

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

UNSTARRED QUESTION NO:2031

ANSWERED ON:12.12.2008

CORRUPTION IN JUDICIARY

Agarwal Shri Dharendra;Bhai Lal Shri ;Jagannath Dr. M.;Malhotra Prof. Vijay Kumar;Nikhil Kumar Shri ;Patel Shri Jivabhai
Ambalal;Prasad Shri Hari Kewal;Rana Shri Kashi Ram;Rijju Shri Kiren;Singh Shri Uday

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

(a) whether the Chief Justice of India has written to all the High Courts to impress upon subordinate court judges with doubtful integrity to take voluntary retirement;

(b) if so, the details thereof;

(c) whether the Chief Justice of India has also suggested the Government to set up separate courts to deal with graft cases in the country; and

(d) if so, the details thereof along with the decision taken by the Government thereon?

Answer

MINISTER OF LAW & JUSTICE (SHRI H.R. BHARDWAJ)

(a) & (b) : The Chief Justice of India vide his letter dated 14.10.2008 addressed to the Chief Justices of all the High Courts recommended that with a view to provide that a Judicial Officer who is unfit, ineffective, incompetent or has doubtful integrity may be retired from service even before his continued utility is assessed in terms of directions of the Supreme Court in Ali India Judges Association case. A review, on the lines of the provisions contained in Rule 56(j) of Fundamental Rules, be carried out firstly when Judicial officers attain the age of 50 years and then when they attain the age of 55 years. This would be in addition to the assessment being carried out at the age of 58 years in terms of the directions of the Supreme Court in AH India Judges Association case. The Chief Justice of India further wrote that if implemented in right earnest, such a provision will keep deviant behaviour in check, besides getting rid of those who are found to be indolent, ineffective or with doubtful integrity.

(c) & (d): The Chief Justice of India requested the Government vide his letter dated 7th April, 2008 that 69 additional Special Courts be set up for trial of corruption cases investigated by CBI.

The matter is under consideration of the Government.