



NATIONAL JUDICIAL APPOINTMENT COMMISSION: A QUESTION MARK ON THE LEGITIMACY OF APPOINTMENT

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INTRODUCTION

“Vesting the power of appointing judges on the executive is inappropriate and arbitrary³”

- Fali Nariman

In the year 1748 during the French Enlightenment years of French revolution Baron de Montesquieu, French political philosopher in his book “*Sprit of Law*”, laid the foundation of the tripartite distribution of political power which is presently been named as separation of power. The high complexity of the system required it to be modified as checks and balance followed by US constitution. The Constitution of India⁴ neither have a rigid system of separation of power nor a complete system of checks and balance, yet there are provisions vesting the executive power upon the President. The doctrine of separation of power means that each of the three powers of the government namely, the executive, the legislative and judicial, should be confined into three separate organs with no overlapping in there functions or persons. It has been regarded as basic structure of the constitution by the Supreme Court through many judgments and emphasizing the independency of judiciary as basic structure.

The independence of judiciary and judges has been considered as a vital instrument to ensure rule of law and separation of power in the country. Judiciary follows a strict hierarchical rule of power and jurisdiction, with the Supreme Court of at the top, followed by the High Courts of respective states, and then various district judges of District Courts and Magistrates of Second Class and Civil Judge (Junior Division) forming the lowest od the body. The Supreme Court of India and the respective High Courts enjoys their independency. The process of judges selection differs for each body, where the state judicial service exams decides the judges for lower bodies, it is the President who appoints judges in HC and SC.

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³ Priyanka Mittal, The arguments that led to Supreme Court’s NJAC verdict (Oct.16.2015), <http://www.livemint.com/Politics/F54M8MGUsvxkiYkKvaJoXL/The-arguments-that-led-to-Supreme-Courts-NJAC-verdict.html>

⁴ INDIA CONST 1950. Preamble



Provisions of appointment of judges have been laid down under Article 124(2)⁵ and article 217⁶ of Indian Constitution, yet none of them describes about the policy of judges electing judges. Whether it has to be considered as a privilege or as a skeptical strategy lies with the history which led to its creation. The current system of judges' appointment was evolved through certain series of conflict between the judiciary and the executive starting from the three judges' cases namely *S. P. Gupta v. Union of India*⁷ - 1981 (also known as the Judges' Transfer case), *Supreme Court Advocates-on Record Association v. Union of India*⁸ – 1993 and in *Re Special Reference 1*⁹ of 1998. The story begins with the judgment pronounced during the 'emergency' period, when the Hon'ble Supreme Court restricted the limit of the legislature to pass laws that overrides the basic structure doctrine¹⁰. And earned its momentum when the advocates and public were uncomfortable and distrusted with the uncontrollable interruptions made to the working of the independent of judiciary during the 1970's and 1980's. And to reduce these impedance to the judiciary SP Gupta along with other lawyers filed a writ in 1981 apparently the Supreme Court held that the President is not bound by the recommendations of Chief Justice of India and they are mere suggestions which he may or may not consider while appointing the judges to the court. Till 1993 the President guided by the cabinet appointed judges whom they deemed apt for the position, where the SC in its judgment in '*SC Advocates on record v. Union of India*' established a collegiums system which would recommend the names of qualified judges who has to be appointed and the executive was deprived of its liberty to choose whomsoever they please. And ends with the third and final judges case where the court defines the committee.

The 3 member body comprising of the CJI and 2 senior-most judges formed initially was reviewed in 1998, under the advisory jurisdiction of the President K R Narayanan in the light of the legality of Collegiums system, where the SC upheld its previous decision and expanded the judges electing collegiums committee from 3 member to 5 member committee, comprising of the CJI himself and 4 senior-most judges of the SC. The President of India appoints the judges and transfers them only after consulting with the CJI and 4 senior most judges of the Supreme Court.

