Abstract

Corruption in Judiciary was noticed by the present Researcher while he was working since 1971 in City Civil & Sessions Courts and Additional Public Prosecutor, Bombay High Court, at Mumbai. Researcher, himself, was a victim of Judicial Corruption, resulting in his conviction for Contempt of Court and undergoing 3 month Simple Imprisonment. In 1998, the Researcher, therefore, registered himself with University of Bombay for Ph.D. in law with the subject – “A study of corrupting influences in the administration of justice with special reference to India”. However, he could not complete his work for want of a proper Guide.

The Judges are Public Servants in Law and need to be treated as such other Public Servants. They are not immune from resultant action under the Constitution. Impeachment policy provided in the Constitution has by and large failed to achieve its object. Passing of Accountability Bill and compelling disclosure of Assets by the Judges would not suffice to meet the Principle of Equality before Law as envisaged in the Constitution.

Now, by submitting this Thesis, Researcher is trying to highlight the fact, how the appointments of Judges in High Courts and Supreme Court are unconstitutional and there is urgent need to amend the Constitution and create a Constitutional Body to curb the Judicial Corruption as suggested by the Law Commission in its 121st Report.

The paper also discuss the constitutional provisions as to the appointment of judges in India and U.S.A. and interpretations made in leading judicial decisions by the apex court on the said issue. The paper discuss in brief with process of appointment of judges followed in England and Wales, Canada, New York, France, Germany and South Africa.

This paper initiates developments of Law and Courts in India and conclude with the personal suggestions which has been collected in depth by reviewing the books, Articles, Law Commission Reports and other materials from Web Site.