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MORE THAN 85 PER CENT OF RESPONDENTS IN A CVOTER SURVEY SAY THAT *Indian judiciary needs to be overhauled urgently*



RECENT CVOTER SURVEY FINDS

Fifty per cent of middle class voters don't believe that the government can check inflation



OVERVIEW OF INDIAN JUDICIARY ; INFLATION-THE BIGGEST WORRY



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More than 85 per cent of respondents in a CVOTER survey say that.....

Indian judiciary needs to be overhauled urgently



According to the constitution, an independent legislature, executive and judiciary are the three pillars of Indian democracy. And indeed, the last has been a venerable institution that the public has traditionally looked up to in times of crises to right various wrongs that a malfunctioning government or venal political parties can often inflict on the masses. Since our independence, the judiciary has performed an important role of not just providing justice to the common man but also of acting as a watchdog of democratic norms and practices. If the constitution of a free India promises to each and every citizen universal ideals of liberty and equality, it is through an independent judiciary that these are ensured.

One of the most famous cases where the judiciary took on an errant executive in Indian democracy, of course, was the Alhambra High Court ruling against Indira Gandhi, then prime minister, declaring her election null and void. And even subsequently, we have seen this institution stepping in and punishing the guilty when political might and corruption have colluded to shield the powerful. Yet, despite being the repository of public faith in the past, the Indian judicial system is increasingly being seen as one in need of urgent reforms.

Overworked judges, cases dragging on year after year and justice being meted out, often too little too late, of course are all

Methodology:

National representative sample of 1355 randomly selected respondents by CATI across 21 states in India during 5th to 8th Jan., 2011. Data weighted to known census profile. Margin of error +/-3% at national level.

problems that dog the Indian judicial system. But, of late, with exposes as to widespread corruption in the judicial ranks, there is cause to worry even more. As justice JS Verma himself point-

The Indian judicial system needs an urgent overhaul. Do you agree?

	Valid Percent
Can't Say	4.5
Yes, Definitely	85.5
Yes May be	5.3
No, I trust the judiciary completely and there is no change	4.8
Total	100.0

Base: All Respondents

ed out some time ago, there are pointers to a rot that goes down deep in the system. The most shocking beating the image of the Indian judiciary has taken is by way of the recent accusations against the kin of former CJI KG Balakrishnan who have been accused of large-scale corruption. The allegations are that Mr Balakrishnan's sons-in-law PV Sreenijan, a Congress leader, and MJ Benny, a lawyer, garnered assets worth crores of rupees when Mr Balakrishnan was holding office as CJI. His brother, KG Bhaskaran, a special government pleader in Kerala, was also accused of buying up huge swathes of land in Tamil Nadu. Allegations have come up against other family members too.

While the former CJI, who is the chairman of the NHRC, has refused to step down from his post and claimed innocence, these charges as well as those against him vis-à-vis inaction at a



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letter from a Madras High Court judge alleging former telecom minister A Raja's interference in a case have undoubtedly serious repercussions. What is especially dismaying is the fact that when Balakrishnan took charge as CJI in 2007, he was hailed as a hero a dalit had made it to the highest office, subverting



Corruption is the biggest problem plaguing the judicial system. Do you agree?

	Valid Percent
Can't Say	4.5
Yes, Definitely	78.4
Yes May be	12.1
No, Not at all	5.0
Total	100.0

Base: All Respondents

centuries of oppression. However, the present charges of corruption obviously strike a serious blow to this image of a progressive judiciary.

The allegations against Balakrishnan and his family are not isolated instances. The Indian judiciary has been under the scanner for some time now. Just weeks before the allegations against Balakrishnan's family, former union law minister Shanti Bhushan had risked contempt by openly accusing some former judges of corruption. This was followed by the Supreme Court expressing concern at the phenomenon of "uncle judges" in the Allahabad high court. And a Rajya Sabha panel had found Justice Soumitra Sen of the Calcutta high court guilty of misappropriation of funds and may well proceed with his impeachment.

So, what happens when a judge is found to be erring? Who pronounces judgement on him and what is the mechanism available under the constitution to punish such a person? At present, while transfers are used to deter the guilty, they are hardly punishments. Instead, the only serious punishment that can be meted out is by way of impeachment. This is a long and complicated legislative process, involving a motion by at least 100 Lok Sabha or 50 Rajya Sabha MPs. In the absence of such an extreme step, there is little by way of tangible action that can be taken against corrupt judges.

Which is why, there is an increased clamour to get a new

mechanism to provide much-needed judicial accountability. The government may be contemplating bringing about a bill to this effect in the next session of the Parliament and some of the measures mooted include having a five-member national judicial oversight committee chaired by the Chief Justice of India, including the attorney general, CJI-nominated judges from the SC and high court, and an eminent person recommended by the president.

