



Foundation for Restoration of National Values

Newsletter

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The Contention on Judicial Appointments

The themes of autonomy and non intervention are as central to a democracy as are debates, contentions and contestations on mutual checks and balances. It is in the context of this dichotomy that the ensuing discussions on appointment of judges ought to be read and understood.

For a long time now, the issue of the process of appointment of judges to higher judiciary has been in the eye of a storm. Some feel that the present system of collegium is "unconstitutional and anti-democratic" where judges are appointed through "secret soundings and cronyism". Many others are opposed to National Judicial Appointments Commission (NJAC), because they feel that the government wants to "interfere" in the independence of the judiciary and it needs to be resisted.

The collegium comprises the Chief Justice of India, four senior most judges of the Supreme Court and the chief justice of a particular high court and its two senior most judges. The NJAC, which was brought into existence after inserting a new article (Article 124A) in the Constitution, consists the Chief Justice of India as ex-officio chairperson, two other senior judges of the Supreme Court, the Union Minister of Law and Justice and two eminent persons to be nominated by a committee consisting the Chief Justice of India, the Prime Minister, the Leader of Opposition in the Lok Sabha or where there is no such Leader of Opposition, then the Leader of the

single largest Opposition party in Lok Sabha. The eminent persons shall be nominated for a period of three years and shall not be eligible for re-nomination.

Opinions on what is the most viable method of appointments, is differently voiced. For instance in an interview to the Firstpost, Justice VN Khare, former Chief Justice of India, argued explicitly that there is nothing bad with the existing system of appointments. What is rather needed is some amendments and improvements in the existing system instead of overhauling it completely. In his words: "There is nothing bad with the collegium system. It is, in fact, superior to the NJAC in many ways. It will also be unfair to say that it is not transparent. But yes, it can be further improved by making it more transparent. One or two persons nominated by the President can be included in the selection committee."



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Arguing on similar lines is Shahid Ali, senior lawyer at the Delhi High Court who suggests that the "attempt to interfere in the independence of judiciary through the NJAC will prove to be fatal for the democracy and detrimental for fundamental rights guaranteed in the Constitution". Thus, for this school of thought, collegium system is best if undue intervention in public institutions is to be upheld.

From a diametrically opposite vantage point, lay the arguments of those like Attorney General Mukul Rohatgi who was vociferous in suggesting that “judges don't appoint judges in any country except India.” He opines that NJAC was a stellar move to uphold the much cherished and sought after ethos of transparency and accountability. For those supporting NJAC, it represents a fair, broad based system that would bring about greater balance of power and check of abuse.

In between these two opposing epistemic positions lie those like Advocate KC Mittal, former president of Delhi High Court Bar Association and ex-chairman of the Bar Council of Delhi, who while sternly opposing the collegium system, also expresses apprehension over the future of the NJAC.

In retrospect it can be safely argued that this debate has vociferous articulations from both ends of the spectrum. What is crucial to note and reiterate is that whichever system eventually prevails, it is important that factors like eligibility and competence, along with transparency and accountability be maintained in the appointment of the judges. Only this will give the country a judicial system which will decide disputes competently, and in reasonable time and expense. For this, structural changes may be necessary to be brought about to support the system.

-Khushboo Srivastava, Program Associate, FRNV



FRNV Workshop: Leading Businesses with Ethics and Integrity

A one day workshop on “Leading Businesses with Ethics and Integrity” was held at Lalit Hotel on April 8, 2016, in which senior business executives from corporate houses participated. The workshop was held to kick- off FRNV’s initiative to introduce a culture of integrity among businesses.

Speaking on the occasion, our President, Dr E. Sreedharan said, the Delhi Metro functions on the four principles of punctuality, integrity, professional competence, and social responsibility. He said that Delhi Metro had become a role model for other business entities in the country due to its guiding principles.

General Secretary, FRNV, Shri Bharat Wakhlu emphasized on the need of cultivating a strong value based ethical system within and the need for exploring the inner dimension of the self.

Speakers included Shri Gopal Ganesh, Prasanna Swaroop, legal counsel Anand Dayal, Divya Rajput of Indian Institute of Corporate Affairs and many others.

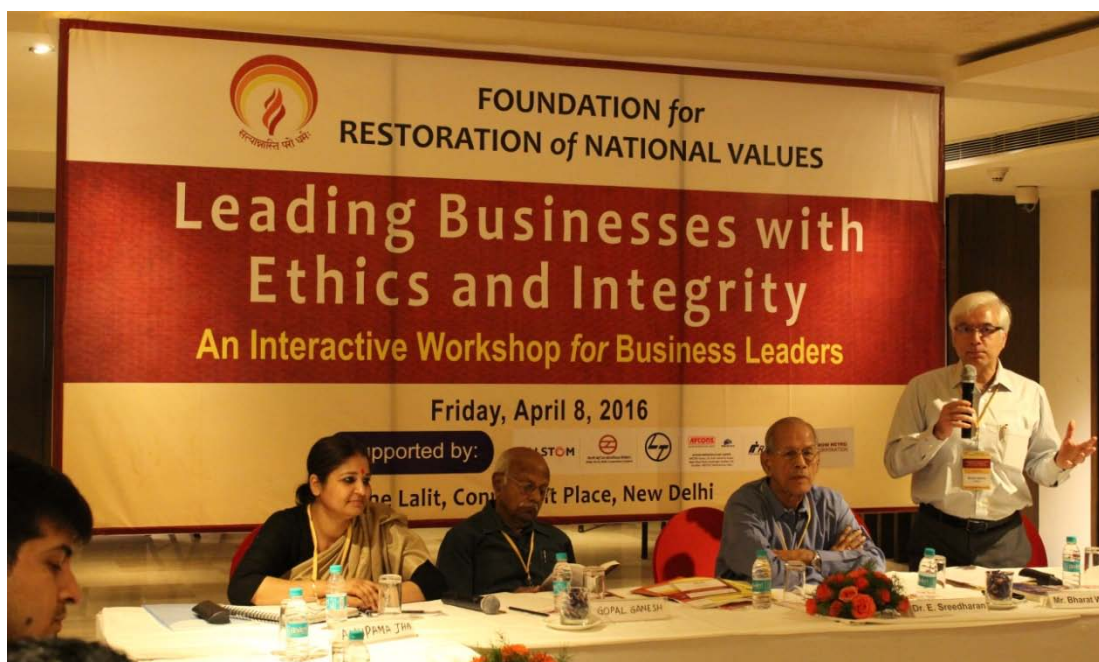
FRNV will make efforts to train top Management and employees of the corporate world on Ethical Business and conduct Round Tables, Workshops, Seminars and Master Classes to this end.

PHOTO GALLERY:





Our President, Dr. E. Sreedharan, emphasized on the highest standards of integrity while conducting business



Bharat Wakhlu exhorted the attendees to look within



Sanjay Singh shared his thoughts on Crony Capitalism and navigation guide for ethical business



Subir Gupta of ERM presented case study from his organization

Kindly visit our facebook page for more pictures from the workshop.



Dear readers,

FRNV invites stories from its readers on deep-rooted values, that have helped us in our everyday lives. Some of these stories will be featured in the next issue of our newsletter. So put your thinking caps on, recall the values integral to your life which you cherish and write to us at khushboo@valuefoundation.in

Please like and share our facebook page <https://www.facebook.com/frnvindia/?ref=hl>



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