

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

UNSTARRED QUESTION NO:2450
ANSWERED ON:08.12.2011
APPOINTMENT OF JUDGES
Jeyadural Shri S. R.

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

- (a) whether the Government is contemplating a review in the process of the appointment of High Court and Supreme Court Judges;
- (b) if so, the details thereof;
- (c) whether the Government proposes to bring 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` judgement on the separation of powers;
- (d) if so, the details thereof; and
- (e) the status of the Judicial Standards & Accountability Bill that was introduced in the Rajya Sabha?

Answer

MINISTER OF THE STATE IN THE MINISTRY OF LAW AND JUSTICE (SHRI SALMAN KHURSHID)

(a) to (d): The existing procedure for appointment of Judges of the Supreme Court of India and the High Courts, 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 dated October 28, 1998. This has been debated in various fora and there have been demands made to change the same. However, no proposal has been finalised by Government.

(e): The Judicial Standards and Accountability Bill, 2010 was introduced in the Lok Sabha on 01.12.2010 and was referred to the Department Related Parliamentary Standing Committee for examination and Report. The Committee has submitted its Report to the Parliament on 30.8.2011. In the light of these recommendations, the process for making amendments to said bill has been initiated.