

**Participants :** [Bhardwaj Shri H.R.](#)

>

Title: Introduction of Judges (Inquiry) Bill, 2006.

MR. SPEAKER: Now, we will take up Item No.45.

THE MINISTER OF LAW AND JUSTICE (SHRI H.R. BHARDWAJ): I beg to move for leave to introduce a Bill for establishing the National Judicial Council to undertake preliminary investigation and inquire into allegations of misbehaviour or incapacity of a Judge of the Supreme Court or of a High Court and to regulate the procedure for such investigation, inquiry and proof, and for imposing minor measures; and for the presentation of an address by Parliament to the President and for matters connected therewith.

MR. SPEAKER: Motion moved:

“That leave be granted introduce a Bill for establishing the National Judicial Council to undertake preliminary investigation and inquire into allegations of misbehaviour or incapacity of a Judge of the Supreme Court or of a High Court and to regulate the procedure for such investigation, inquiry and proof, and for imposing minor measures; and for the presentation of an address by Parliament to the President and for matters connected therewith.”

*...(Interruptions)*

MR. SPEAKER: Mr. Radhakrishnan, that is not a notice under which you can speak.

*...(Interruptions)*

SHRI VARKALA RADHAKRISHNAN (CHIRAYINKIL): Sir, with your permission, I will read my objection.

MR. SPEAKER: First of all, you have not given it in time. Secondly, it has no relevance.

SHRI VARKALA RADHAKRISHNAN : Sir, it is felt that the judicial independence and the judicial accountability are inseparable. The present Bill deals with the judicial accountability. It deals with the combined mechanism. This is not enough. Therefore, there must be a law providing judicial accountability in the matter of recruitment, appointment and disciplinary proceedings. The National Law Commission of India is also of the view that there must be a law to determine the judicial accountability. This can be done by a statute for the appointment of a National Judicial Commission with powers to deal with such matters. This Bill deals with only one aspect, namely, the combined mechanism. So, it is high time for the Government of India to bring in a legislation for the appointment of a Judicial Commission. This is the matter which I wanted to raise and if the hon. Minister is kind enough to reply me, it is quite welcome because our apprehensions will be done away with. So, I would request him to make a statement.

MR. SPEAKER: When you speak on this Bill, you can raise these points. Please take your seat.

*...(Interruptions)*

MR. SPEAKER: Mr. Radhakrishnan, this is not the time to raise it. I would not allow this any more. Now nothing more will be recorded.

*(Interruptions) \**

MR. SPEAKER: The question is:

“That leave be granted introduce a Bill for establishing the National Judicial Council to undertake preliminary investigation and inquire into allegations of misbehaviour or incapacity of a Judge of the Supreme Court or of a High Court and to regulate the procedure for such investigation, inquiry and proof, and for imposing minor measures; and for the presentation of an address by Parliament to the President and for matters connected therewith.”

*The motion was adopted.*

SHRI H.R. BHARDWAJ: Sir, I introduce the Bill.

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\* Not recorded