

All India Judges' Assn. and Others

Vs

Union of India and Others

Writ Petition (C) No. 1022 of 1989

29.09.1997

(CJI J. S. Verma, B. N. Kirpal JJ)

(Record Of Proceeding)

ORDER

1. Learned Additional Solicitor General informs us that pursuant to our observations made at the last hearing, the learned Solicitor General has suggested to the Central Government that the terms of reference of the Justice Shetty Commission will be enlarged to include therein the revision of pay scales and other service conditions of the staff attached to the subordinate courts so that the exercise before the Commission is not confined merely to examining the matter relating to the Subordinate Judges alone. This is appropriate because for the proper and effective functioning of the subordinate courts as well, not merely the Judges of those courts but the entire staff associated with the functioning of the subordinate courts, is required to be taken care of properly. Learned Additional Solicitor General added that the question of enlargement of the terms of reference of the Shetty Commission will be considered in this light and appropriate steps are likely to be taken shortly. He added that the final action taken by the Central Government would be soon reported to the court. We appreciate this action of the Central Government at the behest of the Additional Solicitor General since enlargement of the terms of reference of the Shetty Commission to cover this aspect relating to the staff of the subordinate courts would reduce the area required to be examined in this matter.

2. Learned Additional Solicitor General also informed us that the grievance of the members of the subordinate judiciary that the Shetty Commission appears to be of the view that it is not empowered to make any interim recommendations, would also be considered and necessary steps taken to ensure that the Commission does not feel fettered from any such impediment because the making of interim recommendations may be desirable on account of several factors to remove the anomalies which may arise because of certain other decisions taken by the Government.

3. It appears to us necessary to require all the State Governments to file a comprehensive Status Report of the action taken by each of them to implement the directions given by this Court in All India Judges' Assn. v. Union of India [(1992) 1 SCC 119 : 1992 SCC (L&S) 9 : (1992) 19 ATC 42] (SCC at para 63) and All India Judges' Assn. v. Union of India [(1993) 4 SCC 288 : 1994 SCC (L&S) 148 : (1993) 25 ATC 818] (SCC at paras 52, 55 and 56) and to also implement the other decisions taken by the Governments on the basis of any other recommendations for providing the facilities needed by the members of the subordinate judiciary to discharge their duties effectively and properly. In particular, the Status Report with regard to the provision of residential accommodation and library at the residence of each of the Subordinate Judge, which is of paramount importance to enable the Subordinate Judges to discharge their duties, must be indicated

by each State Government in the statement required to be filed by each of them.

4. We are also of the opinion that the personal involvement of the Advocate General of each State who, by virtue of his Office, is naturally bound to be concerned with proper administration of justice in the State, in these proceedings is essential. We, therefore, direct issue of notice to the Advocates General of the States requesting them to appear personally in these proceedings and to ensure proper attention being given by their State Governments emphasising on all persons concerned the great significance of the subject-matter of these proceedings.

5. List on 12-11-1997.

Court Masters