

Examrace

Judicial Standards and Accountability Bill, Judicial Accountability Bill Introduced in Lok Sabha

Glide to success with Doorsteptutor material for IAS : Get **detailed illustrated notes covering entire syllabus**: point-by-point for high retention.

Judicial Standards and Accountability Bill

- Sets judicial standards and makes judges accountable for their lapses
- Mandates judges of the HCs and SC to declare their assets and liabilities, including those of their spouses and dependents and to file an annual return in this regards
- Contemplates setting up a national oversight committee, to be headed by a former CJI, with which the public can lodge complaints against erring judges, including the CJI and CJ of HCs.
- The Bill will replace the Judges Inquiry Act

Judicial Accountability Bill Introduced in Lok Sabha

(Dec 2, 2010)

J. Venkatesan

- NEW DELHI: The Judicial Standards and Accountability Bill providing for a mechanism to deal with complaints against judges of High Courts and the Supreme Court was tabled in the Lok Sabha on Wednesday by Law Minister Veerappa Moily even as Opposition MPs were demanding a JPC probe into the 2G spectrum scam.
- The Bill sets judicial standards and makes judges accountable for their lapses and mandates judges of the High Courts and the Supreme Court to declare their assets and liabilities, including those of their spouses and dependents and to file an annual return in this regard. This will be displayed on the website of the Supreme Court and the High Courts concerned.
- The Bill to replace the Judges Inquiry Act retains its basic features, contemplates setting up of a national oversight committee, to be headed by a former Chief Justice of India, with which the public can lodge complaints against erring judges, including the Chief Justice of India and the Chief Justices of the High Courts.
- At present, there is no legal mechanism for dealing with complaints against judges, who are governed by 'Restatement of Values of Judicial Life,' adopted by the judiciary as a code of conduct without any statutory sanction.
- The five-member committee to be appointed by the President will have a serving judge of the Supreme Court and a serving High Court judge, both nominated by the Chief Justice of India;

the Attorney-General; and an eminent person nominated by the President.

Scrutiny Panels

- On receiving a complaint, the committee will forward it to a system of scrutiny panels. In the case of a complaint against a Supreme Court judge, the scrutiny panel will consist of a former Chief Justice of India and two sitting Supreme Court judges, and in the case of a complaint against a High Court judge, the panel will have a former Chief Justice of the High Court and two of its sitting judges. The members of the Supreme Court panel will be nominated by the Chief Justice of India, and that of the High Court panels by the Chief Justice of the High Court concerned.
- The scrutiny panels will have the powers of a civil court. For instance, they can call for witnesses and evidence. They will be required to give their report within three months to the oversight committee. In the case of a complaint against a Chief Justice, the oversight committee itself will conduct the scrutiny.
- On receiving the report from the scrutiny panels, the oversight committee will set up a committee to further investigate the case. Like the scrutiny panels, the investigation committee will have the powers of a civil court; it will have the power to frame definite charges.
- If the charges are not proved, the investigation committee can dismiss the case. Otherwise, it will give a report to the oversight committee, which can issue an advisory or warning or recommend minor punishment if the charges are not too serious. If the charges are serious, the committee can request the judge concerned to resign. If the judge does not do so, the oversight committee will forward the case to the President with an advisory for his removal.
- The Bill mandates that judges should not have close association with individual members of the Bar and not allow any member of their immediate family to appear before them in courts. Judges should not contest any election to any office of club, society or other association, except those associated with the law or any court. Further, they should not have any bias in judicial work or judgments on the basis of religion, race, caste, sex or place of birth.

Suggestions for Speedy Disposal of Cases

- Speed and efficiency are vital not only to the credibility of any justice delivery system but also to the very well-being of any democratic society
- Judicial infrastructure should be developed
- Government has earmarked Rs 20000 crores for judicial infrastructure
- E-courts
- Cases involving public servants get delayed a lot: SC has said, while delivering the judgement in the Idamalayar Dam corruption case involving former Kerala minister R Balakrishnan that

HCs should properly monitor cases against public servants and even call for a quarterly report from the court concerned for speedy disposal.

- E courts is a mission mode project under NeGP
- National Litigation Policy being implemented
- Coordinated action on multiple fronts is needed
- Increase the judge-population ratio: at least 50 per million is recommended by the SC in 2002

Land Acquisition Act, 1894

It has been proposed that the act be amended. The act was last amended in 1984.

- The definition of public purpose that justifies acquisition is ambiguous.
- The compensation offered is low
- Provisions lack clarity, often requiring the courts to intervene

Five Years of Right to Information Act

An evaluation

Enemy Property Act

- Enemy Property Act 1968 had come into being in the wake of the 1965 India-Pakistan war.
- It relates to properties that were left behind by those who migrated to Pakistan at the time of Independence and after.
- The act gave the government control over these properties, numbering over 2000, mostly in Uttar Pradesh.
- It barred Indian Muslim citizens who claimed to be the legal and rightful heirs of the original owners from inheriting those properties.
- Recently, the government approved amendments that would be introduced in the winter session of the parliament in 2010 entitling the legal heirs to inherit the properties provided they are Indian citizens and their suits were settled in court before July 2, 2010.
- Mohammad Amir Khar, son of the Raja of Mahmudabad, will be the single biggest beneficiary
- The cut-off date (of July 2) however leaves out those whose suits are pending in the courts. It also leaves out who did not have the means for lengthy legal battles.