

FAQs about Jury System and Improving Courts

(1) What is the Guarantee that Jury Members are not going to be sold or corrupt like Judges? OR What is the Guarantee that all the Jury Members selected are Genuine?

In Jury System, 15-30 Jurors are chosen from population of 5 lakhs to 110 crores. Since these Jurors have only one case, the case is over 5 to 15 days in 99% cases. So first, it is highly unlikely that a lawyer would exist in world who would have be a relative of these 12 Jurors or even 6 of them or even two of the Jurors. And finding him within 15 days make it further difficult.

The Juries change with every case. Since Jurors are drawn from population of 10,00,000 or more at random, it is guaranteed that lawyer had no prior contact with any Jurors --- probability is below 1 in 1000. Whereas in judge-sys, judges and lawyers intimately know each other. So judge-lawyer exists before the case starts. And in Jury, a Juror cannot come in Jury again for next 10 years. So a lawyer or Juror have no "repeat business". While "repeat business" is ample in judge system.

(2) What are the chances for bogus Jury Members?

No-one has asked such question when there is a matter of election. If India is able to conduct election with less then 1% bogus voting, then we will be able to conduct Jury without bogus Jury Members.

(3) What are the chances that Jury Member will delay cases like Judges?

In Jury System, 15-30 Jurors are chosen from population of 5 lakhs to 110 crores. Since these Jurors have only one case, the case is over 5 to 15 days in 99% cases.

One Jury has only one case, and so hearing of a case is continuous from 10am to 5pm and next date is next day. Thus the lawyers run out of frivolous arguments within hours or few days. Also, in the system I am proposing, with vote of 9 to 12, the Jurors can expel a lawyer from case and thus if a lawyer is making time-wasting arguments, the Jurors can expel him, and this will deter lawyer and client from making time wasting arguments.

(4) Who will protect the jurors and judges against criminal's retaliatory action?

How do we know that if the powerful enemies want to physically harm the jurors or their family, government would provide necessary protection (and not lip service).

Lets confine the discussion to comparison between the judge system and JurySys and not compare anyone with some uncoded ideals. And so a flaw which is present in both systems should not be used against either. Now participation in JurySys is involuntary like a small scale military draft. Now there is certainly some possibility that a criminal's associate will try to harm a Juror. The same applies to the judge system. The criminal can also try to harm the judge. Now your question is : who will protect the jurors against criminal's retaliatory action? The same question also applies on judge system : who will protect the judge? The govt can compensate the victim and govt/police can punish the criminal post facto, but cannot "protect" the Juror or judge or anyone for that matter. So govt can neither protect the judge nor the Juror nor anyone.

In JurySys, the powerful ganglord will be confronting not one Jury, but 100s of Juries --- one per every complaint against him. eg a person like Shri Dawoodbhai who has 100-200 gangster in Mumbai would face about 100-200 Jury Trials a year against him or his gangsters. With due respect to Shri Dawoodbhai, he cant threaten 2500 Jurors every year. And law to enact JurySys should be has to be seen in conjunction with law I propose via which we commons can recall District Police Chiefs, judges, CM, HomeMin. The criminals like Sri Dawoodbhai and Sri Latifbhai thrive only because High Court

judges, Supreme Court judges, Ministers and District Police Chiefs support them. With procedures of recall over SCjs, HCjs, CMs, PM, Ministers and DPC, none of them would dare to support such criminals. So with recallable judges, HomeMin and Police Chiefs, strength of Sri Dawoodbhai will decrease. So there is no way Sri Dawoodbhai can threaten 2000 Jurors a year.

On protection issue, the JurySys is better than judge sys, as number of individuals are 25000 times higher in JurySys. (One judge say handles 60 cases a year, so 1800 cases in his 30 year career. In JurySys it would handled $1800 * 15 =$ about 25,000 Jurors. So 1 judge = 25000 Jurors is rough estimate) .So in JurySys, he will have to threaten 600-1500 Jurors where in judge sys he needs to threaten only one judge. And even if the judge has bodyguards, there is no way to protect the judge or his family members all the time.

In US, how many Jurors got killed for delivering judgment? NONE. Why? Because the gangs etc break apart when corruption is low, and without gang, organized revenge is not possible.

Also, in the JurySys I have proposed, I have borrowed one idea from Greek JurySys of 300 BC. As the nature of crime and "size" of criminal grows, increase the number of Jurors. eg Greek used to have Jury of 500 to deal with large crimes or influential people. eg Socrates was given option to leave Athence or face death by Jury of 500 Jurors. I havent worked out exact details, but in the system I have proposed, there will be Jury of 50 for large crimes and for large crimes done by influential people, there will be 2-10 Juries of 50 Jurors each.

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And lastly, in the system I have proposed, the verdict of Jury can be cancelled by majority approval by RTI2. So if majority is against what Jury said (which is unlikely, as Jurors are randomly chosen sample of citizens), then without confrontation, majority can change the judgment,

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So protection issue is there in BOTH system. Equal-equal. All Govt can do is compensate if judge or Jurors is hurt by criminal. Equal-equal. In JurySys, harming Jurors is harder than number of Jurors are several times more. So JurySys is better.

(5) How do you protect the jurors from intellectual intimidation? especially jurors coming from economically backward part without necessary education/background. ex: jury mix consisting of mba types, farmer, steel company worker .,etc

Yes, the Jury will consists of all types from people. In JurySys, each Juror wants to convince other Jurors to agree with him. So if any Juror tries to intimidate another Juror, the second Juror will just stop listening to him. So as a result, you rarely see any Juror trying to intimidate other.

(6) A more expensive but equally effective option to streamline would be to capture video of the proceedings (like third umpire...) and make it available as a public record for the people and media to see. intense scrutiny and psychological effect alone would put so much pressure on the courts that the lethargy/bribing/perjury/bias would gradually take a backseat.

