

Issues with Judiciary

Why in news?

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The saga of Justice C.S. Karnan's outrageous behaviour and the Supreme Court's handling of the matter became an unseemly spectacle.

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What is the issue?

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- **This recent spate has brought to the forefront the issue of judiciary's independence, judicial accountability and the appointment process, which must be transparent.**

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- The Judges Inquiry Act, 1968, falls short of prescribing a procedure to deal with errant judges.

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- The system of impeachment doesn't work due to its onerous and political nature.

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- In the **absence of an effective law for judicial accountability**, this problem will continue.

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What is needed?

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- There is need for a **full-time body for appointments** as well as for receiving complaints against judges.

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- An ex-officio body of judges and government functionaries cannot do justice to the enormous task of screening and selecting judges to our highest courts.

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- Only a full-time commission, independent of the government and the judiciary, can impart transparency and credibility to the system of appointments to the higher judiciary.
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 - The interests of transparency require that the **appointments process not be shrouded in secrecy**, which breeds nepotism and favouritism.
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 - We need a system where names of meritorious candidates are shortlisted and put out for the public to raise their objections and provide relevant information that the appointing authorities may not have about the proposed appointees.
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 - Clearly-defined criteria for assessing the suitability of a judge would bring objectivity in the process.
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What is the way forward?

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- The government and the judiciary have been going back and forth on the memorandum of procedure for appointments to the higher judiciary and many appointments are being confirmed in haste.
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 - The new selection process must ensure that the courts are not flooded with unworthy people who are not committed to defend constitutional values.
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 - The judiciary needs to assert itself vis-a-vis a government that is keen to subvert it from within.
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Source: Indian Express

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