This committee would set up a scrutiny committee to conduct time-bound investigations (within three months). They would

Is greater judicial accountability the way out?

	Valid Percent
Can't Say	12.1
Yes, Definitely	66.4
Yes, may be but this is not a better solution	7.1
No, Judiciary is already accountable	14.4
Total	100.0

Base: All Respondents

have many punitive options, including withdrawal of judicial work and public censure. If such measures are put in place, it would go a long way in stemming the rot as well restoring the credibility of the Indian judiciary in the eyes of the public.

In a nod to an urgent need to restore credibility to the Indian judicial system, an overwhelming number of respondents in a recent CVOTER survey agreed that the judiciary needed to be overhauled at the earliest. As many as 85.5 per cent of respond-



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ents across 21 states agreed definitely with this suggestion. In contrast, only 4.8 per cent felt that there was no need for any

Former Chief Justice of India and present NHRC chairman KG Balakrishnan is under a cloud. Should he step down?

	Valid Percent
Can't Say	29.2
Yes, Definitely he has no right to continue with this position	34.6
Yes, May be	5.5
No, He should quit only if found guilty	30.7
Total	100.0

Base: All Respondents

change and they completely trusted the judiciary as it is.

When asked whether they believed corruption was the biggest problem plaguing Indian judiciary, more than three quarter



(78.4 per cent) of the respondents agreed definitely with the suggestion. Another 12 per cent also replied in the affirmative but with the addition of "yes, may be" taking the overall percentage of respondents who think that corruption mars the judiciary in India to an overwhelming more than 90 per cent!

Two thirds or more than 66 per cent of the respondents also agreed that "yes, definitely" greater accountability was the way out for our beleaguered judiciary. However, opinion seemed more divided on the question of NHRC chairman Balakrishnan. When asked whether he should step down, a majority of 34.6



per cent of the respondents felt that he should since he had no right to continue. More than 30 per cent, on the other hand, felt that no, he should not resign and do so only if conclusively found guilty. Another 29.2 per cent were undecided and responded "can't say".

Finally, there can be no looking away from the fact that a majority of Indians not only support judicial reforms but are actively hopeful that these will come about in the near future. Fifty five per cent of respondents replied in a firm affirmative when asked whether they believed that judicial reforms in India would happen soon. An additional 15.3 per cent also agreed but less firmly ("yes, may be") while only 22 per cent disagreed. With clear public support on the matter, the legislature and judiciary should both go about addressing this issue urgently.

Do you expect judicial reforms to be initiated in India in the near future?

	Valid Percent
Can't Say	7.7
Yes, Definitely	55.0
Yes May be	15.3
No, Not at all	22.0
Total	100.0

Base: All Respondents



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A recent CVOTER survey finds out....

Fifty per cent of middle class voters don't believe that the government can check inflation

In a season of scams and one political skeleton tumbling out in various states as well as at the centre, Prime Minister Manmohan Singh's cabinet reshuffle of last month was always going to be a much anticipated exercise on part of political watchers as well as the aam janta. Who would get dropped or have his wings clipped, who would get the coveted heavyweight portfolios, would the allies gain ground, and above all who would get the telecom portfolio from which A Raja, the tainted minister had just been evicted? These were some questions that were hotly debated and their answers eagerly sought.

However, the ensuing reshuffle proved to be a damp squib by



Methodology:

National representative sample of 1392 randomly selected respondents by CATI across 21 states in India during 20th to 22nd Jan. 2011. Data weighted to known census profile. Margin of error +\ -3% at national level.

comparison. There was a minor expansion to the council of ministers and some juggling around with portfolios but by and large the prime minister kept most of his colleagues, errant or otherwise. The top four ministerial jobs (Finance, Home, External Affairs and Defence) were left untouched, and only three new faces were added by way of Beni Prasad Verma (Mos with independent charge), Ashwani Kumar and KC Venugopal. And to those who complained that the cabinet reshuffle was a trifle pointless beyond sending out some "signals" to allies and election-bound states, the prime minister promised a more expansive exercise later in the year. But if symbolism was the mere point of the reshuffle, there was some writing on the wall that was hard to miss.

Some political analysts would argue that such symbolism (as also the recent action of Raja's arrest) is too little too late and does not help the cause of the ruling party at all that has lost

Will the latest Cabinet reshuffle help the UPA government refurbish its dented image?