⁵ INDIA CONST. Art.124, cl 2

⁶ INDIA CONST. Art.217. cl 1

⁷ *S. P. Gupta v. Union of India*, AIR 1982 SC 149

⁸ *Supreme Court Advocates-on Record Association v. Union of India* A.I.R. (1993) 4 SCC 441

⁹ *Re Presidential Reference* A.I.R 1998 SC 1

¹⁰ *Keshavanada Bharathi Vs St. of Kerala* (1973) 4 SCC 225



The long hoped end to the executive-judiciary fight never ceased with this judgment. In the year 2014 the legislature passed another bill whereby the collegiums system was invalidated and national judicial appointment commission (hereinafter NJAC) was formed for appointing judges. Though the government strike off the amendment the black hole over the system prevails. In the year 2017 some of the senior most judges of the Supreme Court itself moved against the system, naming it to be corrupts and no transparency. Moves has been initiated by the government to form more transparent eminent body as NJAC phase 2 which would provide more diligent system for the appointment of judges.

EMERGENCY

The Prime Minister Indira Gandhi officially issued an emergency through the President Fakhruddin Ali Ahmed which lasted for over 21 months starting from 25 June 1975 to 21 March 1977, during which she misused the provisions under Article 222 and Article 224 related to the appointment and transfer of certain judges. She made Justice A.N Ray as the CJI of India superseding three senior most judges, Justice Shelat, Justice Hedge and Justice Groven. There was appointment of several additional judges to SC and HC for 2 years, in spite of the vacancy of the permanent Judges. This authority of the President to appoint judges was first challenged by S.P. Gupta in the First Judges Transfer Case 1982.

The nation is not gullible to believe that the 3 organs are functioning cooperatively or at least there have never been any conflict among the bodies. Ironically the NDA government led by Atal Bihari Vajpayee initiated the idea of constituting a separate body for the appointment of judges for the easement of judges work. The Bill for the effect of the same was introduced in Lok Sabha in 1990 by the then Law Minister, Dinesh Goswami by the NDA government. However due to the dissolution of the government the bill was lapsed. The initiation of 1990s was then put forth in 2014 resulting in the formation of a National Commission and the 99th amendment in the Constitution vide the Constitution (Ninety-Ninth Amendment) Act, 2014¹¹, which amended Article 117,118, 217, 222, 224 and 231 as well to raises the judicial advisory power of the collegium and gave the power of appointment of the judges to the executive.

The Act was passed by Lok Sabha on 13 August 2014 and by the Rajya Sabha on 14 August 2014 in full majority, ratified by more than half of the states (20 states) was subsequently assented by the President on 31st December 2014. The NJAC Act and the Constitutional Amendment Act came into force from 13 April 2015. The indiscriminate delay in

¹¹ National Judicial Appointment Commission Act, No.96, Acts of Parliament 2015 (India) INDIA CONST. Amend 124A.Part.



recommendation of names and increase in the vacancies in addition to the remarks and public opinions expressed during the impeachment of Justice V. Ramaswamy¹² and dissolution of government led a path for this decision. The system of collegiums formed after the 3 judges case was found inefficient due to the following reasons¹³:

1. The system was Opaque as the public had neither the knowledge about the competency of judges selection nor the criteria followed.
2. The indiscriminate delayed in appointment of judges created doubts and rumours about the politicking nature of the judges which affected the operation of several courts
3. Most of the courts were presided by with half of one-third of the minimum required strength and this led to increase in the pendency of the case.
4. The appointment can get stymied or prevented due to old rivalries between its members and consensus emerges from division of spoils.
5. A senior judges in the collegium serves not more than 2-3 years, whereas backlog in appointment is huge.

NJAC: COMPOSITION AND FUNCTIONS

The NJAC Act was an Act passed to regulate the procedure followed by the Commission for recommending a person for the post of the Chief Justice and Judges of SC and High Courts, in addition to matters related to the transfer and other such matter defined under article 124B of the constitution related to the Judges within Indian territory. Article 124A¹⁴ describes the composition of NJAC. The NJAC¹⁵ consists of following persons:

- Six member commission: CJI, 2 senior most judges of SC(next to CJI), Law minister of India(Union govt.) and 2 ‘eminent persons’
- Eminent persons were to be selected by CJI, PM and Leader of opposition; given that, one of them had to be from either of Minority, ST, SC, OBC or women. They will hold the position for 3 years and cannot be re-nominated.

The functions performed by the Commission so created are as follows:

- Recommend persons for appointment as CJI, Judges of SC, CJ of HC and other judges of HC.

¹² Sarojini Ramaswami Vs. UOI A.I.R 1992 SC 320

¹³ Pulkit Bharati, What is the issue of NJAC all about, Quora (Feb.16.2017), <https://www.quora.com/What-is-the-issue-of-NJAC-all-about>

¹⁴ INDIA CONST. Amend 124A.

