

Now is the time for deeper judicial reforms, Dr. JP tells PM

Written by

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Lok Satta Party President Dr. Jayaprakash Narayan today requested Prime Minister Dr. Manmohan Singh to usher in two far-reaching judicial reforms: the creation of a National Judicial Commission (NJC) for transparent appointments to the Supreme Court and High Courts, and the creation of Indian Judicial Service on the lines of IAS.

In a letter to the Prime Minister on the eve of Parliament's monsoon session, Dr. JP said the proposed reforms should also provide for replacement of the present, cumbersome and unsatisfactory constitutional mechanism of impeachment with a more effective mechanism for removal of errant judges, and creation of an All India Judicial Service (AIJS) on the lines of the IAS and the IPS, for enhancing the competence and quality of judges in trial courts.

The letter to the Prime Minister is a follow-up to the initiative for judicial reforms taken by the Foundation for Democratic Reforms (FDR), a non-partisan research-and-advocacy body, headed by Dr. JP.

At the request of the FDR, three eminent jurists of unimpeachable integrity and moral authority and stature –Justice M. N. Venkatachaliah, former Chief Justice, Supreme Court, Justice J. S. Verma, former Chief Justice, Supreme Court, and Justice VR Krishna Iyer, former Judge, Supreme Court – carried out in-depth deliberations and unanimously suggested certain reforms.

Dr. JP referred to the Prime Minister's determination to protect the integrity and image of the higher judiciary, and said the proposals made by the three esteemed justices can be harmoniously and synergistically reconciled with those in the Judicial Standards and Accountability Bill, 2010, now in Parliament.

The FDR took the initiative in the wake of credible allegations leveled against individual judges in recent years by prominent members of the bar and others.

The FDR feels that although the judiciary on the whole is conducting itself with admirable dignity and propriety, the actions of a few black sheep are damaging the entire institution. If the credibility of the higher judiciary is undermined further, there is the real danger of the nation falling apart, feels the FDR.

When complex and contentious issues like reservations or Ayodhya create conflict, the nation needs the judiciary to stand as a bulwark of freedom and constitutionalism.

Dr. JP told the Prime Minister that "now is the time for deeper judicial reforms." The existing mechanisms for judicial appointments have to be recast so as to ensure elevation of the best and brightest to the bench, eliminating the doubtful, and in a transparent manner. Simultaneously, judicial accountability being integral to judicial independence, there is a need for an effective mechanism to enforce judicial accountability.