In the law I have proposed, recording of all court cases will be compulsory. And they will be aired on-line on internet. IOW, there will 100000 courts in India up from existing 17000, and each will have TV camera connected to internet so that anyone in India can see any courtroom live. The online viewing of Supreme Court benches and ALL High Court benches can start within 1 month, but online viewing of 16000-100000 lower courts will take 5 years. But public disclosure is NOT a solution to nepotism and corruption. Since we commons dont have recall procedures, the judges, IPS take bribe in public and dont give a damn. The public disclosure will only give us information on how defunct each judge is --- it will not solve the problem. So while I support public viewing of ALL courts over internet-TV, the solution is Recall-Jury and not Internet based Court-TV.

(7) Along with judicial reforms, easy access to judicial systems is key. Every district HQ should have a High court bench and every state capital should have SC bench. A SC judge whether sitting in NewDelhi or Bengaluru SC bench gives the same verdict based on facts ,constitution law etc. What difference does the place makes. Why should a poor man or any man for that matter travel all the way to Delhi and waste his resources?

The above situation still suffers with the problem that HCjs and SCjs are corrupt and nepotic.

The solution I propose to appeal is

1. District Court Jury will do the first hearing and give verdict.
2. If the person wants appeal, he will present the case to a Grand Jury of the RANDOMLY chosen District. If Grand Jury admits appeal then it will go to District Juries of 3 Districts chosen at random
3. The aasils(Clients of the lawyers) can appear over video conference
4. If aasil wants one more appeal, then he will need to approach Grand Jury of 3 Districts chosen at random from three different states. Again, he can appear over video
5. If this appeal is admitted, then case will be heard by 9 Juries across Nation.

IOW, I am "distributing" High Court and Supreme Court. In India, the worst concentration of power is not Minister but HCjs and SCjs. And once that is "distributed" many evils in India will reduce. The presence of HCjs in state capital gives advantage to elitemen in State Capital over commons who are all over the State. And the presence of Supreme Court in Delhi gives advantage to elitemen in Delhi over every common in India. Once HCs and SC becomes "distributed", the elitemen will lose this advantage.

(8) Death Penalties are given more in places having Jury System or Judge system?

There are NO flaws in JurySys, which judge-system doesnt have 10-100 times. And in Russia as well as whole world, the death penalties are LESS in districts which use JurySys. And in US too, DP (death penalties) increased ONLY after judges started filtering out people who were anti-DP(death penalty) from Juries !! The JurySys is BEST known protection against DPs(death penalties).

(9) 1. In India a judgement in favour or or against an accused may be interpreted in terms of caste, religion, sect and region

2. Our media will also do a fair bit of contribution to the above. Also the power of media in brainwashing is not to be ignored.

JurySys is not uniform all across districts in US, Europe. So I will reply above wrt the JurySys law I have proposed

1. The Jurors are selected at random from population. Depending on the severity of the case, number of Jurors will be 12 to 100 or even more (yes, 100 - Athens used to have Jury Trials with 600 Jurors). Most crimes will have Jury of 12-20. Since they are randomly chosen from district population, no caste will dominate the Jury
2. It is myth that media can convince lie as truth. Media can at best hide truth. And the aasils are there to put the truth before Jurors

My claim is that judges are far more nepotistic, nexused and hence far far more corrupt than Jurors. Where as nepotism in Jurors is 0% because of its very structure that 12-600 Jurors are chosen at random from a population of lakhs or crores. And nexus with lawyers, criminals etc are near zero in Jurors. And corruption gets amplified by nepotism and nexuses, and so corruption in judges is several orders of magnitude more than Jurors. So we should use Jurors in Lower, High and Supreme Courts, and not the judges. These are very much my claims and proposals. But I never said that Jurors are unbiased. They are as biased as judges. Now since number of Jurors are 12-600, the biases will cancel each other and so Jury system as a whole will have less bias than judges. But that is not my main issue - my main issue is nepotism, nexuses and corruption.

(10) Please refresh your knowledge of the cases and why jury system was abolished in India

SCjs gave Nanavati case as excuse to abolish JurySys. This was wrong decision. The Jurors knew that Nanavati was murderer. But had Jurors given a guilty verdict, the judge could have hanged Nanavati. This was not acceptable, as crime was done out of rage, and the victim was a philander who had seduced a married woman. Back then, when DNA tests were not available, seducing one's wife implied a possibility of having a child with wrong father, and so back then, adultery was considered worse than murder, And given that Nanavati was a soldier and commons have respect for soldiers, they thought that Nanavati should NOT be killed. So they gave innocent verdict.

If Jurors has option of imprisoning him for say 3-7 years, they would have done so. But Jurors back then had only two options : say guilty or not guilty. Saying guilty means giving opportunity to the judges to hang=kill Nanavati.

So Jurors did the right thing.

That's why in proposed procedures, the Jurors decide punishment, which can be any punishment below max punishment stated in the law.

So Nanavati case only proves that JurySys is better than judge-sys.

The judges in Indian courts back then were all pious devout UC. And like good pious devout UCs of those days, they wanted Dalits to "stay in within their aukaat". And so idea of dalits in Jury was unacceptable to them. Till 1947, the Jurors came from a subset of Indians (education, land ownership etc was criteria). In 1950s, the GoI had no option but to accept the demand of enlarging the list to entire voter list. This would mean dalits would also come in Jury, and so would OBC. How can pious devout good UC judges accept such adharm? This was one reason for killing JurySys.

The castism in 1950s is NOT my imagination. It is raw fact. Even now, judges are hostile to Dalits in judocracy (judges Bala's appointment was cancelled once, and he was re-appointed only after dalit MPs and Prez Narayanan himself supported demand of adding SC atrocities in UN's charter).

In addition, judges lose money in JurySys.

(11) But if you have to convict someone, don't you need a unanimous decision from the jurors? Which means, you can corrupt one juror out of nine, and get away with murder. or you'll have a hung jury.

