

**Fake and unqualified lawyers**

903. SHRIMATI WANSUK SYIEM: Will the Minister LAW AND JUSTICE be pleased to state:

(a) whether the Bar Associations in the South have intensified a drive to identify black sheep among its fraternity, who do not hold a valid law degree to practice in courts;

(b) whether during such drives, many persons practicing in courts with fake degrees, have been caught and their enrolment revoked; and

(c) whether during one such operation, it was discovered that a person has been working as a Magistrate for the last ten years in a Tamil Nadu court, without holding any valid law degree?

THE MINISTER OF STATE IN THE MINISTRY OF LAW AND JUSTICE (SHRI P. P. CHAUDHARY): (a) to (c) The information is being collected from Bar Council of India and once received, it will be laid on the Table of the House.

**Transparency in appointment and functioning of Judges**

904. SHRI K.T.S. TULSI: Will the Minister of LAW AND JUSTICE be pleased to state:

(a) the details of the steps taken by Government, including the introduction of the Judicial Standards and Accountability Bill in Parliament with requisite provisions to bring transparency and accountability and to check corruption and other undesirable practices in appointments and functioning of Judges in the higher judiciary; and

(b) if no steps taken, the reasons therefor?

THE MINISTER OF STATE IN THE MINISTRY OF LAW AND JUSTICE (SHRI P. P. CHAUDHARY): (a) and (b) The Supreme Court of India, in its full Court meeting on 7th May, 1997, adopted two Resolutions namely (i) "The Restatement of Values of Judicial Life" which lays down certain judicial standards and principles to be observed and followed by the Judges of the Supreme Court and High Courts (ii) "In-house procedure" for taking suitable remedial measure against Judges who do not follow the universally accepted values of judicial life including those included in the Restatement of Values of Judicial Life. Any complaint against the Judges of Supreme Court and High Courts are handled as per the "In-house procedure".

With the objectives of enforcing greater accountability and transparency, the Judicial Standards and Accountability Bill was passed by the Lok Sabha in 2012.

The Bill could not be taken up in the Rajya Sabha and lapsed due to dissolution of 15th Lok Sabha.

To bring transparency in the area of appointment of Judges in higher judiciary, the Government passed the National Judicial Appointment Commission (NJAC) Act 2014 but the same was struck down by the Supreme Court. However, the Supreme Court of India *vide* order dated 16.12.2015 in Writ Petition (Civil) No.13 of 2015 directed the Government of India for bringing improvement in the Collegium system by supplementing the existing Memorandum of Procedure (MoP) 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. The draft MoP was 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 inputs on the MoP of the Supreme Court Collegium was received from Chief Justice of India *vide* letter dated 13.03.2017.

Meanwhile, in another judgment dated 4.7.2017 of Supreme Court in a "*suo moto*" contempt proceeding against a Judge of the Calcutta High Court, the Supreme Court has 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

#### **Transparency in the appointment of Judges of High Courts and Supreme Court**

905. SHRI K. T. S. TULSI: Will the Minister of LAW AND JUSTICE be pleased to state:

(a) the steps taken by Government to check corruption and to bring transparency in the appointment of Judges to the High Courts and the Supreme Court after the National Judicial Appointments Commission (NJAC) Act passed by the Parliament was struck down by the Supreme Court as unconstitutional; and

(b) if so, the details thereof and if not, the reasons therefor?

THE MINISTER OF STATE IN THE MINISTRY OF LAW AND JUSTICE (SHRI P. P. CHAUDHARY): (a) and (b) The issue of checking corruption in the Higher Judiciary is largely to be addressed by the Higher Judiciary as it is an