

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

UNSTARRED QUESTION NO:6888
ANSWERED ON:17.05.2012
POST RETIREMENT BENEFITS
Singh Alias Pappu Singh Shri Uday

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

- (a) whether the Government is aware that the existing laws do not allow scrapping of post retirement benefits including pension of any judge of the Supreme Court and High Court when he/she resign even after being held guilty on corruption charges;
- (b) if so, whether in view of increase in corruption charges against judges, the Government proposes to make suitable amendments in the law to punish the corrupt judges by denying them retirement benefits;and
- (c) the reaction of the Government in this regard?

Answer

MINISTER OF THE STATE IN THE MINISTRY OF LAW & JUSTICE (SHRI SALMAN KHURS.HID)

(a): Articles 125 and 221 of the Constitution of India provide for entitlement of Judges of the Supreme Court and the High Courts respectively to salary, allowances and rights in respect of leave of absence and pension as may from time to time be determined by law made by Parliament. Their conditions of service are governed by The Supreme Court Judges (Salaries and Conditions of Service) Act, 1958 and The High Court Judges (Salaries and Conditions of Service) Act, 1954 and the Rules framed there-under respectively. There is no provision in these laws restricting post retirement benefits of Judges in case they resign.

(b) & (c): To ensure greater accountability and transparency in the higher judiciary, a Bill titled 'The Judicial Standards and Accountability Bill, 2010' which incorporates a mechanism for enquiring into complaints against the Judges of the Supreme Court and the High Courts, enabling declaration of assets and liabilities of Judges and laying down judicial standards to be followed by the Judges. It provides for issuance of advisories or warnings in case they are found guilty besides their removal or resignation.