

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

UNSTARRED QUESTION NO:142
ANSWERED ON:22.11.2012
UNCLE JUDGES SYNDROME
Rajendran Shri C.

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

- (a) whether the Law Commission in its 230th Report had asked the Law Ministry to ensure 'Uncle-Judges' Syndrome is eliminated;
- (b) if so, the details thereof; and
- (c) the action taken/proposed to be taken by the Government in this regard?

Answer

MINISTER OF LAW AND JUSTICE (DR. ASHWANI KUMAR)

(a) and (b):The Law Commission of India in their 230th Report has mentioned the matter of appointment of 'Uncle Judges' in the High Courts, wherein it is said that the Judges, whose kith and kin are practising in a High Court, should not be appointed in the same High Court.

(c):The appointment of Judges in the High Court and Supreme Court is made under the Memorandum for Appointment of Judges which has been laid down following the Supreme Court Judgements in 1993 and 1998. Under this, responsibility for initiation of proposals for appointment of Judges in the High Court and Supreme Court is with the Chief Justice of the High Courts/Supreme Court. Under Article 217 of the Constitution, a person who has been an advocate for 10 years in a High Court or in two or more such Courts in succession, is qualified to be considered for appointment as the Judge of the High Court.

Thus, under the Constitutional Provision, Chief Justice can recommend judges from the Bar to be appointed as the judge of the High Court. In this situation, kith and kin of those appointed as judges and practicing in the High Court is likely. With a view to correct the situation, judicial standards are being prescribed for the judges in the Judicial Standards and Accountability Bill, 2012 which has been passed by Lok Sabha already.