

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

UNSTARRED QUESTION NO:4991  
ANSWERED ON:26.08.2010  
APPOINTMENT AND REMOVAL OF JUDGES  
Aaron Rashid Shri J.M.

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

- (a) whether the existing process for appointment of Judges in High Courts and Supreme Court as reportedly voiced by sections of the bar and the Judiciary itself is not satisfactory;
- (b) if so, the details thereof;
- (c) whether the existing system for removal of judges of the higher judiciary also is cumbersome and insufficient and there is a need for evolving an alternative method for removal of judges in addition to existing system; and
- (d) if so, the details thereof?

**Answer**

MINISTER OF THE STATE IN THE MINISTRY OF LAW AND JUSTICE (Dr. M. VEERAPPA MOILY)

(a) & (b) The existing procedure for appointment of Judges of Supreme Court & High Court is based on the Supreme Court Judgment of October 6, 1993 in the case of Supreme Court Advocates on Record & Anr. Vs. Union of India, and the Advisory Opinion of the Supreme Court dated October 28, 1998. The procedure has been debated in various fora and there have been demands to change the same. However, there is, at present, no specific proposal to bring about any change in the present system of appointment of Judges in the Supreme Court and the High Courts.

(c) & (d) The Judges (Inquiry) Act, 1968 lays down the procedure for removal of a Judge under Article 124 (4) read with proviso (b) to Article 124 (2) and proviso (b) to Article 217 (1) of the Constitution. To ensure greater accountability and transparency in the higher judiciary, the Government is considering to bring forward a fresh legislation which inter alia provides a mechanism for taking action on complaints against the Judges of the Supreme Court and the High Courts.