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POST GRADUATE COLLEGE OF LAW

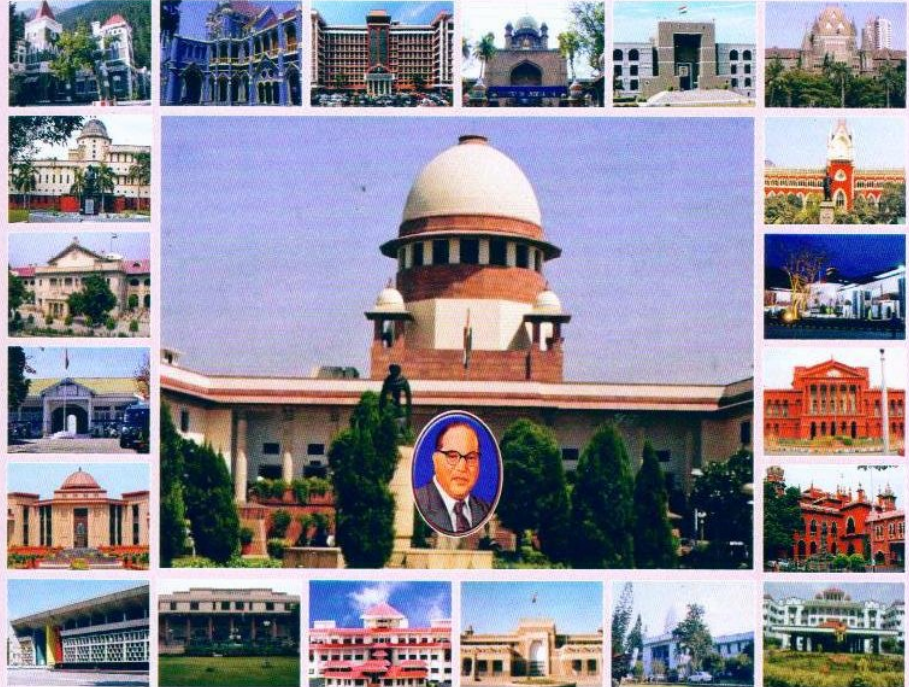
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POST GRADUATE COLLEGE OF LAW

CENTRE FOR SOCIAL JUSTICE



UGC SPONSORED

TWO-DAY NATIONAL SEMINAR

ON

**NEED OF RESERVATIONS
IN HIGHER JUDICIARY OF INDIA**

10th & 11th May 2014

Organised by

POST GRADUATE COLLEGE OF LAW

Basheerbagh, O.U., Hyderabad - 500 001. Ph : 040-23236840/1092, Fax : 040-23230802

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About the College

The Post Graduate College of Law has a glorious history of more than 115 years. The faculty of law started classes in 1899 by Legal Department during Nizam period, in Hyderabad State. Thus teaching law was in existence even before Osmania University which came into existence in 1919. In 1923 Law Department was constituted at the premises of Arts College in O.U. The University made a successful experiment of teaching law, in a vernacular language namely Urdu. At that time Urdu was court language. The college shifted to Nizam College premises in 1983. At present the institution is offering Master of laws (LLM) in six branches, Viz., Jurisprudence, Constitutional Law, International Law, Corporate Law, Labour Law, Crimes and Torts, PG Diploma course in Intellectual Property Rights (IPR) and also Ph.D. Programmes. To improve the legal education standards, the college introduced 5YDC integrated course at bachelor's level in 2006. The college is known for its committed faculty with excellent infrastructure and alumni having reached the pinnacles of excellence as judges of Supreme Court and High Courts, Attorneys, Academicians, Politicians and other chosen Professions in India as well as globally. Osmania University is the only university which had given Honourable Doctorate to Dr. B. R. Ambedkar on 12 Jan 1953. In the history of Osmania University for the first time the father of Indian constitution Dr. B. R. Ambedkar's statue is installed in the college premises. The purpose of installation of the statue is to bring awareness among the students regarding the Ideas, Thoughts and Achievements, about Constitution and Constitutional Values enshrined by Dr. B. R. Ambedkar.

The Purpose of the Seminar

The meaning and nature of social justice depends on various constitutive elements of Justice. Judiciary is the most important pillar which ensures to promote Democratic and Constitutional values to get equity among all sections of people in India. It is the duty of Judiciary to check inadequacies, arbitrariness of Legislature, Executive functions and should safeguard constitutional objects such as basic structure of the Constitution. The object of Constitution is to have an egalitarian society and to give reasonable opportunities to bring down the disparities among the citizens of the country. One such effort is representation by reservation from SC/ST/OBC/Minorities in Judiciary. The Judges of higher Judiciary are appointed by President (which means of cabinet) in consultation of members of Judiciary (i.e. CJ of India & CJ of the High Court's). The appointment of Judges in judiciary should be according to provisions of constitution. There is no reservation and representation of aforesaid class in appointment of judges of the higher judiciary. Dr. B.R. Ambedkar had observed "that entry into superior judicial office is not the exclusive prerogative of a privileged class. It is neither inheritable nor a matter of patronage." Article 16 (4) & 16(4A) reads about equality of opportunities in public employment. In order to ensure independence of Judiciary various specific provisions were made in the Constitution under articles 233, 234 & 235. However the present Constitutional framework relating to judiciary is not meeting the ends of equity and social justice in execution or implementation of rights of aforesaid class. As their rights are negated, their welfare is trampled and institutions are desecrated. Unfortunately the composition of higher judiciary shows that the judges are drawn and appointed only from section of the society which infected age old social prejudice. In 2000 the Parliamentary committee presented a report about the social status of SCs/STs/OBCs pointing out gross inadequacy of representation of aforesaid classes in appointment of Higher Judiciary. The Committee constituted a commission to review serious injustice and recommended reservation.

