

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

UNSTARRED QUESTION NO:4268
ANSWERED ON:06.09.2012
APPOINTMENT OF JUDGES
Hussain Shri Syed Shahnawaz;Lal Shri Kirodi

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

- (a) whether the Government is considering for separate recruitment mechanism for appointment of the judges;
- (b) if so, the details thereof;
- (c) whether any report, proposal or recommendation is lying pending with the Government;
- (d) if so, the details thereof along with the action taken thereon; and
- (e) the status of the impeachment against Justice Soumitra Sen of Kolkata High Court?

Answer

MINISTER OF LAW AND JUSTICE (SHRI SALMAN KHURSHID)

(a) to (d) : 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 including the 2nd Administrative Reforms Commission, 214th Report of the Law Commission 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. But the proposal has not yet reached a conclusive stage.

(e) : The proceedings for removal of Shri Justice Soumitra Sen, Judge of the Calcutta High Court, had been taken up for consideration by the Rajya Sabha, which passed a Resolution for his removal. However, Shri Justice Soumitra Sen resigned his post as a Judge of the Calcutta High Court on 1st September, 2011 before the matter was taken up in the Lok Sabha.