

# ALL INDIA LAWYERS UNION (REGD)

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June 13, 2021

To,

The Honourable Chief Justice of India  
Supreme Court of India,  
Tilak Marg,  
New Delhi 110001

Hon'ble Chief Justice of India,

All India Lawyers Union (AILU) notices with great concern and consternation the reported statement of **Supreme Court Bar Association (SCBA)** that Hon'ble CJI has agreed to the request made by the SCBA to consider elevation of Supreme Court lawyers as judges of High Courts and requested Chief Justices of High Courts to consider lawyers practicing in the Supreme Court for elevation to their High Courts. It is also reported that the SCBA has already constituted a "Search Committee" for identifying and selecting suitable candidates from the Supreme Court Bar.

We are afraid that such move, if true, would cause far reaching negative consequences impacting independence of judiciary and its transparency; and would lead to substitution of the opinion of the High Court Collegium by that of the Supreme Court Collegium, in violation of Article 217 of the Constitution and Constitution Bench decisions of the Honourable Supreme Court of India with respect to appointment of judges of Honourable High Courts. It militates against the federal principles, the autonomy of the High Courts and the Constitutional norms, in this regard.

So far, no opportunity is conceded to the Bar Associations of the Honourable High Courts to constitute any "Search Committee" to identify eligible suitable candidates from the Bar and to propose names to the Chief Justices of the High Courts for elevation as judges of the High Courts. In such a context, the above proposal of "Search Committee" and to institutionalize such appointments may lead to unhealthy and disastrous consequences.

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We, as responsible organization of lawyers concerned with independent and accountable judiciary and a strong Bar, respectfully appeal that this sort of seminal issues may not be decided without affording sufficient opportunity for a thorough democratic and informed debate among all the stakeholders including the Bar Associations of the High Courts.

All India Lawyers Union (AILU) urges upon Honourable Chief Justice of India to reject the proposal of SCBA and may be kind enough to withdraw instructions, if any given to Honourable Chief Justices of the High Courts in favour of the proposal of the SCBA, in this regard.



Bikas Ranjan Bhattacharya, Sr. Adv.  
MP (Rajya Sabha)  
President



P.V. Surendranath, Sr. Adv.  
General Secretary  
All India Lawyers' Union (AILU)

Copy forwarded to:-

The Hon'ble Minister,  
Ministry of Law & Justice  
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