

# Foundation for Democratic Reforms

11<sup>th</sup> May 2011

**Dr. Manmohan Singh**  
The Prime Minister of India  
Room No. 148 B,  
South Block, Raisina Hill  
New Delhi – 110001

*Esteemed Prime Minister Dr Manmohan Singh ji,*

Kindly find enclosed the proposal for creation of a National Judicial Commission (NJC) and an All-India Judicial Service. Given the pivotal position of judiciary in our constitutional scheme of things, and the public confidence in higher courts in upholding the Constitution, we need to do every thing possible to preserve and enhance judiciary's independence, integrity and credibility.

It is in this context that three of India's most eminent living jurists with unmatched credibility and moral authority – Sri Justice V R Krishna Iyer, Sri Justice M N Venkatachalaiah, and Sri Justice J S Verma – have laboured for months and drafted these proposals after intense deliberations. We believe that there is a broad consensus in the nation regarding the need to protect judiciary's image and independence. The proposal for National Judicial Commission addresses the issues of appointment of judges in higher courts, as well as removal of errant judges. These proposals for judicial accountability are completely in consonance with the Judicial Standards and Accountability Bill now before Parliament.

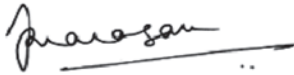
The esteemed jurists have proposed a five-member National Judicial Commission comprising of the Vice President, the Prime Minister, and the Chief Justice and two senior most judges of the Supreme Court. Once the principles and philosophy enunciated in the proposal are accepted, the composition of the National Judicial Commission can be decided by Parliament. For instance, it can be argued that there is a case to include the Speaker of Lok Sabha and the Leader of opposition in the National Judicial Commission.

These proposals assume special significance in two respects. First, the creation of NJC should be in consonance with the Supreme Court's pronouncements on judicial independence and the basic features of the Constitution. Therefore a constitutionally sound proposal backed by the moral authority of eminent jurists is vital to make progress. Second, there are well-meaning voices urging the inclusion of higher judiciary in Lokpal's jurisdiction. The overwhelming majority of jurists and experts on Constitutional authorities are favouring a separate, stronger, robust, constitutionally sound mechanism of National Judicial Commission to address the issue of judicial accountability.

I therefore urge you to give these proposals of eminent jurists the most earnest and urgent consideration in the larger interest of the nation. Should you need any further clarification, we will be happy to be of assistance.

*With warm personal regards,*

Yours Sincerely,



**Jayaprakash Narayan**

General Secretary

**Encl:**

1. FDR's letter to Prime Minister dated 27<sup>th</sup> April' 2011.
2. Letter from eminent jurists to the Prime Minister.
3. letter from Sri Justice V R Krishna Iyer dtd Jan 28<sup>th</sup> 2011, endorsing the joint views of Justice MN Venkatachaliah and Justice JS Verma
4. The joint views of the eminent jurists - Justice MN Venkatachaliah and Justice JS Verma and Endorsed by Justice VR Krishna Iyer.
5. The discussion paper that served as the background note to facilitate the deliberations of the eminent jurists.