

GS II

SYLLABUS: STRUCTURE OF JUDICIARY, SEPARATION OF POWERS.

JUDICIAL APPOINTMENTS

THE HINDU, PG.NO: 6.

News: "The Collegium and changes – it may still be early days."

"Art. 124 & Art. 217 of Indian Constitution deal with the appointment of judges to higher judiciary."

Qualifications for Judge of the Supreme Court:

• According to Constitution of India:

- A person must be a **citizen of India**.
- Have been a **High Court judge** for at least five years.
- Have been a **High Court advocate** for at least 10 years.
- Be considered a **distinguished jurist** by the President.

Collegium System:

- For **appointment and transfer of judges** in the higher judiciary in India.
- For **Supreme Court (SC) appointments**: collegium consists of **CJI plus 4 senior-most Supreme Court judges**.
- For **High Court appointments**: collegium consists of CJI plus 2 senior-most Supreme Court judges.
- CJI after consultation with collegium **recommends to President** for an appointment.
- Supreme Court Judges retire upon attaining the **age of 65 years**.

Evolution of Collegium:

• The Constitution provides that:

- **Judges to the Supreme Court** are to be appointed by the **President of India in consultation with the CJI** and such other judges that he or she deems fit.
- **Judges to the High Courts** are to be appointed by the **President in consultation** with the **CJI**, the **Governor** of the State and the **Chief Justice of that court**.
- **In the case of transfers**, the President may move a judge from one High Court to another, but **only after consulting the CJI**.
- **1st judges case (1982)**: the word '**consultation**' only implies exchange of views.
- **2nd judges case (1993)**:
 - Word '**consultation**' = **concurrence**, advice by CJI (plus 2 judges) is binding on President.
 - If collegium reiterates, judicial appointments must be cleared (a healthy convention).
- **3rd Judges case: Collegium** (4 Judges + CJI).
- **99th CAA 2015: NJAC** (3 judicial members & 2 executive appointees): Declared Unconstitutional by SC.

Removal of Judges:

• According to Judges Inquiry Act, 1968:

- A **removal motion** signed by 100 members (in case of Lok Sabha) or 50 members (in case of Rajya Sabha) is to be given to the Speaker/Chairman.
 - If the motion is admitted, then a **three-member committee** to investigate into the charges is constituted.
 - If the committee **finds the judge to be guilty of the charges (misbehaviour or incapacity)**, the House in which the motion was introduced, can take up the consideration of the motion.

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- **Special majority**: Majority of total membership of the House & majority of not less than two thirds members present and voting.
- Once, the House in which **removal motion was introduced passes it with special majority, it goes to the second House which also has to pass it with a special majority**.
 - After the motion is passed, an address is presented to the President for removal of the judge.
 - The **President** then passes an order removing the judge.

Note:

- Till now, **only two judges so far have been found guilty** for their "misbehaviour" by the three-member committee.
- **No judge has been impeached** in India till date.

Advantages of collegium:

- **Art.50**: Separation of Judiciary from both Executive and Legislature.
- **Secrecy**: proper and effective functioning of the institution.
- **Independence from Executive and Legislature**: Eg: Judges not to worry about transfers and Political influence.
- **Executive being non specialist in Judicial decision making process**.
- **Govt. itself is the biggest litigant** having 50% of the pending cases — **CJI N.V. Ramana**.

Negatives of Collegium system:

- **Not mentioned in the Constitution**, except a ruling of the SC, it has no formal rules to bind it; answerable to nobody.
- **Judicial Overreach**: undermines the checks and balances, making collegium not answerable to anyone.
- **Institution credibility**: Eg: Secrecy may support **nepotism or favouritism**.
- **Lack of Transparency**: selection procedure etc seen as a sort of anarchy.
- **Lack of objective criteria**: may overlook the right candidate.
- **Vacancy of judges despite collegium**: leading to pendency.
- **Violation of People Decision**: Constitutional Amendment Acts (Approved by Both Houses).
- **Standing Committee report 2007**: Both Executive & Judiciary should have roles with Executive having Primacy.

Issues with Executive Appointing judges:

- **Delays**: in Implementing recommendations of Judicial orders or directions.
 - **Eg**. An openly gay individual was recommended in 2017, 2021 and again in 2023 to be appointed as Delhi High Court judge by the collegium but **govt. objected for his strong advocacy for gay rights**.
 - In 2024, **several High Courts functioning with Acting Chief Justices** for months together.
- **Political influence** in functioning hampers judicial independence.
- **Post retirement favours** Eg. Judges of Supreme Court in Rajyasabha.
- **Procedural flaws**: though President appoints judges but President acts on cabinet decisions (no time limit mentioned).

Other country Practices:

- **Canada**: power resides with the Federal Govt.
- **Germany**: Elected by Executive and Legislature.
- **USA**: Nominated by President & confirmed by Senate.
- **UK**: Selection Commission of 15 members of different backgrounds.

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- **South Africa’s Judicial commission model:** composed of 25 members from Executive, Judiciary, Legislature including opposition, non-politicians.

Suggestions for transparency:

- **Formulate, Search-Cum-Evaluation Committee:** proposed by *Law ministry*.
- **Veto to CJI:** ensures primacy of CJI — *Law Commission report*.
- Public disclosure of **objective eligible criteria**.
- **Standing Committee report 2007:** Both Executive & Judiciary should have roles. with Executive having Primacy.
- **Audio and video recordings** of collegium deliberations.

