

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

UNSTARRED QUESTION NO:1999  
ANSWERED ON:04.12.2014  
ALLEGED IRREGULARITIES IN JUDICIARY  
Pal Shri Jagdambika;Raj Dr. Udit;Sonker Smt. Neelam

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

- (a) whether the Government is aware of an expose appeared in the print media on 21 July,2014 by a retired Chief Justice of High Court regarding alleged irregularities and nepotism in higher judiciary involving Judges;
- (b) if so, the reaction of the Governmeni thereto along with the action taken in this regard;
- (c) whether there is any mechanism to address the complaints against the Judges of Supreme Court and High Courts in the country and if so, the details thereof and if not, the reasons therefor;
- (d) whether the Government proposes to appoint an Ombudsman for the purpose and if so, the details thereof; and
- (e) the number of cases/complaints received alleging irregularities in judiciary during each of the last three years and the current year along with the action taken thereon?

**Answer**

MINISTER OF LAW AND JUSTICE (SHRI D.V. SADANANDA GOWDA)

(a) and (b): Allegation of irregularities, nepotism and lack of transparency have been reported in the media from time to time with regard to the appointment of judges lo higher judiciary. The existing procedure for appointment of Judges in higher judiciary is governed by Memorandum of Procedure for Appointment of Judges, which is based on the judgment of the Supreme Court in the case of Supreme Court Advocatcs- on-record & Anr. Vs. Union of India, read with advisory opinion of October 28,1998.

To ensure greater transparency in appointment of Judges in higher judiciary, two Bill(s) titled IThe Constitution (One Hundred and Twenty-First Amendment) Bill, 2014` and The National Judicial Appointments Commission Bill, 2014` have been passed by both the Houses of Parliament unani- mously reflecting the broad consensus across the political spectrum on the issue of reforms in the appointment of Judges of the Supreme Court and High Courts. The Consti- tution (One Hundred and Twenty-First Amendment) Bill. 2014 has been sent for ratification by Legislatures and both Bills will be presented for the assent of the President of India, after the Constitution (One Hundred and Twenty-First Amendment) Bill, 2014 is ratified by the Legislatures of not less than one-half of the States.

(c) to (e): As per the `in-house mechanism` for the higher judiciary. 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 their Courts. Administrative control over the members of the subordinate judiciary in the States vests with the concerned High Court and State Government. In view of this, the CentrarGovernment do not maintain records of such complaints and has no mecha- nism to monitor the action taken on the same.

A Bill titled `The Judicial Standards and Accountability Bill was moved by the Government in the previous Lok Sabha. The Bill provided for a comprehensive mechanism for handling complaints made by citizens on grounds of alleged misbehaviour and incapacity against judges of the Supreme Court and High Courts and for taking action against those found guilty after investigation. The Bill also laid down judicial standards and made it incumbent on the Judges to declare their assets/ liabilities. However, the Bill could not be passed and lapsed due to dissolution of the 15th Lok Sabha.