

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

UNSTARRED QUESTION NO:574

ANSWERED ON:15.03.2012

NATIONAL JUDICIAL COMMISSION

Gorakhnath Shri ;Pakirappa Shri S.;Ramasubbu Shri S.;Thamaraiselvan Shri R.;Yadav Shri Om Prakash

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

- (a) whether the Government is aware of the increasing irregularities in the conduct of some of the judges in the country;
- (b) if so, whether any such cases comes to the notice of the Government;
- (c) if so, the action taken by the Government thereon and if not, the reasons therefor;
- (d) the role of the proposed National Judicial Commission to ensure transparency in the judicial system and steps taken by the Government to revamp the judicial system in the country;
- (e) whether the Government proposes any transparent methods for recruitment of judges; and
- (f) if so, the details thereof?

**Answer**

MINISTER OF LAW AND JUSTICE (SHRI SALMAN KHURSHID)

(a) (b) & (c) : Allegations of irregularities in the judiciary have come to the notice of the Government. The complaints received against Judges of the Supreme Court and the High Courts are, at present, dealt with in the manner discussed and laid down in the Conference of Chief Justices held in 1990 and as summed up by the Chief Justice of India as for details in the Annex. The administrative control over the members of the subordinate judiciary in the States vests with the concerned High Court and State Government under Article 235 of the Constitution of India.

(d): There is a proposal to change the existing system for investigation into the complaints of misbehaviour or incapacity of a Judge of the Supreme Court or High Court as well as to enforce greater accountability. A comprehensive Bill titled `The Judicial Standards and Accountability Bill, 2010` has been introduced in the Parliament with this objective. The Bill, besides providing for a comprehensive system for looking into the complaints as well as the penalties which can be imposed on the completion of the enquiry, lays down the judicial standards and also makes it incumbent on the Judges to declare their assets / liabilities.

(e) and (f) : 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 in vogue though this has been largely debated in various fora and there have been demands to change the existing procedure. However, no decision has been made in regard to an alternative to the present system of selection and appointment of judges.