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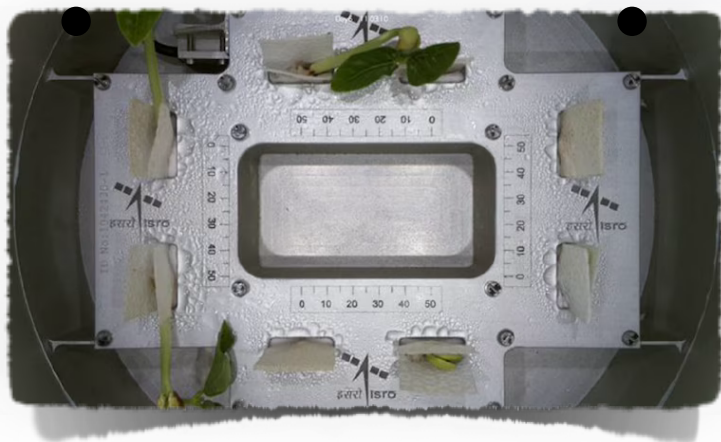
SPACE
PRE-CONTEXT
CROPS PAYLOAD
THE HINDU, PG.NO: 12.

News: “Leaves flutter in space: ISRO’s experiment reaches milestone.”

About CROPS payload:

- The **Vikram Sarabhai Space Centre (VSSC)** developed the CROPS payload, a multi-phase platform to develop and evolve ISRO’s **capabilities for growing and sustaining flora in extraterrestrial environments**.
- A batch of **cowpea seeds** which were taken into orbit by an ISRO mission and which **recently sprouted has unveiled their first leaves**.

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SYLLABUS: PROBITY IN GOVERNANCE: CODES OF CONDUCT.

CODE OF CONDUCT

THE HINDU, PG.NO: 8.

News: “Why were the Kerala IAS officers suspended?”

Digital Governance:

- Digital governance represents a **paradigm shift in how govt. employees and service providers engage with their work**. Technology facilitates effective communication, informed decision-making, and streamlined workflows.

Initiatives:

- **Integrated Government Online Training (iGOT) Karmayogi platform:**
 - Launched in 2020, this online training portal aims to equip govt officials with essential skills in data analytics, public administration, and digital technologies.
 - It was incorporated under Companies Act, 2013 as a 100% Government owned not-for-profit Company.
- **e-Office initiative:**
 - Which digitises govt. workflows, drastically reducing reliance on paperwork and enhancing operational efficiency.
- **Government e-Marketplace:**
 - Transition of procurement processes to the online sphere, with platforms like the GeM.

Issues:

- **Resistance to change attitude** among some segment of workforce and slower adoptions.
- **Lack of incentive concerns for initiatives** like Mission Karmayogi could merely become attendance trackers.
- **The state of evaluation of initiatives is compromised**, as it fails to assess whether these trainings lead to meaningful outcomes, such as providing opportunities to apply new skills through relevant job postings.
- **Digital divide is a pressing issue**, especially in rural areas where access to high-speed Internet and digital tools can be limited.
- **Cybersecurity also looms large as a concern** in the digital governance landscape.

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PYQs

GS II 2023: E-governance, as a critical tool of governance, has ushered in effectiveness, transparency and accountability in governments. What inadequacies hamper the enhancement of these features?



INTERNATIONAL TREATIES

PRE-CONTEXT

NUCLEAR TREATIES

THE HINDU, PG.NO:10.

News: "U.S. to remove Indian entities from restricted lists, says Jake Sullivan."

Context: United States will soon remove Indian scientific and nuclear entities from the "restricted lists" in order to fully realise the potential of the India-U.S. nuclear deal that was signed between Prime Minister Manmohan Singh and President George W. Bush.

Non-Proliferation Treaty (NPT) 1970:

- **Aim:** to prevent spread of nuclear weapons-by monitoring nuclear related exports.
- **India stance:**
 - **Non signatory:** but abiding by NPT rules & deeply interested to join.
 - Strong supporter of complete nuclear disarmament & controlling nuclear trade.
 - India pledged to bring it's nuclear facilities under IAEA safeguards (not all).
- **Need for India:**
 - **Access to state-of-the-art-tech** from other members.
 - **Boost Make in India-INDC goals** (reduce carbon footprint), economic growth.
 - Two nuclear neighbour's (Pakistan and China).

Nuclear Supply Group (NSG):

- **Creation:** London Club - After India's **Smiling Buddha Nuclear Explosion 1974.**
- **Members:** US, UK, France, China, and Russia (**Veto Nations**).
- Guidelines are **"non-binding."**
- Decisions based on consensus.

MTCR:

- **Origin:** 1987 by G7 countries.
- **Aim:** prevent proliferation of mass destruction weapons like missile & UAV Tech (**Weight > 500kg, Range >300km**).
- Informal and voluntary.
- **India is a member**, China is not a member.
- Members are prohibited from supplying prescribed weapons to non members.

CTBT:

- Signed in 1996 but not in force.
- **It bans all (civilian + military) nuclear explosions.**
- **India is not signatory.**
- USA, China (nuclear weapon states) not ratified it.
- **Signing CTBT is not mandatory for NPT.**

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HEALTH

PRE-CONTEXT

HUMAN META-PNEUMO-VIRUS (HMPV)

THE HINDU, PG.NO: 8.

News: "What is the human meta-pneumovirus?"

About HMPV:

- HMPV virus was first identified in children in **2001 in the Netherlands.**
- **Symptoms:**
 - Resembles a **common cold**. They include a cough, runny or blocked nose, sore, throat, fever and wheezing.
 - While the **virus often causes only mild disease.**
- There is **no vaccine and no specific antiviral** to treat HMPV.
- Union Health Ministry noted that the situation in China is **"not unusual in view of the ongoing flu season".**
- WHO and the U.S. Centre's for Disease Control and Prevention have not raised a red flag so far.

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