Beat: News

Transparency And Diversity In Judiciary Appointments Needed

Samata Sainik Dal

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USPA NEWS - Legal obligation and democratic principles

The Samatha Sainik Dal has emphasized that information and transparency are not just moral imperatives but legal obligations for the government. Highlighting the four pillars of democracy—Legislature, Executive, Judiciary, and Media—the organization stressed that each organ must function within its scope to ensure the strength of democracy. However, they argued that without full representation, disparities in the judiciary could lead to social paralysis and undermine democratic principles.

Disproportionate representation in Judiciary

Union Law Minister Arjun Ram Meghwal revealed that from 2018 to December 2, 2023, out of 661 judge appointments, 499 were allotted to general castes. This has raised concerns about the lack of diversity within the judiciary. During this period, out of 790 high court judges in the country, only 23 were from Scheduled Castes (SC), 10 from Scheduled Tribes (ST), 76 from Other Backward Classes (OBC), and 36 from minorities. Women accounted for 111 of these judges, meaning only 145 judges were from SC, ST, BC, and minority communities.

Dominance of general category

Men from dominant castes, constituting about 6 percent of India's population, hold 70 percent of high court judge positions. A total of 492 judges from the 'General' category were appointed during the same period, with a significant number of Brahmins being appointed under this guise. In the Rajya Sabha, Minister Meghwal disclosed these statistics in response to questions from MP Dr. John Brittas.

Lack of gender and caste diversity

As of December 2, 2023, there were 111 women judges across 24 high courts. However, the specifics of their caste representation were not disclosed. Currently, out of 1,114 high court judges, only 790 positions are filled, leaving 324 vacancies. The Punjab and Haryana High Court leads in gender diversity with 15 women judges, followed by the Madras and Bombay High Courts with 12 and 11 women judges, respectively. The Supreme Court has only three women judges out of 34.

Representation of various communities

SC communities, which make up about 17 percent of India's population, have only 3 percent representation on high court benches. ST communities, constituting 8 percent of the population, have 1 percent representation. OBCs, representing 50 percent of the population, account for 10 percent of high court judges. Religious minorities, making up 15 percent of the population, have 5.5 percent representation. Conversely, the 'General' category, which comprises 12 percent of the population, holds 80 percent of high court judge positions.

Call for judicial diversity

In August, Chief Justice of India Dr. D.Y. Chandrachud highlighted the need for a judiciary that reflects the diversity of India, stating that people trust the judiciary more when they see themselves represented. Despite 14 new appointments to the Supreme Court last year, no recommendations were made for judges from underrepresented communities.

Historical data and commitment to diversity

The proforma for information on judges recommended for promotion to high courts was revised in July 2017 to include data on SC, ST, and OBC appointments. Minister Meghwal reiterated the government's commitment to social diversity in higher judiciary appointments. He stated that proposals for judge appointments are sent with a request to consider suitable candidates from SC, ST,

OBC, minorities, and women.

Predominance of Brahmin judges

As of 2023, 14 of the 34 sitting Supreme Court judges are Brahmins, including Chief Justice D.Y. Chandrachud. In Karnataka, 17 out of 51 judges are Brahmins. This trend extends to other high courts, where many judges belong to dominant castes.

Advocating for Caste Reservations in Judiciary

The Samatha Sainik Dal and other organizations working for the representation of BC, SC, ST, and minorities are advocating for constitutional amendments to introduce caste reservations in the judiciary. They argue that the current appointment process under Articles 124, 217, and 224 of the Constitution does not provide for such reservations, leading to a lack of justice for oppressed castes in the country.

'The views expressed in the article are solely those of Bethala Sudarshan, State President of Samata Sainik Dal, Andhra Pradesh.'

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