

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

UNSTARRED QUESTION NO:5008

ANSWERED ON:25.04.2013

APPOINTMENT PROCESS OF JUDGES

Lal Shri Kirodi ;M.Thambidurai Dr. ;Punia Shri P.L. ;Thamaraiselvan Shri R.;Vardhan Shri Harsh

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

(a) whether the Government proposes to bring a comprehensive bill to amend the appointment process of judges and deal with the complaints of corruption against judges;

(b) if so, the details thereof; and

(c) if not, the reasons therefor?

Answer

MINISTER OF LAW AND JUSTICE (DR. ASHWANI KUMAR)

(a) to (c) The 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 Supreme Court Judgement of October 6, 1993 read with their Advisory Opinion of October 28, 1998. Representations have been made by various agencies and expert bodies to review/change the present procedure of appointment of judges. Based on the suggestions received, there is a proposal to establish a broad based Judicial Appointments Commission. However, no decision has been taken by the Government so far.

At present, as per the 'in-house mechanism' of higher judiciary, the Chief Justice of India (CJI) is competent to receive complaints against the conduct of the Judges of the Supreme Court and the Chief Justices of the High Courts. Similarly, the Chief Justices of the High Courts (CJHs) are competent to receive complaints against the conduct of the Judges of their courts. Further, the Government has moved a Bill called the Judicial Standards and Accountability Bill, which provides for a comprehensive mechanism for handling complaints made by citizens on grounds of alleged misbehavior and incapacity against judges of the Supreme Court and High Courts and for taking action against those found guilty after investigation. The Bill also lays down judicial standards and makes it incumbent on the Judges to declare their assets/liabilities.