

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

UNSTARRED QUESTION NO:1824  
ANSWERED ON:01.08.2003  
MISCONDUCT BY JUDGES  
ABDUL RASHID SHAHEEN;SHIVAJI MANE

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

- (a) the number of complaints of misbehaviour, misconduct etc. received against the Judges of High Courts/Supreme Court during the last two years;
- (b) the action the Government have taken against them;
- (c) whether there is any proposal under the consideration of the Government to empower the Chief Justice of India to take punitive measures against the erring Judges;
- (d) if so, the details thereof; and
- (e) the time by which it is likely to be made?

**Answer**

MINISTER OF STATE FOR LAW AND JUSTICE (SHRI P.C. THOMAS)

(a), (b), (c), (d) & (e) A statement is enclosed.oes not arise.

Statement referred to in reply to Parts (a), (b), (c), (d) & (e) of Lok Sabha Unstarred Question No. 1824 for answer on 1.8.2003.

The issue of Judicial Accountability was discussed at the Conference of Chief Justices held in 1990 and on the basis of the broad consensus emerging out of the deliberations, the Chief Justice of India summed up the position as follows:

‘the Chief Justice of the High Court has the competence to receive complaints against the conduct of the Judges of his Court and when he receives any he would look into it for finding out if it deserves to be closely looked into. Where he is satisfied that the matter requires to be examined, he shall have facts ascertained in such manner as he considers appropriate keeping the nature of allegations in view and if he is of the opinion that the matter is such that it should be reported to the Chief Justice of India, he shall do so.

The Chief Justice of India shall act in a similar manner in regard to complaints relating to conduct of Judges of the Supreme Court and in regard to conduct of Chief Justices of the High Courts. On the basis of the facts ascertained, the Chief Justice of the High Court or the Supreme Court, as the case may be, shall take such appropriate action as may be considered proper, keeping the interest of the Judiciary as the paramount consideration.’

2. The complaints received against the Judges of the Supreme Court and the High Courts are dealt with in the manner indicated above. The Judges Inquiry Act, 1968 specifies the procedure to deal with misconduct/misdemeanour of Judges of the Supreme Court/High Courts but Government has no Constitutional competence to order enquiry against them.

3. The Constitution (Ninety-Eighth Amendment) Bill, 2003 for setting up of National Judicial Commission has been introduced in the Lok Sabha on May 9, 2003 which would inter-alia draw up a Code of Ethics for Judges of the Supreme Court, Chief Justices and the Judges of High Courts.

4. The Commission also shall enquire into, suo-moto or on a complaint or reference, cases of misconduct or such deviant behaviour of a Judge other than those calling for his removal and advise the Chief Justice of India or the Chief Justice of the High Court appropriately after such inquiry.