¹⁵ National Judicial Appointment Commission Act, No.96, Acts of Parliament 2015 (India) S. 2



- Recommend transfer of judges of Supreme Court and High Court.
- Ensure that the person recommended have the ability and integrity to be posted or transferred.

CASE LAWS

The judicial administrative practice at the time doesn't express any speculative power for the word consultation mentioned under the constitution, be it the power of President or the Appointment of Judges to the higher court. The following cases have brought forth a change in this stereotype. Though the Presidential powers are still barred with the concept of consultation Indian Judiciary has successfully freed itself the chain.

UNION OF INDIA v. SANKALCHAND H. SHETH¹⁶

Justice Sheth of Gujrat High Court was transferred without his consent and without prior recommendation of the CJI, where Art 222 explicitly mentions the requirement of transferring and appointing judges after consultation with the CJI. This case thus serves as one of the first landmark case which dealt with the word consultation. The order of transfer was challenged on the ground and the SC bench consisting of Justice Chandrachud, Justice Bhagwati, Justice Krishna Iyer, Justice Unt Walia, Justice Fazal Ali, and Justice Syed Murtaza with a majority of 2:4 held that no transfer should be made without consultation with CJI and against the Public Interest. Yet the President is not bound by the recommendation of the CJI. However Justice Bhagwati and Justice Unt Walia has already expressed their disapproval regarding the judged and had also recommended for a system with an authority to provide names eligible for the post. Justice Bhagwati J in his judgment suggested for a Judicial Committee for recommendation of names for the position of Judges of higher Courts but no regards for its constitution was put forth by neither the executive nor the judiciary.

S.P.GUPTA v. UNION OF INDIA¹⁷

In this case, Justice K.B.N. Singh was transferred from Patna to Madras High Court without his consent and was challenged before the court on the grounds that the transfer has been made without any consultation or knowledge by the CJI nor in Public Interest bust as a punishment-vitiated by mala fide.

In this case a 7 Judges bench constituted by the SC upheld its holding in Sankal Chand Sheth case and decided that the CJI do not have any veto power over the appointment of Judges and the President is not bound by the advice of CJI. SC also stated that the term consultation

¹⁶ Union Of India vs Sankal Chand Himatlal Sheth 1977 AIR 2328, 1978 SCR (1) 423

¹⁷ S. P. Gupta v. Union of India, AIR 1982 SC 149



under Article 124(2) is same as in Article 212 and Article 222. Though it hold that the transfer cannot be used as punishment and restated the position of Public Interest to be a necessary point for their transfer. In a way this decision directly vests the power for appointment of Judges to the executive.

SC ADVOCATE ON RECORD ASSOCIATION v. UNION OF INDIA¹⁸

Later on in 1993, the SC was subjected to answer the same questions in which the 9 Judges bench with a majority of 7:2 overruled the pervious judgment in S P Gupta v. UOI (1982) and a judgment has been delivered by Justice J.S Verma along with Justice A.N Ray, Justice A.S Anand and Justice S.P Bharucha which provided detailed guidelines governing the appointment and transfer of Judges. It was held that the CJI recommendation will be biding and final regarding the appointment of Judges whether the President agrees with it or not does not hold much of a difference. The SC interpreted the definition of consultation under Article 124 and Article 217 as concurrence. Hence it was held that no appointment of any Judges of HC and SC can be made without the conformation of the CJI since only Judges can have the exact knowledge on who would prove prudent to the post.

This was the landmark judgment which leads to the creation of the first collegiums system which consists of CJI and 2 senior most Judges of SC next to CJI for the purpose of suggesting persons to be appointment as Judges of HC and to deal with transfer and related matters of Judges. And the case has ever since been praised as the second judges case for short.

RE.PRESIDENTIAL REFERENCE¹⁹

The confusion regarding the appointment of Judges were not resolved by the judgment of the second Judges. The government referred the question before the SC once again through the President Dr. K.R Narayanan, thus the Third Judges Case came into picture. The SC was asked to answer the question of the constitutionality of the collegiums system created by them. In this case a 9 Judges bench held that any appointment made to the SC or other HC, without the consultation of CJI would not be binding and the President is bound by the consultations given. The court held that the consultation process to be adopted by the CJI requires plurality thereby increased the composition of the collegiums with 2 additional senior most Judges.