In US, conviction needs all 12 Jurors to say guilty.

In Scotland, Jury has 15 members, and 8 out of 15 guilty mean conviction.

There are places in US where 11 out 12 guilty also means convictions, but then sentence is lower.

IOW, there is NO firm rule.

In the JurySys I propose, 9 out of 12 would mean guilty. In general, it would be $(\frac{2}{3}N + 1)$ guilty where N = number of Jurors.

In my proposals, the Jurors (and NOT nepotic judges) decide the punishment. So each Jurors will pick a number between 0 and Max (0 means not guilty and MAX is max number of punishment in months for that crime). Arrange the numbers in DECREASING order and pick 9th one (9th one if there are 12 Jurors, $(\frac{2}{3}N + 1)$ th if there are N jurors). That will be punishment for accused.

(12) Your system will only add to the burden of the already overloaded cases

JurySys has been around 20 countries, and case backlog is HIGHER in judge-sys countries. Besides, it is criminals who create the burden on courts, not judge sys or JurySys.

Chances of false conviction in judge system is higher as if the counter-party is wealthy, he can always bribes the judges via judges' relative lawyers and get a false conviction. This is particularly true when accused is so weak that he cant even file an appeal in HC.(Today costs is high because only lawyers with nexuses with judges can get a case admitted and such lawyers charge high fees. In JurySys there is no nexuses,so all lawyers will charge small fees and even weak will be able to file appeals.)

Q-One juror has one case or rather 9 to 12 jurors have one case. So for a day if hundred cases are filed you need to have twelve hundred jurors on a single given day. There is time, space, lawyer and many other constraints to do with this because a lawyer on any given day and some juries on any given day can only attend to only one case. ...

A-When criminals get punished, the crime rate reduce and so number of cases coming into courts also reduce. So in JurySys, where organized criminals do get punished, number of cases coming into courts reduce.

Consider a district of say 15,00,000 citizens. You give a number of 100 cases per day in that district or say $100 * 250 = 25,000$ cases a year or some 125,000 cases in 5 years.

a)If every crime is committed by a different person, that means some 1/12th of districts' citizens are criminals ! That is unrealistic scenario.

b)So only way 100 cases a day may be coming is that some people are committing crimes again and again. This is what I call as career criminals. Such criminals thrive because they get acquitted and so commit 10s of crimes every month. But they acquitted because they have nexuses with judges. In JurySys, they land in prison as Jurors change with every trial, and so they cant form nexuses with 1000s of Jurors every year. So as career criminals land in prison, number of crimes and cases reduce.

So 100 crimes a day scenario is not seen any Jury based country. In US, which is most crime ridden of Western countries, violent crimes were 1,400,000 which is $1400,000/300 = 14000/3 =$ about 4700 per year per million citizens which is 10-20 cases per day. This is manageable. In US most of the crimes, even minor crimes are reported ,while in India, most of the cases are not reported. Also, in US, most of the crimes are drug-related due to drug prohibition. While in the western countries where drug prohibition is not there, the crime rate is actually decreasing and prisons are closing down due to lack of prisoners.

(13) Can Jury system accommodate the all-prevailing castism?

First, we should only compare judge system and JurySys. The judges are as castist as any common, and hence judge system is NOT a cure of castism. Further, judges are inflicted with rampant nepotism, which is worse than castism. There is NO nepotism possible in Jury System.

Now say 20 Jurors are chosen at random from community of 10,00,000 adult citizens, and each party excludes 2 each, so that finally 12 and 4 standby are left. Now these 12 will come from ALL castes. And no caste in a region of 10,00,000 adults i.e. population of say 15,00,000 has more than 20% and such dominant caste divides into sub-caste and caste consciousness is lost.

So if accused and complainer are of different caste, then also Jurors will consist of all caste members, and in the worst case scenario, both parties will exclude Jurors of each others' caste, and so 12 Jurors will be from caste not common to accused or guilty.

So castism will have LESSER effect in JurySys than in judge system.

Many crimes are fall out of property disputes. To give you a concrete example, there was builder named Amrit Patel in Ahmedabad. His modus operandi was :

a) Say he wants to force a plot owner to sell his plot, as his plot has value to him (because the plot is adjoining to plot he owns etc)

b) Amrit Patel he will ask policemen etc to file a false case against plot owner.

c) Then Amrit Patel will bribe the judge via his relative lawyer, and the judge will threaten the plot owner of conviction, unless he sells the plot to the builder.

Such deals are possible in judge-sys as lower judge is constant in an area for 2-4 years, and the next judge is from the same state (due to which it is easier to have trust and nexuses between the former judge and new judge) and some near by areas and high-court judges and supreme court judges stay for even longer period in a area. And each judge has some 5-10 relative lawyers who are eagerly searching for wealthy builder, wealthy criminals etc who can give money, for favors.

But such deals are NOT possible in JurySys where each Trial will have 12 different Jurors.

(14) Jury system is much better if the Jury is selected properly.

The JurySys is far far better than any judge-sys that has existed in world till now, ONLY because Jurors are selected at random from whole population of district/state. This forces a gang of organized criminals to confront 1000s and 10000s of Jurors, and makes it impossible for them to predict next set of Jurors and form nexuses in advance. No 'quid pro quo' i.e. "serve me, and I will serve you" is possible in JurySys. Whereas in judge-sys, "quid pro- quo" between judges and organized criminals is guaranteed.

Questioner-Here in US, the jury is selected randomly. We all know if the Jury is selected "randomly" in India, it still might have the ppl the judge/system wants.

When selection is done by a PHYSICAL method, like 10 blind men throwing dice in front of Grand Jurors no one, NOT even God, can decide who will come in Jury. In US, the JurySys has weakened as judges can summon as many as 200 Jurors, and by interviewing them, expel as many as 150. This makes judges powerful. In the system I am proposing, there will be only 30 Jurors, and each party will reject only 6 each, and rest 18 will be Jurors. Of these 12 randomly chosen will be Jurors and 6 will be stand-by.

