

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

STARRED QUESTION NO:374  
ANSWERED ON:06.09.2012  
NATIONAL JUDICIAL COMMISSION  
Bheiravdanji Shri Gadhi Mukeshkumar

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

- (a) Whether the Government proposes to set up National Judicial Commission and;
- (b) If so, the details and the present status thereof including the time-frame within which the Commission is likely to be setup?

**Answer**

MINISTER OF LAW AND JUSTICE (SHRI SALMAN KHURSHID)

(a) and (b). A Statement is laid on the Table of the House.

Statement referred to in reply to parts (a) and (b) of the Lok Sabha Starred Question No.374 for answer on 06.09.2012

The proposal for setting up of National Judicial Commission has been on the anvil since 1990. But despite the recommendations of various Commissions including the 2nd Administrative Reforms Commission, the proposal has not reached a logical conclusion. The Constitution (Amendment) Bills moved in 1990 as well as 2003 lapsed on both the occasions due to dissolution of the House.

Currently, appointment of Judges to High Courts and Supreme Court is based on Memorandum of Procedure for appointment of Judges of Supreme Court and High Courts prepared in 1998. Representations have been made by various agencies and expert bodies to review / change the present procedure of appointment of judges. It is generally felt that this Procedure is not balanced and is one sided. It has at times been criticised also for lack of transparency and accountability. However, the proposal to setup a National Judicial Commission has not yet reached a conclusive stage.