

Letter from eminent jurists to the Prime Minister

27th April, 2011

Hyderabad

To

Dr. Manmohan Singh
The Prime Minister of India

We welcome your government's intent to put in place judicial reforms by way of the *Judicial Standards and Accountability Bill, 2010*, now before the Parliament.

While the judiciary on the whole is conducting itself with admirable dignity and propriety, the actions of a few individuals are damaging the credibility of the entire institution. If the credibility of the higher judiciary is undermined further, there is a real danger of the nation falling apart.

Therefore, now is the time for deeper judicial reforms, particularly on two fronts: the existing mechanisms for judicial appointments have to be recast so as to ensure the 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 this judicial accountability. We believe these reforms are vital and necessary to preserving and enhancing the credibility of judiciary.

In this backdrop, the Foundation for Democratic Reforms (FDR), a non-partisan research-and-advocacy organization has launched an initiative on judicial reforms. Following FDR's initiative the three of us have come together and have given this subject our most serious and detailed consideration. Following our in-depth deliberations, we are pleased to unanimously propose the following judicial reforms as urgently necessary for strengthening the rule-of-law and democratic polity:

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- Creation of an All India Judicial Service (AIJS) envisaged by the Article 312 of the Constitution and on par with the other all-India services like the IAS, for attracting the best available talent at the threshold of the subordinate judiciary, which is at the cutting edge of our justice delivery system.
- 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, while being able to incorporate wider consultations. The suggested composition and functioning of the NJC for appointments to various courts is given in our **Note re: NJC**, based on the *Towards Greater Judicial Accountability* concept paper by FDR (all documents enclosed).
- Replacing or providing an alternative to the present, cumbersome and unsatisfactory constitutional mechanism for removal of errant judges (under Article 124 (4)) with a more effective and robust mechanism based on the findings of the National Oversight Committee (proposed by the *Judicial Standards and Accountability Bill, 2010*) functioning under the NJC framework, for removal of errant judges.

It is suggested that the above can be harmoniously and synergistically reconciled with the provisions related to the National Oversight Committee, Scrutiny Panels and Investigation Committee/Panels, sought to be created by the *Judicial Standards and Accountability Bill, 2010, 2010*.

We therefore urge you to consider the above proposals for necessary and early action. If necessary, we are agreeable to a personal meeting at mutual convenience, to discuss the above proposals in further and necessary detail. We are making this communication available for wider circulation, towards serving the larger public interest.

Sincerely,

Sd/-

Justice VR Krishna Iyer

former Judge, Supreme Court

Sd/-

Justice MN Venkatachaliah

former Chief Justice, Supreme Court

Sd/-

Justice JS Verma

former Chief Justice, Supreme Court

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