

Following points are made by Veerappa Moily as head of 2nd ARC in his fourth report on Ethics in governance

- 1) In no other country does the judiciary have a final say in its own appointments.
- 2) Current system of appointments is not open to public scrutiny and thus lacks transparency and accountability.
- 3) It is virtually impossible to initiate Impeachment process, let alone conclude it. Impeachment process has failed.
- 4) According to National Commission to Review the Working of the Constitution, a National Judicial Commission be established which would include both executive and judiciary for appointment and removal of judges.
- 5) The government introduced a Bill in 2003 in this regard which could not be passed.

Hence 2nd ARC headed by Shri Veerappa Moily recommends:

- 1) A National Judicial Council be created:
 - 1) Vice-President as Chairperson
 - 2) Prime Minister
 - 3) Speaker of Lok Sabha
 - 4) Chief Justice of India
 - 5) Law Minister
 - 6) Leader of Opposition in Lok Sabha
 - 7) Leader of Opposition in Rajya Sabha

In matters relating to appointment and oversight of High Court judges, the Council shall include

- 1) Chief Minister of that State
 - 2) Chief Justice of that High Court
- 2) NJC would appoint judges, oversee their performance, enquire alleged misconduct, impose minor penalties and can also remove a judge.