delivery mechanism cannot be allowed to slow down at the apex court level," Justice Balakrishnan said.

The non-seriousness shown by the government in making available accommodation appears contrary to the statement of objects and reasons in the 2008 Bill, which stated that pendency of cases in the apex court had been constantly increasing and that Justice Balakrishnan had intimated the government that judges of the SC "feel over-burdened and have been working under acute work pressure".

dhananjay.mahapatra@timesgroup.com