

THE WORKINGS OF THE SUPREME COURT COLLEGIUM

Context

- The Chief Justice of India (CJI) N.V. Ramana's collegium has been particularly successful in recommending numerous judicial appointments and scripted history by getting nine Supreme Court judges appointed in one go.
- The article thus discusses about the collegium system, its working and gains so far.

About collegium system

- **Description:** It is a system under which appointments and transfers of judges are decided by a forum of the Chief Justice of India and the four senior-most judges of the Supreme Court.
- **Position:** It has no place in the Indian Constitution. The basic tenet behind the collegium system is that the judiciary should have primacy over the government in matters of appointments and transfers in order to remain independent.
- **Background:** The collegium system was born out of years of friction between the judiciary and the executive that was accentuated by instances of **court-packing** (the practice of changing the composition of judges in a court), **mass transfer** of high court judges and two **supersessions** to the office of the CJI in the 1970s.
- **Evolution:** The collegium system has its genesis in a series of three judgments as follows:
 - **First Judges case (S P Gupta case 1981):** "Primacy" of the CJI's recommendation on judicial appointments and transfers can be refused for "cogent reasons." The ruling gave the Executive primacy over the Judiciary in judicial appointments for the next 12 years.
 - **Second Judges case, 1993** introduced collegium system. It ruled that the CJI would have to consult a collegium of his two senior-most judges in the apex court on judicial appointments and such a "**collective opinion**" of the collegium would have **primacy** over the government.
 - **Third Judges case, 1998:** SC on Presidential reference under Article 143, expanded the judicial collegium to its present composition of the CJI and 4 of his senior-most judges.

Working of collegium system

- **Powers:** The government's role is limited to getting an inquiry conducted by the Intelligence Bureau (IB) if a lawyer is to be elevated as a judge in a High Court or the Supreme Court. It can also raise objections and seek clarifications regarding the collegium's choices.
- The collegium can **veto** the government if the names are sent back by the latter for reconsideration.

Mode of judicial appointments to the Supreme Court

- The appointment of the CJI and judges of the apex court is governed by a **Memorandum of Procedure**. The CJI and the judges of the Supreme Court are appointed by the President under clause (2) of **Article 124** of the Constitution.
- **CJI appointment:** The appointment to the office of the CJI should be of the senior-most judge of the Supreme Court considered fit to hold the office. The Union Law Minister seeks the recommendation of the outgoing CJI on his successor.
- Once the CJI recommends, the **Law Minister** forwards the communication to the **Prime Minister** who would advise the **President** on the appointment.
- **SC Judge appointment:** When a vacancy is expected to arise in the apex court, the **collegium** recommends a candidate to the **Union Law Minister**. The **CJI** consults the rest of the Collegium members, as well as the **senior-most judge** of the court hailing from the **High Court** to which the recommended person belongs.
- The **opinions** of each member of the Collegium and other judges consulted should be made in **writing** and form part of the file on the candidate sent to the government.
- If the CJI had consulted **non-judges**, he should make a memorandum containing the **substance of consultation**, which would also be part of the file.
- After the receipt of the Collegium recommendation, the Law Minister would forward it to the Prime Minister, who would advise the President in the matter of appointment.

Has judicial appointments lowered pendency in SC

- **Unfavourable outcome:** The increase in the number of judges has not guaranteed lower pendency of cases in the apex court over the years. A steady **rise in arrears** regardless of the periodic increase in judicial strength has been a **constant** phenomenon since **1950**.

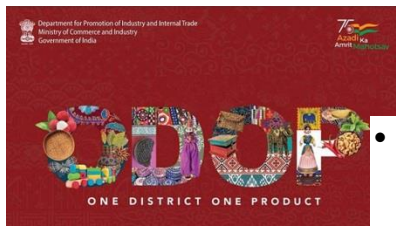
- **Demonstration:** The number of pending cases has risen to **71,411** as on **August 1, 2022** from a little over 55,000 in 2017 despite the fact that the sanctioned judicial strength of the court was increased to **34 judges** in August 2019.
 - The year 2020 ended with a backlog of 64,426 cases and 2021 with 69,855 cases.
- **Present strength:** The court currently has 31 working judges. Four serving judges, including Chief Justice Ramana, would retire in the next few months.
 - His successor **Justice U.U. Lalit**, is scheduled to retire in November 8, with hardly a **three-month tenure** as top judge.
 - **Justice D.Y. Chandrachud** is in line as per the seniority norm to be the **50th CJI** in November.

Arguments against the collegium system

- **Insufficient background checks:** The administrative burden of appointing and transferring judges without a separate secretariat or intelligence-gathering mechanism dedicated to collection of and checking personal and professional backgrounds of prospective appointees.
- **Non-formal and opaque:** A closed-door affair without a formal and transparent system and has also been accused of nepotism.
- **Overlooks talent pool:** The limitation of the collegium field of choice to the senior-most judges from the High Court for appointments to the Supreme Court, overlooking several talented junior judges and advocates.

ONE DISTRICT – ONE PRODUCT (ODOP)

Commerce and Industry Minister Piyush Goyal has unveiled the digital version of the One District-One Product (ODOP) gift catalogue during the Export Promotion Councils and Industry Associations meeting at Vanijya Bhawan, New Delhi.