¹⁸ Supreme Court Advocates-on Record Association v. Union of India A.I.R. (1993) 4 SCC 441

¹⁹ Re Presidential Reference A.I.R 1998 SC 1



SURAZ INDIA TRUST V. UNION OF INDIA ²⁰

Where an NGO registered under the Rajasthan Public Trust Act, 1959 filed a writ petition against the constitutionality of the collegiums system and challenging the decision of SC in the Second Judges transfer Case. The SC bench consisting of Deepak Verma, B S Chauhan held that the collegiums system is in accordance with the constitution and the same cannot be challenged the court and CJI P Satashivam spoke against any attempt made against the collegiums or to change the same.

NJAC CASE

Several writ petitions have been filed under Article 131²¹ against composition of NJAC infact the writs have already begun to file even before the enactment of the Act. The Supreme Court of India clubbed all these PIL's against 99th amendment and NJAC. A brief about the arguments which helped the court reach to the decision of repealing the Act has been discussed below:

Arguments For:

Attorney general Mukul Rohatgi argued that to retain the “public confidence” in judicial appointments they “*must be seen both in the context of independence of the judiciary as also for the creation of checks and balances on it*”.²²

- The NJAC amended the Constitution, due to the inadequacy and doubts over the collegium system.²³
- The “basic structure of the constitution”, whose primacy has been upheld by through several judgments, remains intact under the NJAC, as the NJAC's is under the chairmanship of the CJI himself.
- The NJAC is good for democracy as it ensures that no organ of the state, including the judiciary, enjoys absolutism.
- Eminent persons would represent the public and civil society to retain the confidence of the public in the judiciary in furtherance of ensuring the judges remain sensitive to the people's interests.
- The presence of eminent persons not only reminds diversity in the commission but also brings a by extension in judicial appointments. They facilitate participatory appointments and

²⁰ Suraz India Trust v. Union of India, (2012) 13 SCC 497 A.I.R 2012 SCC 497

²¹ N.M. CONST. Art.131 Part VI

²² Pulkit Bharati, What is the issue of NJAC all about, Quora (Feb.16.2017), <https://www.quora.com/What-is-the-issue-of-NJAC-all-about>

²³ <http://www.thehindu.com/>



bring in plurality in the viewpoints. They will act as a check against arbitrary exercise of power by other members and would remain independent

- Article 124A and C by itself have no affect on the separation of powers. Checks and balance are well regarded measures

JUDGMENT:

- Introducing Article 124A parliament has made an unconstitutional law against the Supreme Court verdict in the second Judges Transfer cases which lay down that the primacy of the Chief Justice of India is a part of the basic structure of the Constitution.
- According to justice Khelkar, it is difficult to hold that the power of appointment of judges could be shared with political executive which violates its independency.
- Judiciary is not just the guardian of the Constitution but also for the citizens, justice to the citizens can only be ensured by keeping judiciary absolute and independent from other organs as mentioned under Article 50²⁴ and NJAC would breed a culture of reciprocity of favours and can destroy the judiciary and the thought of justice eventually.
- In a situation where government is major litigant the feeling of this reciprocity may lead to disastrous consequences and the executive can have a major stake in Judiciary.
- The provisions in the amendment are insufficient to preserve primacy of judiciary which has been considered to be a part of basic structure.
- The Position of 2 eminent persons is rather vague because there are neither any criteria nor qualifications for their selection. The committee's views on who be represented in the position would be radically different the general public's interest, or there can be animosity even within the committee, in the absence of any general criteria it would be the PM and leader of Opposition and Chief Justice of India who would be selecting these members. They could pose a risk to the independence of judiciary especially if they have vested interests in the executive. And probably would not be able to determine the capability of a judge if they have no experience in the field.
- Article 124 C²⁵ empowers the legislature to freely change the powers governing the NJAC through simple resolution which obviously violates the theory of the separation of powers. It basically gives the legislative pillar with massive powers which can lead to an elected dictatorship by Parliament and suppression of democracy.

²⁴ INDIA CONST. Art.50

²⁵ INDIA CONST. Amend 124C, 2014



Due to the above mentioned defaults with the NJAC Act²⁶ and high chances it being used against the judiciary to create dictatorship and its impact on the independency and basic structure of the constitution. The act was held unconstitutional and void by the 5 Judges bench headed by Justice Kehar Singh.

