

National Judicial Council & Second ARC Recommendations

The National Judicial Council is one of the very important topics in understanding the appointment of the Supreme Court judges and the judicial system. Aspirants preparing for the [IAS Exam](#) must have a deep understanding of the Indian judicial system and the bureaucracy.

Students who are preparing for other [Government exams](#) can refer to this article as well. In this article, you can read about the National Judicial Council, its functions and composition.

This topic comes under the subject of Indian Polity and Governance in General Studies paper 2 of the [UPSC Syllabus](#).

The ARC had recommended the formation of a National Judicial Council (NJC), but this was not implemented.

Administrative Reforms Commission (ARC)

The Administrative Reforms Commission (ARC) is the committee appointed by the Government of India for giving recommendations for reviewing the public administration system of India.

First ARC

Established in 1966, the First Administrative Reforms Commission was constituted by the Ministry of Home Affairs.

Second ARC

The Second Administrative Reforms Commission (Second ARC) was constituted on 31 August 2005, as a Commission of Inquiry, under the Chairmanship of Veerappa Moily for preparing a detailed blueprint for revamping the public administrative system.

National Judicial Council (NJC)

As per the Second ARC recommendations, the National Judicial Council should be authorised to lay down the code of conduct for judges, including the subordinate judiciary. We'll discuss other **important recommendations laid by the Second ARC for NJC** in detail.

- The proposed council should be entrusted with the task of recommending appointments of [Supreme Court](#) and High Court Judges.
- NJC should also be entrusted with the task of oversight of the Judges and should be empowered to inquire into alleged misconduct and impose minor penalties along with the power to remove the judge if warranted.
- The President should have the powers to remove a Supreme Court or High Court Judge.

Note: In case this recommendation of the Second ARC is carried through, Articles 214 and 217 of the Constitution will need to be amended.

- It may be recalled that the National Commission to Review the Working of the Constitution had examined the issue of appointment and removal of judges.

- The constitution of an NJC was also recommended by the Commission, which had also recommended the effective participation of both the Executive and the Judicial Wings of the State as an integrated scheme for the machinery for the appointment of judges.
- It may be recalled that in 2003, the Government of India had introduced in the Lok Sabha the **Constitution (Ninety-eighth Amendment) Bill** which sought to create a National Judicial Commission (NJC) headed by the Chief Justice of India, two judges of the Supreme Court next to the CJI in seniority, the Union Minister for Law and Justice, and one eminent citizen to be nominated by the President in consultation with the Prime Minister, as members.
 - The Bill had also proposed to empower the NJC to draw up a code of ethics for judges and to inquire into cases of misconduct of a judge (other than those punishable with his/her removal).**The bill could not be passed.**
- The whole issue of regulating the judiciary is in a melting point and being considered at the judicial, executive and legislative levels.

Also read: [Supreme Court Collegium System](#)

Composition of National Judicial Council

The Second Administrative Reforms Commission (Second ARC) recommended that the appointment of judges to higher courts should be through the participation of the executive, legislature and the Chief Justice. It should be a process above day-to-day politics. The council should have the following composition:

- The Vice President as Chairperson of the Council
- The Prime Minister
- The Speaker of the Lok Sabha
- The Chief Justice of India
- The Law Minister
- The Leader of the Opposition in the Lok Sabha
- The Leader of the Opposition in the Rajya Sabha

Further, in matters relating to the appointment and oversight of High Court Judges, the council should include the following members:

- The Chief Minister of the concerned state
- The Chief Justice of the concerned High Court

For an overview of the entire judicial system in India, check the article '[Indian Judiciary](#)'.

Other Measures for Judicial Reform

A few suggestions generally mooted for reforms in the judicial system revolve around the following themes:

- Modification of laws and their simplification.
- Curtailing the time taken during the hearing of cases. Fixing time-limits for hearing, wherever feasible.
- [Malimath Committee's](#) recommendation for tackling cases that are more than two years old.
- Controlling the adjournment of cases and placing a limit on them.
- Clubbing of similar cases and disposing them off.
- Scientific research on the nature of litigations and exploring ways to reduce them.
- Activating the governmental machinery to reduce the number of litigations involving governments at various levels.
- Revamping the arbitration system and process.

- Using management techniques, including time management, and advanced information technology for court management.
- Using electronic devices for the filing of cases through the internet.
- Re-invigorating the training system for the members of the judiciary at various levels.
- Creation of village courts, strengthening the number of family courts and multiplying Fast Track Courts.
- Increasing the number of hours of work for the lower courts.
- Increasing the number of judicial officers at all levels.
- Using the services of retired judges for manning special types of courts. Besides, ad-hoc judges could be appointed for five to six years till the pendency is cleared.

Click on the link to read the [ARC Reports - 2nd ARC Reports for the UPSC Mains Exam](#)