

**GOVERNMENT OF INDIA
MINISTRY OF LAW AND JUSTICE
DEPARTMENT OF JUSTICE**

RAJYA SABHA

UNSTARRED QUESTION NO. 584

TO BE ANSWERED ON THURSDAY, THE 21.07.2022

Violation of procedures by Judicial Officers

584. SHRI ANIL DESAI:

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

- (a) whether in view of some objectionable/uncalled for remarks pronounced by judicial entities, there is any demand or need felt to develop a mechanism to keep a watch or monitor such incidents;
- (b) whether there is any system in higher courts to keep a watch on the quality of decisions pronounced by judges in respect of grant of bail, remission etc.;
- (c) whether higher courts ever found any violation of procedure or law by any judicial officer; and
- (d) if so, types of action or views that are normally considered/awarded to the concerned Judicial Officers, details thereof, if not, the reason therefor?

ANSWER

MINISTER OF LAW AND JUSTICE

(SHRI KIREN RIJJU)

(a) to (d): Court proceedings and the issues like decisions pronounced by judges, including in respect of grant of bail, remission etc. are within the domain of judiciary and the Government has no role in these issues. The Government is committed to the independence of Judiciary and does not intervene in its functioning. Judiciary being an independent organ under the Indian Constitution, is capable of handling its internal matters.

Accountability in higher judiciary is maintained through an “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 established “in-house mechanism” for the higher judiciary, the 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. Similarly, the Chief Justices of the High Courts are competent to receive complaints against the conduct of High Court Judges. The complaints/representations received are forwarded to the Chief Justice of India or to the Chief Justice of the High Court concerned, as the case may be, for appropriate action. As per Article 235 of the Constitution of India, administrative control over the members of the subordinate judiciary in the States vests with the concerned High Court.