% within c5. Income Gp					
	Can't Say	Definetly Yes	Yes May be	No, Not at all	
LIG	27.2%	41.3%	15.7%	15.9%	100.0%
MIG	21.5%	25.3%	27.3%	25.9%	100.0%
HIG	35.5%	26.0%	10.0%	28.5%	100.0%
Total	26.4%	33.1%	19.1%	21.4%	100.0%

Base: All Respondents



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face due to the spate of recent scams, ranging from Adarsh housing in Maharashtra to the Commonwealth Games mess to the telecom scam. The Congress leadership has been seen as

So how far has this exercise in symbolism gone on to restore the people's faith in the Manmohan Singh government after a season of scams? Did it have an impact as far as the government's perceived credibility is concerned or did the people take it as a weak reaction of a beleaguered government, hemmed in by the compulsions of coalition politics? A recent CVOTER survey sought to answer these critical questions.

There seemed to be a mixed verdict with regard to the question whether the recent cabinet reshuffle will help the UPA government refurbish its dented image? While a majority of more than 33 per cent of respondents replied "definitely yes" in a thumbs up to Manmohan Singh's gesture, a substantial percentage was more tentative with more than 19 per cent replying "may be" and 26.4 per cent across income groups replying "can't say", while 21.4 per cent outrightly declared that "no",

Some Congress leaders blame coalition politics for UPA's failures. Do you agree with them?

% within c5. Income Gp					
	Can't Say	Definetly Yes	Yes May be	No, Not at all	
LIG	28.4%	37.0%	8.3%	26.2%	100.0%
MIG	16.4%	25.7%	23.2%	34.8%	100.0%
HIG	36.0%	32.5%	11.0%	20.5%	100.0%
Total	25.2%	32.2%	14.2%	28.5%	100.0%

Base: All Respondents

Can this government keep the runaway inflation figures in check?

% within c5. Income Gp					
	Can't Say	Definetly Yes	Yes May be	No, Not at all	
LIG	17.4%	33.6%	12.9%	36.1%	100.0%
MIG	3.1%	27.7%	18.6%	50.5%	100.0%
HIG	14.0%	31.5%	14.5%	40.0%	100.0%
Total	11.7%	31.1%	15.2%	42.0%	100.0%

Base: All Respondents

reluctant and slow in punishing the guilty, and that may well be true.

the reshuffle will not refurbish the government's image at all. Across income groups, the highest number of people who believed that the reshuffle signals the government's will to tackle



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corruption came from the lower income group (41.3 per cent), with only 25.3 per cent of the middle class and 26 per cent of the higher income group people being confident about the action and saying “definitely yes” to the query.

A majority of more than 46 per cent of respondents across income categories agreed answering (“definitely yes” or “yes, may

However, the masses came out strongly against the present government allies or not when it came to the question of inflation. When asked whether they thought the present government would be able to keep the present high inflation figures in check, a majority of more than 36 per cent of the lower income group replied in a resounding “no, not at all”, while more than 50 and 40 per cent of the middle and higher income group

Do you think NDA could have done a better job in the current circumstances?

	% within c5. Income Gp				
	Can't Say	Definetly Yes	Yes May be	No, Not at all	
LIG	21.8%	37.8%	19.3%	21.2%	100.0%
MIG	17.6%	40.0%	22.2%	20.3%	100.0%
HIG	22.0%	41.0%	11.0%	26.0%	100.0%
Total	20.3%	39.1%	19.1%	21.6%	100.0%

be”) with Congress leaders who said that allies and coalition politics were bogging down the government. Of these, once again, it was a majority of lower income group individuals (37 per cent), who replied with a firm “definitely yes”, when asked the question whether coalition partners were to be blamed for the Congress’s image being dented. In comparison, more than 25 per cent and 32 per cent respectively of the middle and higher income groups replied “definitely yes” to this question.

Base: All Respondents
 people respectively replied similarly in a firm “no, not at all”. Clearly, these answers reflect a crisis of confidence that the UPA government is facing when it comes to inflation and high food prices. A total of more than 41 per cent of Indians across income groups are totally convinced that the government will not be able to tame the price spiral. At a time when many states are going for elections, this should serious worry the Congress.



When asked whether they thought the NDA coalition would have done a better job in the present scenario, a substantial 39.1 per cent of respondents across income groups responded in “yes, definitely”. An additional 19.1 per cent replied “may be, yes”, making the total affirmatives into more than 58 per cent of the respondents. Of these, about 53 per cent of those in the lower income groups said either “definitely yes or “yes, may be” to the question of the NDA being able to tackle the present scenario better, a whopping total of 62.2 per cent of the middle classes replied similarly, while 52 per cent of those in the higher income group replied in the affirmative (definitely or may be). Clearly, the signs are troubling for the UPA government.

