

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

UNSTARRED QUESTION NO:4299
ANSWERED ON:18.12.2014
REMOVAL OF JUDGES
Pala Shri Vincent H

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

- (a) whether the Government is aware that has become difficult to remove judges proven guilty of misconduct and incapacity due to extant constitutional provision requiring two thirds majority in Parliament;
- (b) if so. the details thereof;
- (c) whether the Government proposes to review and amend the said provisions so as to enable the Parliament to remove the guilty judges without any impediments; and
- (d) if so, the details thereof and if not, the other steps proposed to be taken by the Government for evolving an alternative procedure for removal of guilty judges?

Answer

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

(a) and (b): The procedure for removal of Judges of the Supreme Court and High Courts by impeachment is laid down in Article 124 (4) of the Constitution. The Judges (Inquiry) Act, 1968 regulates the procedure of the investigation and proof of the misbehavior or incapacity of a Judge of the Supreme Court and High Courts and for the presentation of an address by Parliament to the President.

(c) and (d): There is no proposal for amending the existing constitutional provisions for removal of Judges. However, to ensure greater accountability and transparency in the higher judiciary, a bill titled, 'the Judicial Standards and Accountability Bill', was introduced in the Lok Sabha on 01.12.2010. The Bill sought to replace the Judges (Inquiry) Act, 1968. The Bill has lapsed consequent to the dissolution of the 15th Lok Sabha.