AFTERMATH OF JUDGMENT

The greatest win of the judiciary yet the shortest, mishaps and irregularity over the collegium soon started taking a breakthrough in various Medias. From the controversy of medical scam to the dramatic events in the Supreme Court and the controversies of Justice Karnan so on, the matter of doubt upon the genuinity of the collegium and more specifically the CJI has started putting a hole over the collegium system. Justice Kurian Joseph has addressed a letter to the CJI stating the “very existence of Supreme Court if in Danger”²⁷. The CJI is the head of the roster and collegium which recommends competent persons for the position of judges. Though the power for their appointment is still vested with the Presiden, he may exercise veto over the recommendation. The legal maxim “*justice can be delayed but not denied*” has been changed to “*Justice delayed is Justice denied*”. The petition or rather the letter addressed the situation of veto used by the president for over 3 months upon the recommended names. This situation reminds the period of Justice Thakur’s lordship when almost 3/4th of the seats remained vacant in Allahabad High Court. The letter seeks the Supreme Court to fix a reasonable period for the pending appointment.

The polemic opinions, contentions and outraged by some of the leaders for the impeachment of current CJI, Justice Deepak Mishra was initiated on 2nd April 2018, months after the dramatic the press conference held at the residence of Justice Chelameshwar along with other senior most judges of the SC which includes Justice Ranjan Gogoi, M B Lokur and Kurian Joseph where they raised the matter of arbitrary allocation of cases which can affect the democracy and the institution. Though the judges seem to have to come to a conclusion and has decided to take the matter internally later on the move sure created a backlog on the face of the judiciary and judicial system.

Senior Advocate and former Law Minister of India Shanti Bhushan has filed another petition in the SC challenging the powers of the CJI as Master of Roster vested with absolutistic powers, uncontrollable and arbitrary power which has to be overlooked. The petition seeks to

²⁶ National Judicial Appointment Commission Act, No.96, Acts of Parliament 2015 (India)

²⁷ Sanjay R Hedge, Remedy for impeachment of CJI can’t be worse than disease, Indian Express, April 21st 2018,



change on suspicious actions and judgment by the CJI, more specifically against the Supreme Court Rule, 2013.

PUBLIC OPINION

During a National debate On Legislature vs. Judiciary where the discussion was on the topic “whether the SC verdict has created any unprecedented stand between the politicians and judges, damaged the parliamentary sovereignty and usurped their power and was the government trying to reduce the independency of the judiciary and which would be the best system for the benefit of public” in which along with Arnab Goswami, social activist and thinkers Swapan Dasgupta and Dilip Padgaonkar who co-moderated the debate between the Union Minister Mr. Arun Jaitley and former Attorney General Soli Sorabjee, arguing against the SC verdict and for the NJAC and Former CJI Justice RM Lodha and Justice Rajive Dhawan who debating in favour of the judgment and against the verdict.

According to Arun Jaitley, independence of Judiciary and its power of judicial review²⁸ must have credibility in the scholarship and fairness with a respect towards other institutions. He also states that the present system for appointment of judges is against the original provisions in the constitution and criticises the judgment by emphasising that even parliamentary sovereignty and check & balance is also basic structure along with the independence which was infringed by the present judgment. And Soli Sorabjee, during his comment says that the judiciary should have an important role rather than an exclusive role and there is no democracy whereby a judge appoints another judge and explains the drawbacks in the present system on collegiums.

Justice R M Lodha by respectfully rejecting the view point of Arun Jaitley by interpreting the word “consultation” in the constitution and further describes the history of the appointment of judges and he even cited that the first change in opinion was between CJI and Chief Justice of HC and not between the executive and judiciary. He also emphasises that even B R Ambedkar has suggested that the judiciary to be insulated from influence of other organs. He even said that after the 14th report of Law Commission of India has been made the then Home Minister GB Pant has said that the executive should have minimum influence on the appointment process. And Justice Rajive Dhawan states that constitution has not said that legislature will decide what is best for its citizen and there are two trusteeship in democracy the parliament and cabinet composed of one and Judiciary as the other who safeguards the constitution and

²⁸ Negi Mohita, Judicial review in India: Concept, Provision, Amendments and other detail (16.2017), <http://www.yourarticlelibrary.com/essay/judicial-review-in-india-concept-provisions-amendments-and-other-details/24911/>



rights of citizen when violated and for it to stand as the ultimate hope for the people it should be independent. Law Ministers in 1980s like Shiv Shankar and H R Bhardwaj has dominated the appointments.