Questioner-How can we have a fool proof Jury system in place?

The JurySys where judges have minimal control is something even a God cant sabotage. And to further weaken the judges, my proposal makes judges expellable and replaceable.

Questioner: wonderful idea...but indian politicians will find a way to circumvent this system as well

Once I made an encryption system for a client of mine (using off the shelf libraries). But my client was skeptical --- cant a guy with super comp still break the password? I said "well, if he can do so, he can also break encryption of banks, and so he wont go after your system, he would rather break bank's encryption system". He was convinced.

If Indian MPs could break JurySys, they would have left India and settled in US, and robbed US by now. They havent gone to US and sabotaged the US's JurySys system yet, as sabotaging the JurySys is beyond God's power, due to large selection base and built in randomness.

(15) Election of judges by common people is a moronic concept. How do you expect illiterate Indian masses to understand the finer points of law? And if you have a restricted electorate, what will be the criteria?

No there is no restricted electorate. I am proposing Universal Voting in election of judges.

And you love to insult us illiterate Indian masses aka commons, right? How can morons even decide who should be a judge? After all, only people with 4 digit IQ like judges, lawyers and intellectuals can understand "fine points of laws". How can we (sic) commons understand laws?

In Texas, since 1870 ALL judges from Magistrate to Texas High Court are elected. And India has far far more literacy and awareness due to media than Texas of 1870. In US, for over a century, some 20 out of 50 states have been having elected judges. And elected district police chief is common place. And more than half of public prosecutors in US are also elected for over a century. As per your logic, US should have become a hell hole by now. But then who do facts go against your logic? Why is that places which have elected judges better than those with appointed ones?

The election procedure is free from nepotism. Consider Gujarat High Court. There are 32 HCjs, of which 16 are bania and brahmin, all of them are judges because there daddy/uncles were judges or public prosecutors or eminent lawyers. Election is MUST to kill this rampant nepotism in judiciary.

And expellable judge will be far far less defunct than appointed and un-expellable one.

Questioner: The process of impeaching a judge has been made tough only to prevent the Executive from targeting them for anti-establishment decisions. By simplifying the process, you will open the judiciary to Executive abuse.

The executive must not have ANY power to expel a judge. The power and procedure to expel a local judges or SCj must be in the hands of us commons, and no one else.

- a) procedure by which we commons can expel SCjs, HCjs and local judges
- b) 5 seniormost judges at National level should be directly elected by commons

c) The rest of the judges should be recruited via written exams ONLY.

d) In a case, the decision, and fine and/or prison sentence should be decided by Jurors and NOT the judges in local courts, High Courts as well as Supreme Court.

The judge system is inherently plagued with nepotism. And so judges MUST NOT be allowed to give judgments and only Jurors should be allowed at all levels. And judges MUST not be allowed to appoint judges as this results into rampant nepotism and nothing else.

Questioner: A judge must have legal skills, judging ability, and integrity, which can't be determined by a general election. (Also, when has 'integrity' been a great asset for elections of the politicians in India? If not, why should it be the case for elections of judges?) General elections are about common citizen's perceptions and given that common citizen doesn't possess the calibre to judge someone's legal acumen, an election for judges is ridiculous.

While talking about integrity, why do we compare judges with politicians? For a change try comparing them with Jurors, and see how badly you would fail. The most important thing in court is that the decision makers does not have pre-built nexuses with lawyers, criminals, relative lawyers, elitemen or anyone. Pls do compare judges and Jurors on this issue. How many judges do NOT have nexuses with relative lawyers? How many of them do NOT have nexuses with lawyers and elitemen? In contrast, Juror-lawyer nexus is unheard and not even worst anti-Juror has been able to point out even one case of nepotism against Jurors.

Also, if knowledge of law is of paramount importance, what written test do SCjs take while recruiting HCjs? NONE. So if knowledge of law is so much of issue, why dont judges take written exams? Because if they do, they wont be able to recruit their relatives.

Questioner-What makes you think that the people will cast their votes without taking into consideration the candidates cast, religion or other distinguishing traits.

(Texans have been electing judges for 100-120 years.)

You say that if HCjs and SCjs are elected, there would be castism, religion etc. So does procedure of appointment reduce it? The appointing persons too can be castist and communal. Worse, they are nepotic.

And your issue about castism is misplaced. Say entire state elects 10 HCjs where each voter has 10 votes. Now no caste has 51% in any state. Even the most numerous caste is less than 20%, and it is divided into sub-caste. IOW, when constituency is large, castism is not an issue. So if HCjs are elected by whole state, castism will play little role.

Questioner: Infact the process of electing a Judge would mean more wastage of time and money and oh yes other malpractices that one comes across during the elections.

Election is expensive as Election Commissioner use defunct ways to manage logistics. Otherwise cost of election can be brought down to half or even 1/3rd of what is now. And reduction in nepotism will create benefits that will outweigh the costs. Look at the bribery in judocracy --- it is much large compared to cost of elections.

Questioner:

As i said Nepotism cannot be done away with ,as long as one will have the privilege to choose he/she would always take decisions based on their personal preferences.

Pls explain how nepotism can come when 10,00,000 commons elect a local judge or when 36,000,000 Gujjus elect HC-Cj. Can anyone be relative of lakhs and crores of commons?

Suffices to say that procedure of election of HCjs will remove rampant nepotism in process of election of HCjs we see today.

Questioner: Interviews are the most important part of the selection process be it the IAS,IIM's and even the NDA. Yes I do agree that interviews at times become filtering stage in case interviewer has very strong dislike for a certain kind of individual and has a pretty rigid mindset in that regard.But one cant do away with the interview for the benefits of the same outweigh the irregularities which you speak of.

It is not just like or dislike. The UCs use interview in IAS, IIM, Univs etc to filter out OBCs. And in Univs, they use interviews to promote nepotism. In judiciary, the judges give title of senior advocate by interview and this too have become a source of rampant nepotism.

