

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

UNSTARRED QUESTION NO:4383
ANSWERED ON:20.12.2012
PROCESS FOR APPOINTMENT AND REMOVAL OF JUDGES
Aaron Rashid Shri J.M.

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

- (a) whether the existing process for appointment of judges to the Supreme Court and High Court has been termed as unsatisfactory by sections of the Bar and the judiciary;
- (b) if so, the details thereof;
- (c) whether the existing system for removal of judges of the higher judiciary is also cumbersome and insufficient and there is a need for evolving an alternative method for judges' removal in addition to the same; and
- (d) if so, the details thereof and the action taken thereon?

Answer

MINISTER OF LAW AND JUSTICE (DR. ASHWANI KUMAR)

(a) and (b): The present method of Appointment of Judges to High Courts and Supreme Court is based on a Memorandum of Procedure for Appointment of Judges of Supreme Court and High Courts prepared in 1998 pursuant to the judgement of the Supreme Court of October 6, 1993 read with their Advisory Opinion of October 28, 1998. Concerns have been raised by members of civil society, eminent jurists, etc. about the existing procedure for appointment of judges to Supreme Court and High Courts. The proposal to have an alternative arrangement and to establish a Judicial Appointments Commission through a constitutional amendment is under consideration but no time frame can be set for this, as amendment to constitution is a time consuming process.

(c) and (d): Presently removal of Judges by impeachment is governed by Article 124(4) read with proviso (b) to Article 124(2) and proviso (b) to Article 217 (1) of the Constitution. There is no proposal for the moment for amending the existing system.