

Dr.JP's Letter to PM on National Judicial Commission

Written by

Monday, 06 August 2012 14:15 - Last Updated Monday, 06 August 2012 14:21

6th August, 2012
Hyderabad

To
Dr. Manmohan Singh
The Prime Minister of India

Esteemed Prime Minister Dr Manmohan Singh ji,

Kindly recall my discussion with you on April 27, 2011. On the same day I wrote to you enclosing the communication and recommendations from three eminent jurists – Sri Justice MN Venkatachaliah, Sri Justice JS Verma and Sri Justice VR Krishna Iyer – on vital judicial reforms.

Judiciary is our most trusted and valued institution. However, the mechanisms for judicial appointments have proved to be inadequate in elevating the best and brightest to the bench. And the existing arrangements to hold erring judges to account have failed.

Foundation for Democratic Reforms (FDR) has therefore initiated a process to pursue judicial reform in the country. We requested three of India's most eminent and credible jurists – Sri Justice MN Venkatachaliah and Sri Justice JS Verma, both former Chief Justices of India, and Sri Justice VR Krishna Iyer, former Judge of Supreme Court – to come together and make suitable unanimous recommendations for judicial reform. The three eminent jurists labored for about a year, and after long and detailed deliberations, they have unanimously agreed upon the following judicial reforms:

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Creation of a National Judicial Commission (NJC) for transparent appointments to the Supreme Court and High Courts. This mechanism would combine the input from the elected branches of the government and the judiciary. The suggested composition and functioning of the NJC for appointments to various courts is given in the Note re: NJC by Sri Justice MN Venkatachaliah and Shri Justice JS Verma and endorsed by Sri Justice VR Krishna Iyer, based on the Towards Greater Judicial Accountability concept paper by FDR (all documents enclosed).

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Replacing the present, cumbersome and unsatisfactory constitutional mechanism of impeachment (under Art.124 (4)) with a more effective mechanism for removal of errant judges,

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functioning under the NJC framework.

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Creation of an All India Judicial Service (AIJS) on the lines of IAS and IPS, for enhancing the competence and quality of judges in trial courts, under Art. 312 of the Constitution.

The proposals of the eminent jurists can be harmoniously and synergistically reconciled with the Judicial Standards and Accountability Bill, 2010, now before the Parliament.

You and other national leaders across party lines have been articulating the need for judicial reforms to protect the independence, integrity and image of the higher judiciary. Our interactions with all major leaders of political parties indicate that there is a broad political consensus in favour of these reforms.

Now is the time to press for genuine judicial reform. Independent, competent and honest judiciary enjoying full public confidence is clearly the need of the hour. We therefore urge you to accelerate the process of judicial reform in line with the proposals of the three eminent jurists.

I am enclosing the letter of the three eminent jurists (dated April 27, 2011) addressed to you, and the joint note prepared by them for your easy reference and expeditious action. In view of the importance of the issue, and the need for building a national consensus, we are taking the liberty of sharing this communication with leaders of political parties, members of Parliament and media.

With warm personal regards,

Sincerely,

Jayaprakash Narayan
(General Secretary)