The procedure which has LEAST malpractice is written exam, with NO interview. Interviews are hell holes and mother of all malpractices - castism, ideological filtering, nepotism, corruption you name it. But other than written exam, election has LEAST malpractice, much less than interviews and appointments.

The reason why Nbjprie support oligarchic setups like judges appointing judges and are hostile to democratic setup is to control GoI-lands, mines, and semi-natural oligopolies (i.e. areas where you cant have 100s of players) like telecom, electricity, roads etc.

(16) Tell me your understanding of constitution? How can Citizens give judgements?

I did cite my understanding of Constitution in general. That the first few words of the Magnum Opus ("We, the people of India") amply make it clear that as far as India goes, ALL powers of the State, the Nation and the Constitution are vested in us commons, and the agents like SCjs, HCjs, PM, CM etc are to exercise some of the powers ONLY with the consent, will and pleasure of us commons. The Constitution re-affirms this by citing words

- a) Political Justice
- b) democratic
- c) republic
- d) equality

All these words solemnly mean that agents of the State, such SCjs, HCjs, PM, IAS, IPS etc are to sit on their chair only as long as commons don't want to expel them. So right to expel/replace CM, PM, HCjs, SCjs, IAS, IPS etc is inherent in the Constitution of India, as written by our founding fathers and as interpreted by us commons.

Further, the words "political justice" and "equality" imply and establish that every person's interpretation of Constitution shall have same value. Hence if majority of us commons cite the SCjs' judgment as unconstitutional, then even if that judgment was declared valid by all 24 SCjs, that judgment becomes unconstitutional and void. IOW, SCjs' verdict is non-void only as long as we majority of us commons have not declared it as unconstitutional.

The only problem is --- lack of procedures. While Constitution had unambiguously declared right to expel/replace, the procedure is what is missing. And one of my goal is to fill this void in Constitution by enacting procedures by which we commons can accomplish our Constitutional rights to expel/replace .

I propose DIRECT election for following posts

- 1) SC-Cj
- 2) HC-Cj
- 3) Local chief judges
- 4) PM
- 5) CM
- 6) Mayor
- 7) MP
- 8) MLA
- 9) Corporators
- 10) District Police Chief

Following should be appointed via written exams

- 1) 100,000 local judges
 - 2) clerks
 - 3) District Police Chief
- etc

The middle level all should be promoted via their service and scores in other additional exams. So no need to elect railway clerks. They will come via written exams as now.

There should be Jury based procedure to expel them.

For following positions, they will be appointed, but we commons should have majority based expulsion/replacement procedures

- 1) Home Minister
 - 2) District Education Officer
 - 3) RBI chief
- etc. PM, CMs, SCjs and HCjs.

Most of us commons believe that nepotism in judocracy is sky high, worse than politics. Not that neta are less nepotic, but procedure of election is killing nepotism big time. Eg Modi is son of small time small town grocer ; Mayawati's father was some class-III employee. Compare them with their counter part HC-Cjs. Almost all of them come from lawyers families. This fact alone proves volume --- talented kids of commons can become CM , become IAS, but cant become HC-Cjs and SCjs. Now there are exception like SC-Cj Bala, but that was before 1992 when HCjs were appointed by CM and not HC-Cj and so commons could get in. Ever since judges started appointing judges, judocracy has become 100% reservation for judges' kids and close friends' kids. The judocracy is rapidly evolving or degenerating into a caste by itself.

And what about lower court judges? corruption is near 100%. Why aren't HCjs and SCjs fixing that problem? Well, reality is that a big chunk of lower court judges are relatives of HCjs. Hence there is no hope that HCjs will even bring down corruption in LCjs.

And corruption in IAS has increased only because corrupt judges did not punish corrupt IAS.

Unless courts are fixed, NOTHING, NOTHING will improve.

And how can we fix courts? SCjs are nepotic/corrupt. So are HCjs. Neta and IAS are no better.

So there is no way out but we commons take things in our own hands. Not mob riots, but via systematic procedures of registration of YES/NO, and expulsion/replacements based on those YES/NO counts.

Otherwise, left to these SCjs, HCjs, intellectuals, neta, IAS etc. we will soon become another Pakistan and then slave of US.

(17) JurySys can be plagued with same problems as judge system

This statement is factually incorrect. The JurySys is proven and known to be immune to nepotism and nexes, where over 99% judges in all countries, including West, are proven to be nepotic and nexused. Even in West, where nepotism and corruption in judges is low, the people do NOT have faith in integrity of judges which is why they still support JurySys. Even in India, when there was JurySys, there was not even one complaint of nepotism and nexus. Where judocracy was nepotic from its early days. eg P N Bhagwati managed to become HCj only because his father was SCj.

Criminalization of politics has been due to nepotism and corruption in judocracy. The judges supported local criminals as these local criminals were paying big bucks to judges' relative lawyers. So the judges supported these criminals, and criminals became stronger and then later entered into politics.

And we commons could NOT stop judges from supporting criminals because we commons did NOT have procedure to expel/replace judges.

So your statement that procedure of expulsion/replacement of judges by commons will INCREASE criminalization in society is WRONG, and opposite is true. It is lack of replacement procedure which is increasing the strength of criminals in society.

(18) Why do the PM/CMs not increase number of Courts?

Unless SC-Cj and HC-Cjs demand increase, PM, CMs cant increase number of courts. And whenever SC-Cj and HCjs asked for increase in number of courts, PM/CMs have obeyed within weeks or months. So if number of courts are low, the blame is on SC-Cjs , HC-Cjs, SCjs and HCJs.

Do you insist that they existing HC-Cjs continue in office or should be expelled?

(19) How are Judges Appointed?

