

**GOVERNMENT OF INDIA
MINISTRY OF LAW & JUSTICE
DEPARTMENT OF LEGAL AFFAIRS

RAJYA SABHA

**UNSTARRED QUESTION NO. 1397
TO BE ANSWERED ON THURSDAY, THE 09th December, 2021**

Institutional Support to increase female lawyers and judges

1397. Shri Derek O' Brien.:

Will the Minister of LAW AND JUSTICE be pleased to state:

- (a) whether Government is enhancing institutional support to increase the number of female lawyers and judges in the country;
- (b) if so, the details thereof; and
- (c) if not, the reasons therefor?

ANSWER

MINISTER OF LAW AND JUSTICE

(SHRI KIREN RIJJU)

(a) to (c) : Under the Advocate's Act, 1961, The Bar Council of India being a regulatory body for legal profession in the Country has informed that there is no special and uniform scheme as such providing institutional support. However, the issue of providing institutional support to increase female lawyers, there are certain Law Colleges that cater to women only or they have classes/ sections for women only.

Earlier views had been sought about reservation for women Advocates in Bar Councils and the same had not found much favours from State Bar Councils.

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Further, with regard to enhancing institutional support to increase the number of female judges in the country the Department of Justice has informed that under Article 235 of the Constitution of India, the administrative control over the members of district and subordinate judiciary in the States vest with the concerned High Court. In exercise of powers conferred under proviso to Article 309 read with Articles 233 and 234 of the constitution, the respective State Government, in consultation with the High Court, frames the Rules and Regulations regarding the issue of appointment, promotion, reservations and retirement of Judicial Officers in the State Judicial Service. Hence, in so far as recruitment of judicial officers in the States is concerned, respective High Courts do it in certain States, whereas the High Courts do it in consultation with the State Public Service Commissions in other States.

The Union Government does not have a role under the Constitution in the selection and appointment of judicial officers in District/ subordinate judiciary. The Supreme Court, in its orders of 04th January, 2007 in Malik Mazhar case, has devised a process and time frame to be followed for the filling up of vacancies in subordinate judiciary which stipulates that the process for recruitment of judges in the subordinate courts would commence on 31st March of a calendar year and end by 31st October of the same year. The Supreme Court has permitted State Governments / High Courts for variations in the time schedule in case of any difficulty based on the peculiar geographical and climatic conditions in the State or other relevant conditions.
