

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

STARRED QUESTION NO:93
ANSWERED ON:20.02.2009
CORRUPTION IN JUDICIARY
Pandey Dr. Laxminarayan;Rijju Shri Kiren

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

- (a) whether incidents of alleged corruption are on the rise in the judiciary;
- (b) if so, the details thereof;
- (c) whether any legislative framework exists for empowering a judicial forum to deal with such cases; and
- (d) if so, the details thereof alongwith the reaction of the Government in the matter?

Answer

MINISTER OF THE STATE IN THE MINISTRY OF LAW AND JUSTICE (SHRI H.R.BHARDWAJ)

(a) to (d) A Statement is laid on the Table of the House.

Statement referred to in reply to parts (a), (b), (c) and (d) of the Lok Sabha Starred Question No. 93 for answer on 20.2.2009

Reports of alleged corruption in judiciary have come to the notice of the Government from time to time.

In the scheme of the Constitution, the Judges of the Supreme Court and the High Courts enjoy security of tenure and can be removed only by following the process of impeachment as provided under Articles 124 and 217 of the Constitution and after following the procedure prescribed under the Judges (Inquiry) Act, 1968. In order to supplement the provisions of the Judges (Inquiry) Act, 1968, the Government had introduced the Judges (Inquiry) Bill, 2006 in the Lok Sabha on 19.12.2006 which, inter alia, provides for setting up of a National Judicial Council to look into the allegations of misconduct against the Judges of the Supreme Court and High Courts. This Bill also provides that the Council shall issue from time to time, a Code of Conduct containing guidelines for the conduct and behaviour of Judges. The Bill was examined by the Parliamentary Standing Committee for Personnel, Public Grievances and Law & Justice which submitted its report in August, 2007. The Report of the Standing Committee has been examined and it has been decided to withdraw the Judges (Inquiry) Bill, 2006 and introduce another Bill titled 'The Judges (Inquiry) Amendment Bill, 2008'.

The issue of Judicial Accountability was discussed at the Conference of Chief Justices held in 1990 and on the basis of the broad consensus emerging out of the deliberations, the Chief Justice of India summed up the position as follows:

'The Chief Justice of the High Court has the competence to receive complaints against the conduct of the Judges of his court and when he receives any, he would look into it for finding out if it deserves to be closely looked into. Where he is satisfied that the matter requires to be examined, he shall have facts ascertained in such manner as he considers appropriate keeping the nature of allegations in view and if he is of the opinion that the matter is such that it should be reported to the Chief Justice of India, he shall do so.

The Chief Justice of India shall act in a similar manner in regard to complaints relating to conduct of Judges of the Supreme Court and in regard to conduct of Chief Justices of the High Courts.

On the basis of the facts ascertained, the Chief Justice of the High Court or the Supreme Court, as the case may be, shall take such appropriate action as may be considered proper, keeping the interests of the judiciary as the paramount consideration.'

The complaints received against the Judges of the Supreme Court and the High Courts are, at present, dealt with in the manner indicated above.

Under article 235 of the Constitution of India, the administrative control over the members of subordinate judiciary in the States vests with the concerned High Court and the State Government. The Officers of the subordinate judiciary are guided by the set of rules framed by the respective State Governments.