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Hon'ble Mr. Narendra Modi,
Prime Minister of India
New Delhi.

SUB : RECOMMENDATIONS FOR REFORMS IN LEGAL SYSTEM IN INDIA

Hon'ble Prime Minister,

People of the Nation and in particular the legal fraternity has hope and aspiration from you as you are leading a single party government which was formed for the first time in thirty years. In this situation, you are in a position to bring out effective reforms in the legal system in India. We demand the following reforms from your good self:

For the reforms in the judicial system to be effective, it is imperative that all reforms are brought in force at the same time and not one after another.

1. In the National Judicial Appointments Commission, the two "eminent personalities" are to be nominated by a committee comprising of the Prime Minister, Chief Justice of India and Leader of Opposition in the Lok Sabha. It is suggested that the eminent personalities should not be lawyers, or relatives of any Judge or practising lawyer. This is required so that the nominated members can work impartially, without any bias and influence of any kind. Implementation of the proverb that 'Justice should not only be done but should manifestly and undoubtedly be seen to be done' must promptly be ensured.

2. There should be proportionate representation, on the basis of population, of all States at the Supreme Court. It has been observed that presently there are three judges from State of Maharashtra (110 million population) and only one from the State of Uttar Pradesh (200 million population), even though the population of State of Uttar Pradesh is nearly two times of the population of State of Maharashtra. There is only one judge from each state of Bihar (100 million population), West Bengal (90 million population), Gujarat (60 million



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population), North Eastern States (45 million population), There is no judge from Rajasthan (68 million population), Chattisgarh (25 million population) or Himachal Pradesh (6 million population).

3. No retired Judge should be appointed in any Tribunal or Commission. Only sitting Judges should be appointed to such posts. To enable appointment of sitting judges in the Tribunals and Commissions, the sanctioned posts of judges should be increased suitably. The age of retirement of the Judges should also be increased in the following manner:

From 65 years to 68 years of age in case of the Judges of the Supreme Court.

From 62 years to 65 years of age in case of the Judges of High Courts.

To 62 years of age in case of the Judges of District Courts.

4. Promotion of Judges from the District Courts to the High Court and from the High Courts to the Supreme Court should be done only on the basis of seniority. If any Judge is not found suitable of being promoted to the higher Court, that judge should not be allowed to continue as a Judge and should be removed from his position.

5. There should be four benches of the Supreme Court across India i.e., in East, West, North-East and South. It will aid in implementing the policy of the government to provide justice at doorstep of litigant. Judges of the Supreme Court whose relatives are practising in the Supreme Court may be posted at a bench where the relative is not practicing. This shall ensure an unbiased judicial system.

6. The system of appointing the Chief Justice of any particular High Court from another State should also be put to an end. It has been observed that the Chief Justices of High Courts coming from other States do not make just and proper administrative decisions as they are usually unaware of the local and social affairs of the Bar, and of the ability and



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reputation of the local lawyers. They have to be totally reliant on the local Judges of the particular High Court.

7. All court proceedings should be videographed. The video recording of a case should be preserved in the judicial file of the case. Judges, lawyers and litigants, who are all part of the judicial system, will then take the court proceedings more seriously and sincerely. There will be greater transparency and it will curb filing of false complaints against judges and lawyers. It will also deter the lawyers from baselessly arguing before appellate Courts that a particular point was argued before the Court but was not discussed by it in its decision. It will also lead to reduction in filing of false and frivolous appeals.

8. There should be live broadcast of the proceedings of all Courts on the website of that court. Persons interested in cases can watch the proceedings without visiting court complexes.

We assure you sir, that if our above said suggestions are accepted, the image of India would be enhanced in the mind of people of this country, but also the in the mind of foreign investors.

With regards,

Yours faithfully,

A. C. Agg

(Dr. Adish C Aggarwala)

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CC : Hon'ble Mr. Justice H.L.Dattu, Chief Justice of India
Hon'ble Mr. D.V. Sadananda Gowda, Minister of Law & Justice

For information and necessary action.