

2. Justice Verma has given following comprehensive and feasible suggestions for bringing about improvement in the working of the judiciary and in helping litigants, particularly those belonging to the poor classes :

(A) Bringing down the pendency in the courts at all levels and reducing the time taken for deciding cases -- for achieving this, following have been suggested :

(i) **Elimination of artificial arrears in the High Courts and Subordinate courts;**

Such artificial arrears include -

- (a) frivolous litigation - this is encouraged by delay in dispensing justice and is used mainly as a means to harass the opposite party. It will automatically decrease with speedy justice.
- (b) false cases - a large number of criminal cases are put up mainly for statistical purposes and are really false cases.
- (c) exhausted cases - where the need and compulsion for a full trial and conviction may have been exhausted for various reasons. For instance, the accused may already have suffered enough punishment as an under-trial prisoner.

(ii) **Decriminalising petty offences** -- these can be disposed off speedily and are often compoundable.

Cases under above two categories are said to account for nearly half the pending cases. It has been suggested that they should be classified, separated and entrusted for disposal to magistrates appointed only for this purpose. Experienced members of the Bar could be invited for a fixed term and a specified number of such cases allotted to them. This would free the regular courts to deal with more serious matters.

(iii) **Improving administration** with the aid of technology using video-conferencing for remand etc, ensuring full utilisation of working hours, reducing holidays and improving work culture.

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- (v) **Revision of the Supreme Court Law Reports** is needed to weed out superfluous and confusing judgments, which are minefields for subordinate courts, lawyers and litigants. These superfluous judgments also contribute to delay. A set of revised reports containing binding judgments alone should be prepared to eliminate this problem.
- (vi) **Reducing the number of under-trial prison inmates** who constitute more than three-fourths of prison inmates today. This will simultaneously improve prison conditions, reduce overcrowding and prevent violation of human rights.

(B) **Setting up of an All India Judicial Service**

It has been suggested that mere increase in the number of judges without improving quality is of no avail. For many years now, it has become increasingly difficult to persuade front ranking lawyers to join the Higher Judicial Service and even the bench of the High Court. This is accentuating the need for an All India Judicial Service. Justice Verma has strongly recommended that such a service should be created under Article 312 of the Constitution by enacting a law by Parliament.

The 14th Report of the Law Commission of India had made a strong recommendation for the constitution of an all India Judicial Service on the lines of All India Services like the IAS, IPS etc. In 1992, the Supreme Court approved the recommendation of the Law Commission in the All India Judge's Case.

(C) **Introducing accountability and transparency in the judiciary**

- (i) **Enacting a law to provide a mode of scrutiny of the conduct of judges** that would be in addition to and as an alternative to impeachment. This will provide a means to an honest judge to have his name cleared when false and scurrilous allegations are made against him. At present no effective remedy exists for such allegations. Such a law can be based on the Resolution of the Conference of Chief Justices of May 1997 laying down an in-house procedure to enquire into allegation of misconduct or misbehaviour of judges and also on the 'Bangalore Principles of Judicial Conduct' adopted in the Chief Justices Conference at Bangalore in 2002.

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- (ii) **Independence of the Judiciary** -- It has been emphasized that care must be taken to preserve the independence of the judiciary and to ensure separation of the judiciary from the executive. The adjudicative power in the law providing a mode for scrutiny of the conduct of judges, must therefore, necessarily vest in a committee of senior judges and consequential action should be taken by the President of India on the advice of the Chief Justice of India.
- (iii) **Post retirement engagements** -- Justice Verma has also dwelt on the increasing problem of post retirement engagements being accepted by Supreme Court and High Court Judges. These instances impinge on the credibility of the institution of the judiciary. It has been suggested that Article 124(7) of the Constitution should be made more specific to remove any ambiguities that can lend themselves to individual interpretations in respect of prohibited activities after retirement. The provision should expressly prohibit all opinion and arbitration work, except that done on request from the President/Prime Minister or Governor/Chief Minister in a matter of national or public interest. In order to compensate for restricted opportunities of post-retirement work, the whole salary of the office of a judge can continue as the lifelong pension with no additional payment to be made for giving such opinion or doing such arbitration work.

3. As the issue of judicial reforms has been engaging the attention of the Government for a long time and the NCMP also makes a commitment for introducing such reforms, the Prime Minister has directed that Ministry of Law, in consultation with the Chief Justice of India, should prepare specific proposals giving effect to these recommendations and bring the same to the Cabinet.

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