<http://lawmin.nic.in/ncrwc/finalreport/v2b1-14.htm>

Before, 1992, the PM and the MPs gave directions to the President who appointed the judges in consultation with the Supreme Court and High Court judges. This `consultation` was not binding. in 1993, the SCjs deliberately mis-interpreted the Constitution and have usurped the power to appoint SCjs and converted Indian courts into their fiefdoms. The SCjs interpreted the word`consultation` as binding.

And the mess has gone on only because we commons dont have procedures to expel SCjs to save the Constitution

In reality :

1. SCjs are appointed by SCjs, and the neta, IAS, IPS, elitemen, MNCs who give favors to SCjs. They are promoted from High Courts.

2. HCjs are appointed by HC-Cj , HCjs and SCjs, and the neta, IAS, IPS, elitemen who give favors to HCjs and SCjs. About 50% are lawyers. 50% are Sessions Court judges.

3. The Sessions Court judges are appointed by HCjs via discretion. About 50% are lawyers and 50% are Magistrates

4. Magistrates are recruited by written exams followed by interviews taken by HCjs or retired HCjs picked by HC-Cj. The interviews are farce. So in reality, only relatives of judges or close friends become Magistrates.

. The written exams are ONLY for lowermost cadre in judocracy --- Magistrates and junior division judges. There too, there are "interviews" taken by hand picked people. Only judges relatives get selected there.

The judges have become corrupt and nepotic as there are no REPLACEMENT procedures. In absence of replacement procedures, irrespective of which appointment procedures you follow --- the judges or anyone will become nepotic from day-1 and corrupt on day-2.

. But the nepotism and now cash-deals are OPEN because of interviews. The HC-Cj makes committee of 3 sitting or retired judges and they give interview marks. This interview is purely their discretion and is used to implement rampant nepotism.

The pro-judge people deliberately support this interview procedure.

Vishnubhai Gupt (alias Chanakyabhai) had told me some 2300 years ago : he who cant harm , his anger is futile.

I would go ahead and say : he who cant harm, his existence is futile. And I would re-state : he who cant harm, he shall end up being slave and all his wealth will get confiscated.

How have IAS, IPS, judges, Ministers enslaved us commons? Because we commons dont have procedures to harm them --- expel them, confiscate their wealth and imprison them. So unless we devise FAST and CHEAP replacement procedures, they will keep robbing us.

Questioner-So the judiciary can no longer be manipulated by politicians, i.e., pres/PM, after the change in law in 1991. What's your problem with that? I am not sure I understand.

Well, pls re-read the first part as well. Deciding CjI by seniority alone has no significant disadvantage. But why did SCj decide that only SCjs will appoint SCjs and HCjs? If neta are so bad, there are tons of other ways of filling seats in SC and HCs. (eg in Texas commons elect judges). This is like saying "everyone is bad, so we will devour all the powers", as if "we" are better than the rest.

The reason why SCj devoured power of appointing SCjs and HCjs was to ensure that they get all the spoils of loot. The excuse of 'corrupt politician' was just an excuse.

Questioner- There are many stringent qualifications to become a judge

Rules for becoming a Supreme Court Judge:

“3) A person shall not be qualified for appointment as a Judge of the Supreme Court unless he is a citizen of India and -

(a) has been for at least five years a Judge of a High Court or of two or more such Courts in succession; or

(b) has been for at least ten years an advocate of a High Court or of two or more such Courts in succession; or

(c) is, in the opinion of the President, a distinguished jurist.

Explanation I: In this clause "High Court" means a High Court which exercises, or which at any time before the commencement of this Constitution exercised, jurisdiction in any part of the territory of India.

Explanation II: In computing for the purpose of this clause the period during which a person has been an advocate, any period during which a person has held judicial office not inferior to that of a district judge after he became an advocate shall be included."

The only requirement to become HCj is that person should have been a lawyer for 10 years. There are over 100,000 people which qualify this requirement. What is so stringent about it? It does not say that he must have contested N cases or so.

And to be SCj, he has to be an HCj. I wrote that in my post. And you need to be a lawyer in HCj for 10 years. Big deal !!! There must be 10000s of lawyers in HCs.

There are no written tests to become SCj. The committee of 3 SCjs decide who becomes SCjs. The selection is PURELY on the basis of nepotism, favoritism, recommendation of the elitemen who pay bug bucks to judges' relative lawyers etc. Yes, it is not tom, dick and harry ... but it is WEALTHY Toms only.

Questioner-Yes corruption and nepotism exist in the judiciary, as much as they exist in politics or medicine or the armed forces.

The corruption in Army is FAR FAR LESS than judges. And nepotism is far far less as well. In fact, most soldiers' sons no longer want to join army as salary are pathetically low. The salaries are not great in judges, but given the HUGE bribes they make directly or via favoring relative lawyers and businessmen, the queue to become judges gets longer everyday. Where as vacancies in army (officers) is over 20% and growing everyday.

The nepotism in judiciary is MORE than that in polity. In politics, voters never vote based on relation. Even MLA has 200,000 voters and no one can get more than 1000-2000 votes based on nepotism. Which is why you still see "sons of commons" like Modi and Mayawati reaching top positions. Such instances in appointments of HCjs have become rare after 1992.

So lets not wash away nepotism in judges by saying that it is universal ---- the degree is MUCH higher in judges than anywhere else.

Questioner - Of course someone will always exercise discretion in the appointment process and to that extent the sanctity of the selection process can be challenged .Our aim should be to minimise this exercise of discretion and to take it away (solely) from the judges.

Yes, someone will always have discretion. But that doesnt mean that nepotism-free processes dont exist. The election in constituency > 100,000 is 99% nepotism free as no one can have more than 1000 relatives. And with Constituency > 10,00,000 nepotism is less than 0.1%. So having election of all chief judges and 4 senior most judges (district, state, nation) will create a selection process which is free from nepotism.