The present system of appointment of Judges is vague, arbitrary and inadequate representation of above said classes and implementation of Constitutional provisions even after 64 years of Indian Independence. There is a need of analysing the reasons for not recommending the names of SC/ST/OBC/Minority advocates; no reasons are given for the rejection of aforesaid candidates for appointment of judges as their names are considered in rarest cases. To curb these inadequacies and ensure fair play, it is requisite that all sections of society are represented in the judiciary. There is a need of formation of All Indian Judicial Service Commission (IJSC) under art 312(2). Present selection criteria of appointment of Judges are not based on merit of any competitive examination but is purely through simple recommendations of President, CJ of India & CJs of the High Courts. Need of implementation of reservation policy in appointment of judges of higher judiciary as envisaged in Art 15(4), 16(4) & 16(4A) of the Constitution reads about "Equality of opportunities in matters of public employment". Administering of justice is different from appointment of judges into Higher Judiciary. Art 146, Art 229 & Art 335 have not been implemented as per, and there is a need of amendment of said provisions. Articles 124 & 217 do not specifically prohibit reservation for SC/ST/OBC and they pave a way for reservation in judiciary. Revise the mode of appointment of Judges in Higher Judiciary. Art 38, 41, 46, 50 of Directive Principles of State Policy are inadequately incorporated. Representation of one member each from SC/ST/OBC/Minority in National Judicial Commission got to be looked into. Whether Judicial Appointment Commission Bill 2013 (Judicial Panel) justifies to ensure justice in maintaining transparency in appointment of Judges, provides reservation, envisages their transfer criteria in Higher Judiciary. To meet the object of Constitution, the executors must take into account the reservation frame-work & appointment of Judges as prescribed in Constitution to render 100% reservation & justice in real sense. Reservation in Judiciary will bring constitutional balance.

Objectives of the Seminar

1. To discuss need of reservation, representation of SC/ST/OBC/Minorities in Higher Judiciary of India.
2. To analyse the constitutional validity of National Judicial Appointment Commission Bill 2013. Whether this bill alters basic structure of Indian Constitution diminishing the independence of Judiciary.
3. The Independence of higher Judiciary is very essential for effective discharge of duties assigned to it. It should be free from encroachments, pressures and interference of executive (council of ministers) and legislature. It should be allowed to do justice without fear or favour.
4. To review Constitutional provisions relating to reservation in appointment & Nomination system of Supreme Court & High Courts Judges.
5. To adopt and establish new systematic constitutional policies and statutory guidelines for reservation, reservation in promotions of SC/ST/OBC/Minorities in administration of Justice in Higher Judiciary.
6. To implement social justice system in judiciary.

Major Thrust Areas of the Seminar

- 1) Need of reservation in Higher Judiciary of India.
 - a) Historical evolution of reservations in India.
 - b) Need of representation, reservation in promotion of SC/ST/OBC/Minority candidates in appointment of judges in higher judiciary.
 - c) Social exclusion and social justice system of SC/ST/OBC/Minorities.
- 2) Need of specific and enforceable statutory guidelines for appointment of Judges in Higher Judiciary.
 - a) Is there a need of formation of Indian Judicial Service Commission.
 - b) Need of implementation of Art 38, 41, 46, 50 to promote rule of law.
- 3) The Judiciary should also follow the principle of reservation otherwise it creates a dubious distinction among the 3 pillars of democracy.
 - a) Is Collegium an extra constitutional authority, its procedure of evaluation in mode of appointment of Judges.
 - b) Is Judicial Appointment Commission Bill 2013 alters the basic structure of constitution? Pro's & Con's.
 - c) Discuss various cases and opinion on appointment /transfer of judge's case.
- 4) Methods adopted in appointment of Judges in various countries.

Research Paper Submission

An Abstract for seminar should not be more than 300 words should be submitted through e-mail on or before 28th April 2014. The participants will be informed about the acceptance of paper by 30th April 2014. The selected persons shall submit full paper by 3rd May, 2014. The Full Research Paper of not more than 2000 words, inclusive of all foot notes. Submission should be in MS Word format on A4 size paper. Hard copy, CD and Demand Draft to be sent to the college address. All entries should include a cover page specifying the name of the author, e-mail, postal addresses and contact number. Soft copies to be sent to (pgclou@gmail.com) and [Dr.G.Vinod Kumar \(professorvinod@gmail.com\)](mailto:professorvinod@gmail.com) on or before 3rd May, 2013.

Registration Fees

Registration fees must be remitted through Demand Draft in favour of Principal, P.G. College of Law Basheerbagh O.U Hyderabad,

Fee	without Accommodation	with Accommodation
Student Delegates	Rs. 300/-	Rs. 800/-
Faculty Delegates/others	Rs. 600/-	Rs. 1600/-
Spot Registration	Rs. 700/-	
* (Spot registration paper will not be published)		

Important Dates

Last day for receipt of Abstracts	: 28.04.2014
Communication for acceptance of Abstracts	: 30.04.2014
Last Date for requesting for accommodation	: 30.04.2014
Last Date for submission of full papers	: 03.05.2014