

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

UNSTARRED QUESTION NO:2350
ANSWERED ON:03.12.2009
APPOINTMENT OF JUDGES
Tewari Shri Manish

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

- (a) whether the Government contemplating on evolving a new mechanism for the appointment of High Court and Supreme Court Judges;
- (b) if so, the details thereof;
- (c) whether the Government formulated any view on the primacy that is accorded to the Chief Justice of India in the appointment and transfer of Judges of the higher judiciary in terms of the Supreme Court Advocates and Records Association Vs the Union of India (1993) 4SCC41 ; and
- (d) the status of the impeachment proceedings against Justice Soumetra Sen of the Calcutta High Court?

Answer

MINISTER OF LAW AND JUSTICE (Dr. M. VEERAPPA MOILY)

(a): No, Madam.

(b): Does not arise.

(c): The Government has drawn up two Memoranda of Procedure for appointment & transfer of Judges of the Supreme Court of India and High Courts in accordance with the judgment of the Supreme Court dated October 6, 1993 read with their Advisory opinion dated October 28, 1998.

(d): An Enquiry Committee under the provisions of the Judges (Inquiry) Act, 1968 has been constituted by the Chairman, Rajya Sabha for the purpose of making an investigation into the grounds on which the removal of Shri Justice Soumitra Sen of the Calcutta High Court is prayed for. The Committee has yet to give its findings.