

GOVERNMENT OF INDIA  
MINISTRY OF LAW AND JUSTICE  
DEPARTMENT OF JUSTICE

**LOK SABHA**  
**UNSTARRED QUESTION NO. 5981**

**TO BE ANSWERED ON WEDNESDAY, THE 04.04.2018**

**Allegations against CJI**

5981. SHRI J.C. DIVAKAR REDDY:  
SHRI N.K. PREMACHANDRAN:  
SHRI MULLAPPALLY RAMACHANDRAN:  
DR. THOKCHOM MEINYA:  
ADV. JOICE GEORGE:  
SHRI LALLU SINGH:  
SHRI NALIN KUMAR KATEEL:  
SHRI C.N. JAYADEVAN:  
SHRI MUTHAMSETTI SRINIVASA RAO (AVANTHI):  
SHRI K.C. VENUGOPAL:  
SHRI OM BIRLA:  
PROF. SAUGATA ROY:  
SHRIMATI ANJU BALA:  
SHRI D.K. SURESH:

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

- (a) whether it has come to the notice of the Government that a group of senior judges in Supreme Court has raised allegation against the Chief Justice of India and the procedure followed by him;
- (b) if so, the details thereof and the action taken thereon;
- (c) whether the Government has received complaints regarding the unhealthy practices followed in the Supreme Court and the High Courts, if so, the details thereof and the reaction of the Government thereto;
- (d) whether the Government proposes any legislation to ensure transparency in judicial and administrative functions of the judiciary and maintain solidarity within the uppermost echelons of the judiciary in the light of the allegations raised by the senior judges against the Chief Justice and if so, the details thereof;
- (e) whether the Government plans on establishing guidelines or provide assistance to the Supreme Court with regard to distribution of cases and other administrative matters associated with the functioning of the various courts in India and if so, the details thereof; and

- (f) whether the long-pending Memorandum of Procedure (MoP) for appointment of judges has been one of the major factors for problems in judiciary and if so, the current status of the MoP?

**ANSWER**

**MINISTER OF LAW & JUSTICE AND ELECTRONICS & INFORMATION TECHNOLOGY**

**(SHRI RAVI SHANKAR PRASAD)**

(a) to (c): The Government has not received any information from the Supreme Court of India in this regard. However, issues relating to the Judiciary have been highlighted in the media with some related representations. Judiciary being an independent organ under the Indian Constitution is capable of handling its internal matters. The Government is committed to the independence of Judiciary and does not and should not intervene in its functioning.

(d) and (e): No Madam.

(f): The Supreme Court of India vide order dated 16.12.2015 in Writ Petition (Civil) No. 13 of 2015 for improvement in the “Collegium System”, directed the Government to finalize the existing Memorandum of Procedure (MoP) by supplementing it in consultation with the Supreme Court Collegium taking into consideration factors such as eligibility criteria, transparency, establishment of Secretariat, and mechanism to deal with complaints. The Government of India after due deliberations, proposed changes in the existing MoP and the draft MoPs were sent to the Hon’ble Chief Justice of India vide letter dated 22.03.2016. The response of the Chief Justice of India thereon was received on 25.05.2016 and 01.07.2016. The views of the Government were conveyed to the Chief Justice of India on 03.08.2016. The comments of the Supreme Court Collegium on the MOP were received from Chief Justice of India vide letter dated 13.03.2017.

Meanwhile, Supreme Court in its judgment dated 4.7.2017 in a “suo moto” contempt proceeding against a Judge of the Calcutta High Court, underlined the need to revisit the process of selection and appointment of Judges to the Constitutional Courts. The Government of India has conveyed the need to make improvement on the draft MoP to the Secretary General of the Supreme Court vide letter dated 11.07.2017, including the need for appropriate screening while making appointment to high Constitutional offices of High Courts and Supreme Court Judges.

As the process of finalizing the supplementation of the existing Memorandum of Procedure (MoP) was likely to take some time, at the initiative of the Government, the matter of continuing the appointment process was taken up with Supreme Court and it is continuing in accordance with the existing MoP to fill the vacancies of Judges in the Supreme Court and the High Courts.

The Judges appointed during last 3 years in the Supreme Court and High Courts are given below:-

Years	Supreme Court	High Courts
2016	4	126
2017	5	115
2018 ( upto 28.03.2018)	-	11