About:

- On the occasion, Mr Goyal highlighted the ways in which the ODOP gift catalogue is a step towards realizing the potential of all districts in the country and will give global recognition to the country's diverse indigenous products.

- He urged all the line ministries, Industry Association, and Export Promotion Councils to utilize products from the catalogue for encouragement to designs and branding.
 - The Minister said that utilizing products from the catalogue will promote a brand image for local products in the international market.
 - The ODOP gift catalogue includes a wide range of products like Fragrances and Oils, Indian Spirits, Home Decor products, Fabrics, and Silks and Shawls.
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PARVAZ

The innovative Market Linkage scheme- PARVAZ possesses tremendous potential for uplifting the economic conditions of the farmers across the Union Territory of Jammu and Kashmir.



About:

- The scheme was launched by the Government with an aim to create market linkage support for the shipment of Agriculture and Horticulture perishables being harvested in Jammu and Kashmir through Air Cargo.
 - Under the scheme, 25 per cent subsidy on freight charges is given for carrying perishable fruits harvested in Jammu and Kashmir for shipment through Air Cargo. The subsidy is provided to farmers through DBT mode.
 - Jammu & Kashmir Horticultural Produce Marketing and Processing Corporation (JKHPMC), the implementing agency of the scheme is regularly creating awareness among the farmers about the significance of this scheme so that ample number of them can take benefit from it.
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AKASA AIR

First Flight of Akasa Air from Mumbai to Ahmedabad inaugurated.



About:

- Akasa Air is the 7th schedule airline with brand name of SNV Aviation having Corporate Headquarters at Mumbai with Boeing Max - 8 aircraft.
- Akasa Air plans to be a low-cost carrier with single fleet and all economy seats.
- Akasa Air is planning to expand its activities to 72 aircrafts in next five years which will significantly enhance the domestic aviation services in India.
- Akasa Air is the first major airline to take to the skies in seven years since Tata Sons- Singapore Airline joint venture Vistara started operations in 2015. Though there have been several new regional carriers, some have shut shop, and a few others have suspended flights due to cash crunch.
- The airline is founded by billionaire Rakesh Jhunjhunwala along with aviation veterans Vinay Dube, who was the CEO of Jet Airways until it closed down in April 2019, and Aditya Ghosh, who earlier helmed IndiGo.

SMALL SATELLITE LAUNCH VEHICLE, SSLV

The Indian Space Research Organisation Chairman S Somanath has said that the maiden launch of the Small Satellite Launch Vehicle, SSLV failed to place the satellites in the intended orbit due to sensor anomaly.

Isro's failed SSLV mission



09.18am
SSLV carrying EOS-2 and Azaadisat satellites from Sriharikota launched

10.00am
Data loss reported 12 minutes into terminal stage of rocket

2.30pm
"Orbit achieved was less than expected, which makes it unstable says Isro

2.45pm
Isro says satellites placed in wrong orbit, no longer usable

About:

- SSLV-D1-EOS 02 launched from Sriharikota launch pad had placed the satellites into 356kmX76 kms elliptical orbit instead of 356 km circular orbit. Due to which the two satellites remained unstable and are no longer usable.
- The ISRO Chairman has said the launch vehicle took off majestically at the intended time from the launch pad in Sriharikota. Its propulsion stages, overall hardware, aerodynamic design and new generation electronics, the separation system used for the first time performed very well.
- However after reaching an altitude of 356 kms there was a failure of logic to identify sensor failure and go for the salvage motion. Hence the launch vehicle developed an anomaly.

- The ISRO Chairman has said that a team of experts will go deeper to find out the reason for this isolation. He emphasised that after a small correction and revalidation, SSLV-D2 will be launched very soon.

MY HANDLOOM MY PRIDE CHALLENGE

On the occasion of the 'National Handloom Day' (August 7) Prime Minister Narendra Modi urged all youngsters associated with the world of startups to take part in my handloom my pride challenge.



About:

- Mr Modi said it is an excellent opportunity to ideate and innovate for weavers.
- On the occasion, an insurance scheme for weavers has come into force in Telangana. About 80 thousand weavers in the state will be benefited by the Insurance scheme.

GOVERNING COUNCIL OF NITI AAYOG

Addressing the seventh meeting of the Governing Council of NITI Aayog at Rashtrapati Bhawan Cultural Centre, New Delhi, the Prime Minister Narendra Modi heralded the collective efforts of all the States in the spirit of cooperative federalism as the force that helped India emerge from the Covid pandemic.



About:

- The Governing Council discussed the agenda items which included crop diversification and achieving self-sufficiency in oilseeds, pulses and agri-commodities, implementation of the National Education Policy and urban governance.



CROSS & CLIMB ROHTAK



- In his closing remarks, the Prime Minister said that each state should focus on promoting its 3Ts, Trade, Tourism, Technology, through every Indian Mission around the world.
 - This was the first physical meeting of the Governing Council since the onset of the pandemic, with the 2021 meeting held via video conferencing.
 - The meeting was attended by 23 Chief Ministers, 3 Lieutenant Governors and 2 Administrators and Union Ministers. The meeting was moderated by Defence Minister Shri Rajnath Singh.
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