

Mallinath Committee recommendations on appointment of judges

2713. SHRI H.K. JAVARE GOWDA : Will the Minister of LAW, JUSTICE AND COMPANY AFFAIRS be pleased to state :

(a) whether the recommendations of Mallinath Committee are being implemented to avoid the delay in appointment of Judges; and

(b) if so, what are the details thereof ?

THE MINISTER OF LAW, JUSTICE AND COMPANY AFFAIRS (SHRI RAM JETHMALANI) : (a) and (b) In respect of 'delay in filling up vacancies in the high Courts' the Mallinath Committee had, *inter-alia*, observed that '..... It is high time that steps were initiated to overhaul the entire procedure for the appointment of Judges with the end in view of securing expeditious appointments '.

After the Judgement of the Supreme Court of India dated 6th October, 1993, read with the Advisory Opinion dated 28th October, 1998 the Memorandum of Procedure for appointment of Judges of the Supreme Court of India and High Courts was revised by the Government of India in consultation with the Chief Justice of India. Appointments of Judges are now being done in accordance with this procedure.

Some proposals have been received which are being processed expeditiously. However, recommendations in respect of large number of vacancies are yet to be received by the Government.

The Prime Minister also expressed concern in delay in filling up of vacancies and had directed that all possible efforts be made for filling up of vacancies in High Courts urgently.

In January, 2000, the Government requested the Chief Justices of the High Courts to initiate proposal for filling up the existing vacancies of judges in the High Court and also the vacancies of judges that would arise till June 2000, so that vacancies of judges in the High Courts are filled up expeditiously. The Chief Ministers and the Governors of the States were also informed to take necessary action in this regard.

Financial and Administrative Autonomy for Judiciary

2714. SHRI H.K. JAVARE GOWDA : Will the Minister of LAW, JUSTICE AND COMPANY AFFAIRS be pleased to state :

(a) whether it is a fact that the Chief Justice of India has called for financial and administrative autonomy for the judiciary; and

(b) what action Government propose to take in view of the above observation ?

THE MINISTER FOR LAW, JUSTICE AND COMPANY AFFAIRS (SHRI RAM JETHMALANI) : (a) One of the resolutions passed by the Chief Justices Conference presided over by the Chief Justice of India in September, 1992 and November, 1997 was that, the Chief Justices of High Courts may be accorded power to expend, appropriate and re-appropriate money within the budget allocation in respect of the High Court and the courts under its control after keeping Government informed. Further, in the Chief Justices Conferences of December, 1999, it was resolved that the High Courts should be given full autonomy for independence of the judiciary.

(b) The Government of India has requested all the State Governments/ UT Administrations to take appropriate action on the recommendations made by the Chief Justices Conference and by the three Judge Committee constituted by the Chief Justice of India to consider the issue.

Election Commission Order Issued in 1996

†2715. SHRI BALKAVI BAI RAGI : Will the Minister of LAW, JUSTICE AND COMPANY AFFAIRS be pleased to state :

(a) whether the Election Commission had in its written order issued during March-April, 1996 restricted the Union Public Service Commission, Staff Selection Commission, Railways Service Commission, Industrial Service Commission, Oil Selection Board, Public, Semi Public Departments and Public Sector Companies for conducting any interviews, giving any advertisements for appointments and not declaring the result of the interviews, already conducted and also for making any appointments or allotment on the basis of previous interviews during the period of Lok Sabha election in the year 1996; and

(b) if so, the proforma of the original order?

THE MINISTER OF LAW, JUSTICE AND COMPANY AFFAIRS (SHRI RAM JETHMALANI) : (a) According to the information furnished by the Election Commission, the Commission had not issued any order in March-April, 1996 banning recruitment by UPSC, SSC, Railway Service Commission or any other recruiting agencies during general election to Lok Sabha held in 1996.

(b) Does not arise.

†Original Notice of the question was received in Hindi.