`let me say what practically and actually happens... as to appointments or selection for appointments. The State Government (politically) singles out some 50% of the required vacancies, including for the post of the Register of the HC, from the State Judicial Service, and again picks up the remaining part... from the practicing advocates at the Bar of the HC. In selecting them, the 1st consideration is that whether or not the chosen advocate is adhered to the ruling political party of the State, or, in other words, to any influential ruling Politician. This is the actual eligibility....So generally the outstanding advocates, aged above 35 years, do not join judiciary...or do not need to be appointed on the Bench of

the State Judiciary (or HC). In actual, mostly the unsuccessful lawyers or juniors of the successful or noted senior lawyers are chosen to be recommended to the SC by the State Government, on basis of the recommendation of the ruling Party or of their respective influential noted Bosses who enjoy favours or privileges of the concerned Government in the State. So, in most of the cases, the chosen advocates do not even know the proper ABC of law, or are not at home in the legal jugglery...and or intelligent enough to go inside the Law (to make justice). Or are temperamentally unjudicial. And it is therefore, they are financially greedy...right from the beginning, or are prone to corruption. They suffer from a strange inferiority complex with the intelligent and outstanding lawyer (before them). In many cases, I know such Judges manage the senior advocate(s) to help them write judgement...`

(20) I have always supported the creation of National Judicial Commission, a body comprised of two senior judges, a lawyer, political representative and a respected citizen.

This 5-6 people will simply indulge into rampant cross-nepotism. (cross-nepotism -- X will favor relative of Y, Y will favor relatives of X).

(21) Corruption in judiciary is high but no where as high as in our politics or in the municipal authorities or in some other state departments.

"nepotism" is HIGHEST in judiciary as judges appoint judges and judges give judgments. And corruption is also as high as politics except that judges personally dont touch cash --- they deal via their relative lawyers. So except the technicality --- the corruption in HCjs and SCjs is now as high as Ministers, IAS, IPS and sometimes higher.

Questioner-As for reform, I am not holding my breath for the criminal turds in the Parliament to fix such criminal nexus because they are the ones who benefit most from it being criminals themselves. Murderers and thieves form a goodly fraction of the Indian parliament....we may want the Election Commission to start cleaning up election laws to stop this from happening. A cleaner parliament might manage to pass laws that restrict just criminal nexus between judges, lawyers, and criminals.

And for that matter, if having nexuses with lawyers and criminals (direct or via lawyers) is considered as crime, the courts are also full of criminal judges.

The judges are NOT murderers as such, but helping a murderer in court (the way judge Bhayana helped Manu Sharma) and then acquitting them despite loads of witnesses and evidences is also a serious crime (abetting a killer). And judges help 100s of such killers and extortionists. They are not much behind our MPs anymore.

Aside : you agree that MPs are defunct. Yet you are hostile to a referendum like CHEAP procedure so that commons make laws themselves. You also agree that MPs are criminals etc. Yet you oppose procedures by which we commons can expel MPs, MLAs, CM, PM etc. IOW, if MPs are bad, why hostility in giving away some of their powers to us commons? Or is it that you hate us commons more than MPs?

Many judges want PM to appoint their relatives as Public Prosecutor. Also, retired judges want position in commissions (human rights, women rights, animal rights, dalit rights, minority rights, law commission etc etc) and Ministers often ask these retired judges to ask sitting judges to make favors. And many judges want plain vanilla favors from neta-babu (contracts for their relatives etc). So while PM has no official power, he has collaterals to trade with judges.

(22) Why are courts overloaded with cases, because the babu does not take appropriate action?

Now the question is : why didnt the babu take the appropriate action? Becuase judges DO NOT expel such defunct babus and so babus continue to behave like defunct. If judges were to expel some of the defunt babus, the other babus would reduce their defunctness.

Now question is : whyTH the judge does NOT expel defunct babus? Answer is : NEXUSES. The babus give tons of favors to judges. eg judges relatives get appointed as PPs and get fat cases from govt where they can make millions by losing. So judges allow defunct babus to continue.

(In West, the babu's defunctness' case would have gone to the JURORS. Since the Jurors do not have nexuses, they would promptly expel the babu. Since babu knows that Jurors are NOT nexused, he stays within limit, and so he is NOT as defunct as babu in India)

So , courts get overloaded becuase judges are defunct/corrupt.

Also, what you say that "courts are overloaded as babus do NOT do what they are supposed to" is correct. But in equally large number of cases, govt is overloaded as judges throw stones after stones in babu's ways. . example : illegal constructions. In large number of cases, when a babu goes to demolish them, a judge will crawl out of woodwork, take bribes, and issue stay order (Indian judges are MOST notorious for stay orders. One of the worst cases I know was stay order thrown on demolish of slums on a PRIVATE plot ... the case went on 12 years).

And likewise, one reason why criminals are multyplying in numbers is becuase judges dont punish them due to their nexuses with criminals via lawyers. So when ppl see criminals getting bail and walking out free, more and more ppl become criminals, and so more crimes and so more court cases. As there are more criminals, police is burdened, and so are courts.

So here too, it is judges who are increasing burden on police and courts, NOT other way round.

(23) How will `Appeal by Jury be possible ?

"Appeal by Jury" is very much possible. All we need is some 4-5 page long law to be passed in Parliament. The appeal can be implemented in TWO ways

- 1) The District Court Jury will consist of 12 citizens chosen from entire district
- 2) For appeal, the State Court Jury will consist of 12-more citizens chosen from whole state. The Jurors will cancel the verdict, will mean ret-trial in any OTHR district in the state
- 3) For further appeal, the National Court Jury will consist of 12-more citizens chosen from whole nation. The Jurors will cancel the verdict, will mean ret-trial in any OTHR district in the nation

Second way is:

- 1) A case will be heard in District Court by the Jury
- 2) If a person wants appeal, he can appeal before a Grand Jury in HC. The If majority of Grand Jurors agree, they will send the case to five randomly chosen District Courts to decide if the decision of previous Jury was correct
- 3) The cases in all five district courts can in parallel if both parties agree, or will run in sequence
- 4) If over 3 out 5 district courts' Juries disagree with first Jury, then verdict of the previous Jury is cancelled and status quo (as before the first trial) is restored.
- 5) If a person wants appeal, he can appeal before a Grand Jury in SC. The If majority of Grand Jurors agree, they will send the case to nine randomly chosen District Courts to decide if the decision of previous Jury was correct
- 6) The cases in all nine district courts can in parallel if both parties agree, or will run in sequence.
- 7) If over 5 out 9 district courts' Juries disagree with first Jury, then verdict of the previous Jury is cancelled and status quo (as before the first trial) is restored.

