

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

UNSTARRED QUESTION NO:5031
ANSWERED ON:09.12.2010
APPOINTMENT OF JUDGES
Tewari Shri Manish

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

- (a) whether the Government is contemplating a review of the process of the appointment of High Court and Supreme Court Judges;
- (b) if so, the details thereof;
- (c) whether the Government is in the process of moving a Constitutional Amendment Bill to connect the constitutional balance of the separation of powers doctrine that has been upset by the 1993 & 1998 advocates on record judgment on the separation of powers;
- (d) if so, the details thereof;
- (e) the status of the Judicial Standards & Accountability Bill that was introduced in the Rajya Sabha and then subsequently withdrawn;
- (f) whether the Government initiated any consultations with the bar or Judges or Jurists or cure society or all of them on the question of appointment of Judges; and
- (g) if so, the details thereof?

Answer

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

(a) to (d) The existing procedure for appointment of Judges of the Supreme Court and the High Courts is based on the Supreme Court Judgment dated 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.

(e) A new comprehensive Bill titled `The Judicial Standards and Accountability Bill, 2010` has been introduced in the Lok Sabha on 01.12.2010.

(f) & (g) The question of appointment of Judges has been discussed by the Department Related Parliamentary Standing Committee on Personnel, Public Grievances, Law and Justice and the Law Commission of India. No specific proposal has been formulated on the issue.