

**GOVERNMENT OF INDIA  
LAW AND JUSTICE  
LOK SABHA**

UNSTARRED QUESTION NO:2607

ANSWERED ON:07.03.2003

CORRUPTION IN JUDICIARY

IQBAL AHMED SARADGI;JAGANNATH MALLICK;SURESH KODIKUNNIL

**Will the Minister of LAW AND JUSTICE be pleased to state:**

(a) whether the former Chief Justice of India and National Human Rights Commission Chairman has expressed serious concern over the growing corruption in the judiciary and favoured an effective legal mechanism to enforce accountability among judges;

(b) if so, whether number of former Chief Justices have also urged the Government to take urgent steps to see that corruption is removed immediately in the Indian Judiciary; and

(c) if so, the steps the Government propose to take in this regard?

**Answer**

THE MINISTER OF LAW AND JUSTICE AND MINISTER OF COMMERCE AND INDUSTRY (SHRI ARUN JAITLEY):

(a) Government has consulted the Supreme Court of India. The Court has informed as below:

‘Hon`ble Mr. Justice J.S. Verma, former Chief Justice of India and former National Human Rights Commission’s Chairman had expressed serious concern over the growing corruption in the judiciary and favoured an effective legal mechanism to enforce accountability among judges as reported in The Indian Express, New Delhi, dated 23rd December, 2002.’

(b) The then Chief Justice of India on 23rd December, 2001 at a joint conference organized by Bar Council of India and State Bar Council of Kerala, inter-alia stated: I have said it before and I will say it again: in my opinion, more than 80% of the Judges in this country, across the board, are honest and incorruptible. It is known that the judiciary does not tolerate corruption in its ranks, it is requisite that corrupt Judges should be investigated and dismissed from service. This is very much possible in the case of subordinate judiciary because disciplinary control lies with the High Court. It is difficult where the higher judiciary is concerned because the only recourse in law is impeachment, which is cumbersome process and which, as a recent instance showed, may not achieve the desired result for reasons that are political. The Supreme Court and High Courts have attempted to evolve an informal procedure to meet the situation, but it is yet to be tested.’

(c) The Government is committed to setting up a National Judicial Commission, which inter-alia would draw up a Code of Ethics for Judges of the Supreme Court and the High Courts. The National Commission to Review the Working of the Constitution has recommended that a permanent Committee comprising the Chief Justice of India and two senior most Judges of the Supreme Court of India, be empowered to examine complaints of deviant behaviour of all kinds and complaints of misbehaviour and incapacity of Judges of the Supreme Court and the High Courts. The recommendations would be taken into account while establishing the National Judicial Commission. Under article 235 of the Constitution of India, the administrative control over the members of subordinate Judicial Service vests with the concerned High Court. Further, in exercise of powers conferred under proviso to Article 309 read with Articles 233 and 234 of the Constitution, the State Government frames rules and the regulations in consultation with the High Court exercising jurisdiction in relation to such State. The members of the State Judicial Service are governed by these rules and regulations. Care is taken to recruit/promote persons of integrity and take action against delinquents by proper authorities. Use of information technology in courts is being encouraged to promote transparency and fairplay.