It is indeed possible to get rid of judges in HC/SC and use Jurors.

The advantage is tremendous --- HCjs/SCjs are known to be nexused to the core with elitemen and high criminals like full time tax evaders, NPA creators etc. Using these nexuses, the powerful economic criminals walk out of court free no matter how many frauds they commit. But these criminals cant form nexuses with 1000s and millions of Jurors all over the State/Nation, and so they will get hunted down in the state.

(24) I have more than reasonable knowledge to say that SC judges are by and large very very honest.

Then how do you explain nepotism in SC? Why would an honest guy resort to nepotism, and if he nepotic (or favoritist), how is he honest?

The SCjs' nepotism TRANSLATES in corruption. SCjs routinely ask LawMin Law Ministry babus to appoint their sons or nephews or relatives as public prosecutors. And these PPs get tons of money from corporates for losing the case. A person does wrong to make himself rich or his son or his relative is very much equivalent to `we commons get robbed`.

Also, pls do explain how SCjs decided to promote judge Bhayana (Jesicaben fame) to Delhi HC. Bhayana was notorious for his bribery, and SCjs KNEW that he has been deliberately stalling the case to help the accused. Despite explicit knowledge of judge Bhayana's defunctness, SCjs promoted him. Well, given that criminals' father is worth Rs 300cr, it is easy to know what made SCjs do so. SCjs and HCjs are already abusing their powers.

Look the list of people who get appointed as SCjs and HCjs, and ask anyone about their relatives. Over 100 out of 99 are nephews, brother etc of eminent judges and eminent lawyers.

In Guj-HC, so far, I have enumerated list of 10 lawyers who made mere Rs 500,000 for their first 10-12 years of their practice. Their dad/uncle becomes judges, and boy, within 3 years, it crosses Rs 50 lakhs.

Questioner-I am not sure a SCj can just create laws to that effect to solve the KEY problem our judocracy faces - rampant judge-lawyer nexus and rampant judge-criminal nexus (direct or via lawyer). --- it is not his place since he is part of the judiciary, no?

SCjs **can** make following changes

a)Anyone whose name is being considered for HCj position, his name will be disclosed 6 months before he is made HCj. So that if anyone in commons has information about his defunctness, they can write it to SCjs and also post it on net.

b)His and his relatives wealth and wealth of trusts of which he or his relatives are members will be posted on the net (just as MP candidates are required to state their wealth)

c)Names of all his relatives in current and past judiciary too will be posted on net

Have they done even this? NO. Why not?

The above 3 steps will drastically reduce their ability to promote their relatives into judocracy.

In US, judges' names are broadcasted 3-4 months before they become judges, and commons are free to write reasons why that person must not be made judge. Why are Indian judges hostile to disclosing even the names of people who are likely to become judges?

And in most meaningful democracy, judges and intellectuals etc also trust Jurors. In India, they dont. So is Indian democracy meaningful?

(25) Why do banks in India use goons for re-collection and not in US?

Because judges in India are defunct. So it goes both ways. The judges dont assist banks in collecting debts and in case a criminal gets arrested, the judges would acquit him if he can hire a lawyer close to the judge.

So criminalization of loan-recollection has been due to defunctness of judges.

And same way, the politics has become crime field because of judges. The judges, due to nexuses with lawyers etc, acquit the criminal, and so criminal becomes stronger and forces good guys to flee. So finally voters have only one of the 3-4 criminals to pick from.

(26) Why are laws not implemented in India ?

The implementing authorities in India are NOT MLAs/MPs/Ministers but the judges. It is the judges, who by issuing punishments on irresponsible babus/policemen decide if babus/policemen will "implement" the law or not. If judges punish/lazy corrupt babus, the babus would reduce corruption and become prompt, and the law will get implemented. So the laws are NOT being implemented in Indias judge as DELIBERARELY do not punish the officers who do not implement the laws.

(27) Why should wealth of trusts of NBJPRIE(Neta-babu-judge-police-regulator-intellectual-elite) should be declared and not only personal wealth?

Most Nbjprie keep their assets in charity trusts and companies, not in their name per se. So all this hoopla that we should know wealths only what is in their name is nonsense. IMO, we should enact a law by which ALL trusts assets along with Tax ID of trustees become public. That way, we will know how much land, money etc Nbjprie own in trusts.

(28)Who is the specialist to make laws ?

Judge ? NO He gives judgements. Lawyer? NO. He fights cases in courts. MPs/MLAs? NO. They pass the laws given by the citizens.

... .. Yes, you and me are the specialists for law !!

But we have to read the drafts, then only we can make laws.

Even illiterates can understand law-drafts.

Please do your duty as citizen by reading draft and also, some of them should make law-drafts and demand the MPs/MLAs to pass those.

(29) The Judiciary does not have power to conduct investigations on ministers, MPs, judges etc via the CBI etc or to punish them.

The Judiciary has power to imprison anyone in the country and order investigation against the person. Only the president and Pm , when in power have immunity against imprisonment. Please see this statement of Supreme Court -

(“The limits of power exercised by the Supreme Court when it chases injustice, are the sky itself, a Bench of the apex court has said.

<http://www.thehindu.com/news/national/article2288114.ece>)

That the Supreme court is not doing so, shows that the judges of Supreme Court are corrupt.