CONCLUSION

It is true that Law and Society go hand in hand, thus Law develops with the new emerging issues in society. Likewise National Judicial Appointment Commission Act, 2014 is an Act which was passed by the Parliament during its 99th Constitutional Amendment Act on August 13th to 14th, 2014 due to the delay and irregularity which dominated in the collegiums system at that situation. Among the irregularities²⁹, nepotism and favouritism were explicitly visible even to the lame man having no legal knowledge due to large number of appointments which questioned their credibility and other eligible advocate's merits to be Judge. The Act came into force from April 13th 2015 after receiving presidential assent on December 31st 2014 from the present President of India Mr. Pranab Mukherjee. This Act created a commission consisting of 6 members who had the power of replacing the existing collegiums system for Appointment and transfer of Justices belonging to higher courts. Though the system was considered to be good for the Judiciary by several advocates including Justice Chelameswar, and advocates K K Venugopal, K T S Tulsi and Jaya Prakash Narayana but was strongly opposed and challenged in courts by the Supreme Court Advocates-on-Record Association and several others through several writs whose hearings and judgments were conducted together by a 5 judge's bench of SC consisting of Justices J S Khehar, Justice MB Lokur, Justice Kurian Joseph, Justice Adarsh Kumar Goel and Justice Chelameswar. The main arguments put forward by those who favoured this act was that it ensures transparency and accountability before the citizens but the independency of Judiciary which has been provided through the same constitution and credibility of the 2 eminent persons³⁰ to be in the commission could not be proved to be beneficial and created conflict between themselves. Thus the SC bench on 16th October 2015 with a majority of 4:1 strike down the NJAC Act, 2014 and declared it to be unconstitutional. The NJAC Act, 2014 thus prevailed over the collegiums only for 6 months. The SC thus pass its longest judgment ever made which went for over 1038 pages which over took the till then existed longest judgment which was given by the SC during the famous Keshavananda Bharati v. Union of India³¹, which went for only

²⁹ Manupatra, news line (2017),

<http://www.manupatra.co.in/newslines/articles/Upload/27E26864-7DFA-4FC9-ABE2-BD547DF5873D.pdf>

³⁰ INDIA CONST. Art. 224 cl.1

³¹ Keshavananda Bharati v. Union of India AIR 1973 SC 1461



338 pages. The Judgment of SC has once again established the independency of Judiciary after the three Judges transfer case. After the Judgment the before functioned collegiums system was re-established.

On 3rd November 2015 thought the government had planned to prepare a memorandum which consists of methods that could possibly make the collegiums more transparent and a detailed list of revised eligibility criteria for being appointed as a Judge by consulting with the petitioner advocates Prashant Bhushan³² and Ram Jethmalani³³. The present Attorney General Mukul Rohatgi³⁴ on 19 November 2015 informed the Supreme Court that no such memorandum would be drafted for the judicial appointments contrary to the one which was committed earlier and had suggested the judiciary to do the same through a judgment.

The judgment thus re-established the belief of common people on judiciary and ensured that it would never go back to such situation whereby the executive had the control over the judiciary as it was during the period of Indira Gandhi. For the common people it is always the Judiciary upon which they can rely on rather than trusting the corrupt and unstable executive and legislature. Certainly, the void that has been created doesn't seem to end so soon. Last few years, especially 2017-18, has been very crucial for the Indian Judiciary. On one hand, remarkable landmark judgments have been delivered and on the other several black holes have been alleged upon the face of the Judicial system, be it the NJAC issue or the present impeachment petition. It is perhaps a true fact that nothing can be 100% efficient or perfect. No country, no humans are the same especially in India where there are lots of divergences exist even now. Thus to quote examples of such organisations in other countries cannot be raised as a valid assurance that the system could perform with honesty or without being unbiased in all the other countries. Thus putting a question mark over the independency of the judiciary by such measures could only lead to chaos and conflict. Thus a biased system of justice should not be controlled by any means of power. The power over of judicial review which was questioned over a period of time thus came to an end.

³² Lawyer, activist and politician(AAP)

³³ Lawyer, Jurist, Professor of Law, Politician, Entrepreneur, Philanthropist

³⁴ Additional Solicitor General of India, 14th and current Attorney General of India