

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

STARRED QUESTION NO:52
ANSWERED ON:07.08.2013
JUDICIAL ACCOUNTABILITY
Azad Shri Kirti (Jha);Sule Supriya

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

- (a) whether the Government is aware of the alleged corruption in judiciary;
- (b) if so, the steps taken/proposed to be taken to address the issue and to bring in structural reforms in the judicial system;
- (c) the current status of the proposal to set up All India Judicial Service;
- (d) whether the Government plans to bring in fairness and transparency in the selection of High Court Judges and also ensure accountability in judicial system; and
- (e) if so, the details thereof?

Answer

MINISTER OF LAW AND JUSTICE AND COMMUNICATIONS AND INFORMATION TECHNOLOGY (SHRI KAPIL SIBAL)

- (a) to (e) A Statement is laid on the Table of the House

Statement referred to in reply to parts (a) to (e) of the Lok Sabha Starred Question No.52 to be answered on 07.08.2013 regarding 'Judicial Accountability'.

(a) and (b) Representations alleging corruption in judiciary are received in the Government from time to time. As per the established "in-house mechanism" for the higher judiciary, the Chief Justice of India is competent to receive complaints against the conduct of the Judges of the Supreme Court and the Chief Justice of the High Courts. Similarly, the Chief Justices of the High Courts are competent to receive complaints against the conduct of Judges of their Courts. Administrative control over the members of the subordinate judiciary in the States vests with the concerned High Court. In view of this, the Central Government does not maintain records of such complaints and has no mechanism to monitor the action taken on the same.

With a view to enforce greater transparency and accountability in the functioning of the higher judiciary, the Government has moved 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.

(c) The Constitution was amended in 1977 to provide for an All India Judicial Service (AIJS) under Article 312 of the Constitution. There has been support in favour of AIJS by 11th Law Commission in its 116th Report, the First National Judicial Pay Commission, Committee on Centre State Relations and Department Related Parliamentary Standing Committee. However, consensus on having AIJS has not been possible in the consultations held with the State Governments and the High Courts. The proposal was recently placed for consideration in the Conference of Chief Ministers of the States and Chief Justices of the High Courts. It has been decided that further consultation on the matter would be required with States and High Courts.

(d) and (e) 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, the Judicial Appointments Commission Bill is under formulation.