



THE BAR COUNCIL OF TAMILNADU & PUDUCHERRY

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Dated 04.04.2024

To

The Hon'ble Chief Justice,
High Court of Madras,
Chennai-600 104.

Hon'ble Chief Justice,

Sub: Request to consider all section of Advocates in recommending their names for elevation as the Judges of the Hon'ble High Court of Madras- Reg.

The Bar Council of Tamil Nadu and Puducherry is a Statutory Body doing its solemn duty in accordance with the Advocates Act, 1961 and Bar Council of India Rules. There are more than one lakh twenty five thousand advocates been enrolled before the Bar Council of Tamil Nadu and Puducherry and nearly one Lakh Advocates are actively practicing and hail from various categories and sections of the society and possess legal acumen in all fields of law.



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At present, the Judges strength of the Hon'ble High Court of Madras is 66 as against its sanctioned strength of 75 Judges and 12 of them are Women Judges, where a couple of Hon'ble Judges attain superannuation this year.

Hence, it is a high time to fill the vacancy of the Judges in the Hon'ble High Court for speedy delivery of justice to the litigants and public at large. It is hereby requested on behalf of the legal fraternity that while recommending the names for consideration before the Hon'ble collegium of Supreme Court of India to appoint as the judges of this Hon'ble Court, **Your Lordship may take into consideration for providing equal opportunity to all the eligible and suitable aspirants including all sections of advocates who have well trained legal mind.**

The Judiciary being one of the three important pillars of democracy plays an important role in the society and it checks the arbitrariness of the Executive and Legislature. Judiciary reflects and meets the aspirations of the people and the judicial appointments to the High Court reflect the social diversity of our Country. **Hence,**



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while recommending the names for consideration before the Hon'ble collegium of Supreme Court of India to appoint as the judges of this Hon'ble Court, the names of the candidates hailing from all sections of the society including women may be considered.

Further, it is pertinent to mention here that the appointment of the Judges in the Hon'ble Supreme Court of India and Hon'ble High Courts under Articles 124, 217 and 224 of the Constitution of India, has given ample power to appoint the judges from all categories of the society. **In a democratic setup all the sections of the society irrespective of any caste or creed, who are eligible and suitable for the appointment, have a right to be considered for the same. The judiciary being the pillar of democracy and equality must be represented by lawyers from all the sections of society and Your Lordship's and the collegium has to consider the eligible and suitable advocates from the diverse sections of society including the minorities to ensure wider representation in the bench.**



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The Hon'ble Supreme Court in the case of "**Registrar General, High Court of Madras -Vs- R.Gandhi and others**" (cited as **2014 11 SCC 547**) had faced a similar issue in similar circumstances regarding selection and elevation to the office of the Hon'ble Judge of this Hon'ble Court, where the issue was raised regarding the transparency, objectivity and constitutional sustainability of selection for the post of the High Court Judge. The Hon'ble Apex Court has heard the submissions regarding the representation of advocates from different dimensions of the society belonging to different class and creed. The Hon'ble Court was addressed with the submissions that certain segment of the society were not been adequately represented in the bench which could cause an imbalance in the diversity of our country and would interfere with the spirit of equality that prevails in the core of our constitution, which was the object of the founders of our constitution.

The Hon'ble Supreme Court while deciding the issue, **observed that suitability cannot be a subject matter of judicial review, but in the course of appointments there cannot be any exclusivity from any isolated group or from any pre-dominated group and diversity should be maintained in the appointments by**



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making judicial appointments considering the individuals legal acumen coupled with qualitative personality as guiding factors. The Hon'ble Supreme Court through the words of His Lordship Dr.B.S.Chauhan.J (as he then was) had observed as follows:-

“Appointments, cannot be exclusively made from any isolated group nor should it be pre-dominated by representing a narrow group. Diversity therefore in judicial appointments to pick up the best legally trained minds coupled with a qualitative personality, are the guiding factors that deserved to be observed uninfluenced by mere considerations of individual opinions. It is for this reason that collective consultative process as enunciated in the aforesaid decisions has been held to be an inbuilt mechanism against any arbitrariness.”

Therefore on behalf of the entire legal fraternity we humbly request the Hon'ble Chief Justice and the Hon'ble Collegium Judges to consider the names of the candidates hailing from



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different sections of society including minorities while recommending the names for consideration before the Hon'ble collegium and they may be provided with adequate representation to ensure socio-economic justice and social diversity in the Higher Judiciary.

(S.PRABAKARAN)
SENIOR ADVOCATE
VICE-CHAIRMAN
BAR COUNCIL OF INDIA

(P.S.AMALRAJ)
CHAIRMAN
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