

Transparency in Confering 'Senior Advocate' Designation

What is the issue?

\n\n

\n

- Supreme Court has laid down guidelines for designating lawyers in the Supreme Court and High Courts as senior advocates.

\n

- SC's senior advocate guidelines can be used to guide collegium in judges' selection too.

\n

\n\n

What is the new process?

\n\n

\n

- Previously, the judges of the SC and HC had the sole discretion of according this status to advocates.

\n

- Now, applications will be vetted by a permanent committee known as the Committee for Designation of Senior Advocates.

\n

- **Members** - It will have 5 members and a permanent secretariat.

\n

- The committee will consist of the Chief Justice of India, two senior-most judges of the SC/HC, 'Attorney General of India' or 'Advocate General of State'.

\n

- Additionally a person from the Bar will be nominated by the above mentioned members as a 5th member.

\n

- **Assessment** - The committee will compile all the relevant candidate information and examine his case.

\n

- It with regard to the reputation, conduct, integrity, free legal work, judgments in cases for which the advocate has appeared etc...

\n

- The committee will examine each candidate's case, interview the candidate, and make its evaluation.
\n
- This system is transparent and objective, and provides equal opportunity to all candidates.
\n
- **Cons** - There is a proposal to publish names online for inviting complaints & suggestions ensuring better transparency.
\n
- This may find some opposition with regard to privacy.
\n
- There have also been reports of motivated complaints & objections.
\n
- The secretariat might be dragged into the dilemma of investigating frivolous complaints or objections.
\n

\n\n

Can this be considered for Judicial Appointments?

\n\n

- Currently appointments to the higher judiciary is through a non-transparent collegiums system.
\n
- The institutional mechanism for conferring senior Advocate status also seems suited to substitute the existing collegium system.
\n
- Hence, the sooner the judiciary adopts such a mechanism for judges too, the better it is for the institution.
\n

\n\n

What is the current scenario in Judicial Appointments?

\n\n

- Political interference in the selection of judges in the 1970s, forced the evolution of collegium system.
\n
- However, the opaqueness and unsatisfactory selection, transfer, and elevation of judges to the Supreme Court caused friction.
\n
- This led to the passing of the Constitution (99th Amendment) Act, 2014 that

called for the establishment of National Judicial Appointments Commission - NJAC.

\n

- NJAC sought to give politicians and civil society a final say in the appointment of judges to the highest courts.

\n

- In 2015, a Constitution Bench of the SC declared NJAC unconstitutional on the ground that it interefered with judicial independence.

\n

\n\n

\n\n

Source: The Hindu

\n

