



ALL INDIA BAR ASSOCIATION

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Mr. Ajay Kumar Gupta

Hony' Secretary, India Legal Information Institute
Ex. Joint Secretary, Delhi High Court Bar Association

April 8, 2021

Hon'ble Mr. Justice S.A. Bobde,
Chief Justice of India,
New Delhi.

Your Lordship,

The All India Bar Association humbly request Your Lordship not to hold the collegium meeting today as scheduled for selection of judges to fill the five vacancies in the Supreme Court.

Such a meeting would be against judicial propriety and convention as the President of India has already notified the appointment of Mr. Justice N.V. Ramana as the next Chief Justice of India from April 24. The AIBA understands that despite criticism in media about today's meeting, Your Lordship has chosen not to cancel the meeting but to go ahead with the meeting.

The AIBA understand from sources that on March 17, there was no consensus for the appointment of five judges to the Supreme Court in the collegium meeting. As per convention once the President has notified the appointment of the next CJI, Your Lordship assumes the role of caretaker Chief Justice and no collegium meeting can be called at your instance. In the circumstances, lawyers feel that some of the members of the collegium may boycott or may not consent for discussion on the names for appointment to the Supreme Court in today's meeting.

It is true that there is no legal bar under the Memorandum of Procedure (MoP) for the Chief Justice of India from convening collegium meeting to consider names for appointment of judges. But convention demands that your Lordship must desist from holding any such collegium meeting, specially when you had ample opportunity to hold collegiums meetings during your tenure of CJI.

It will be a futile exercise for your Lordship to hold the collegium meeting and recommend names for filling the vacancies in the apex court as there is a possibility that the Union Government may not accept the recommendations and may return the file. There will be no obligation for the next



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Chief Justice of India N.V. Ramana to reiterate the names returned by the Centre. In such a scenario those whose names are returned will face the ignominy of being ignored for appointment to the highest court of the land.

The AIBA appeals to Your Lordship not to make the collegium meeting a mockery as not only the credibility of the collegiums but institution of the Supreme Court will be at stake. Further your Lordship will be putting the next incumbent in a predicament whether to accept the earlier recommendations or make fresh proposals. AIBA appeals to your Lordship to cancel the meeting and leave the appointment process to your successor.

The AIBA will be compelled to write to the President of India not to accept the names recommended by the collegium headed by you. We sincerely hope that Your Lordship will not put the President of India in an embarrassment by recommending names to fill the existing vacancies in the apex court.

Yours sincerely,

(Dr. Adish C Aggarwala)
Senior Advocate

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