

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

independent organ under the Indian Constitution. Accountability in higher judiciary is maintained through “in-house mechanism”. 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.

As per the “In-house procedure”, Chief Justice of India is competent to receive complaints against the conduct of Judges of the Supreme Court and the Chief Justices of the High Courts and get the same enquired into. Similarly, the Chief Justices of the High Courts are competent to receive complaints against the conduct of respective High Court Judges. As such, complaints against the conduct of Judges, whenever received by the Government, are forwarded to the Chief Justice of India or to the Chief Justice of the concerned High Court, as the case may be, for appropriate action.

As regards bringing transparency in the area of appointment of Judges in higher judiciary, 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 and the draft MoP were sent to the Hon’ble Chief Justice of India on 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 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