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## Judges inquiry Bill sparks a row

### Common Man Can File Complaint On His Own But MPs Need Backing Of At Least 50 Peers

Manoj Mitta | TNN

New Delhi: Much as it's desirable to find ever new ways of empowering citizens, law minister H R Bharadwaj seems to have gone overboard in introducing a Bill that equates a single citizen, however inadvertently, with 50 MPs from Rajya Sabha or 100 from Lok Sabha.

A parliamentary standing committee vetting the politically-sensitive Judges (Inquiry) Bill is miffed with provisions discriminating against MPs when it comes to moving the proposed National Judicial Council (NJC) to probe charges of "misbehaviour" against any high court or Supreme Court judge. Though it provides that any citizen can single-handedly set the process in motion by lodging a "complaint" with NJC, the Bill allows Parliament to approach NJC if and only if a "reference" made by the presiding officer of either House is backed by at least 50 MPs from Rajya Sabha or 100 from Lok Sabha, respectively.

Thus, in his anxiety to accommodate the concerns of judges, Bharadwaj has come up with a Bill that needlessly belittles Parliament by disabling an MP from doing what an ordinary citizen can do. The anomaly of raising such a barrier for MPs is reinforced by the fact that NJC can recommend the removal of a judge whether the probe has been at the instance of a citizen's complaint or Parliament's reference.

The standing committee is evidently so exercised by the proposed discrimination against MPs that it has not been able to finalise its report even after holding three sittings of what is known as "clause by clause consideration of the Bill."

The last sitting was on July 24 and the next one is on August 1. These are in addition to over 20 sittings the committee had, earlier, to hear experts and others on the proposed scheme of judicial accountability. Its chairman, Congress MP Sudarshan Nachiappan, told TOI that the committee is trying hard to "synchronise the complaint and reference procedures so that the Bill does not disturb the delicate balance between the three organs of state."

Saying that this Bill has been "the toughest challenge" he has so far faced in the committee, Nachiappan is optimistic that it would be able to resolve the vexed issue before the forthcoming Monsoon session of Parliament.

Besides the clauses discriminating against MPs, the standing committee has been

intensely debating whether a new system of judicial accountability can be introduced through a law, as proposed by Bharadwaj, or the Constitution also needed to be amended, as contended by some jurists. Two other areas of discord facing the standing committee are: whether NJC's reports should be, as provided in the Bill, subjected to appeals before the SC, and whether the composition of NJC should include nonjudicial members to make it more objective and detached. Given the nature of reservations, it seems unlikely that the Bill will be passed into law in its existing shape.

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