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Reforming the process of judicial appointments

(The Hindu, 02-09-24)

As of April, 60 lakh cases were pending in various High Courts

- 30% of judge seats remained vacant
- Delays in appointments are often caused by standoffs between the executive and judiciary

What is Collegium System of Judicial appointments?

- Evolved through Supreme Court judgments, not explicitly mentioned in the Constitution.
- Composition
 - Chief Justice of India
 - Four senior-most judges of the Supreme Court.
- Decisions are made through consensus among the judges.
- Limited role for the executive, mainly in providing inputs and processing recommendations.
- Continues to be the system in use for appointing judges to the higher judiciary in India.
- Often criticized for its lack of accountability and transparency, and the prevalence of nepotism.

What is National Judicial Appointments Commission (NJAC)?

- Was introduced through the 99th Constitutional Amendment Act, 2014, giving it constitutional status.
- Composition:
 - The Chief Justice of India as the ex officio Chairperson
 - Two senior-most Supreme Court Judges as ex officio members
 - The Union Minister of Law and Justice as ex officio member
 - Two eminent persons from civil society (to be nominated by a committee consisting of the Chief Justice of India, Prime Minister of India and the Leader of Opposition in the Lok Sabha; one of the eminent persons to be nominated from SC/ST/OBC/minorities or women)
- The Act empowered any two members of the NJAC to veto a recommendation if they did not agree with it.
- The Chief Justice of India and Chief Justices of the high courts were to be recommended by the NJAC based on seniority while SC and HC judges were to be recommended on the basis of ability, merit, and “other criteria specified in the regulations”.
- Was proposed to bring more transparency through broader participation and defined procedures.
- Would have given the executive a more direct role in judicial appointments through the Law Minister's participation. Was considered as more democratic.
- Was struck down by the Supreme Court in 2015, declaring it unconstitutional as the judiciary contended that the NJAC would give the government excessive control over selection of judges, therefore undermining its independence.
 - The Court determined that the NJAC may jeopardise impartiality and objectivity in the appointment process, thus endangering judicial independence.

How do other countries handle judicial appointments?

- UK: Uses Judicial Appointments Commission with diverse membership

- South Africa: Has a Judicial Service Commission advising the President
- France: High Council of the Judiciary involved in the process

What are the arguments for reworking & bringing back the NJAC?

- Could result in faster nominations due to democratic structure
- Might encourage communication between different arms of the state (Judiciary & Executive)
- Could address perceived drawbacks of the collegium system
- Needs to balance judicial independence with accountability

Can you answer the following question?

Critically examine the debate surrounding judicial appointments in India, comparing the Collegium system with the proposed NJAC.

Sudan Conflict

(A crisis in WANA that no one talks about: The Hindu, 02-09-24)

Large and multi-ethnic Sudan is no stranger to civil strife and misgovernance. Since independence in 1956, the country has had 15 military coups and two civil wars, killing 1.5 million people and resulting in the eventual secession of South Sudan in 2011.

For the past two decades, a conflict in the **western region of Darfur** has been waged by the infamous Janjaweed militia, the RSF's precursor, against local non-Arab Muslims, killing over 2,00,000 and displacing two million.

What is the current situation in Sudan?

- Conflict between Sudan Armed Forces (SAF) and Rapid Support Force (RSF)
- Estimated 150,000 deaths and 10 million displaced, which is nearly four times those of Gaza.
- Risk of famine and epidemics like cholera
- Considered the world's worst humanitarian crisis in 2023

What are the root causes of the conflict in Sudan?

- Long history of civil strife and misgovernance since independence in 1956
- Collapse of civilian-military power-sharing agreements after the 2019 overthrow of Omar al-Bashir (who ruled the country for 30 years)
- Underlying ambitions of two warlords: Gen. Abdel Fattah al-Burhan (leading SAF) and Gen. Mohamed Hamdan Dagalo (leading RSF)
- A military coup in October 2021 installed Gen. al-Burhan as the head of state amidst street protests **demanding complete civilian rule.**
- Two decades of ethnic cleansing by the RSF in Darfur and elsewhere in Sudan have stiffened the resistance of several ethnic groups which have sided with SAF

How have foreign interests influenced the conflict?

- Sudan shares land borders with seven countries and a coastline along the Red Sea. It also has plenty of natural resources such as crude, gold and large fertile land, thus attracting foreign interests.

- Various countries supporting different sides: Egypt and Iran backing SAF, UAE & Russia's Wagner group supporting RSF
- Russia is also seeking a naval base
- Attempts at ceasefire by Saudi Arabia, US, IGAD, and African Union have failed

What are the implications of this war?

- Humanitarian Crisis: Massive displacement, potential famine, and health emergencies threatening millions of lives.
- Regional Instability: Spillover effects destabilizing neighboring countries through refugee flows and potential spread of conflict.
- Geopolitical Shifts: Increased foreign intervention and competition for influence in the strategically located country.
- Economic Devastation: Destruction of infrastructure, disruption of trade, and potential long-term economic collapse.
- Terrorism Threat: Potential resurgence of extremist groups exploiting the chaos and power vacuum.

What are India's stakes in the Sudan conflict?

- Record trade of \$2,034 million in 2022-23, mostly in India's favor
- Indian investments in Sudan's upstream sector worth \$2.3 billion
- \$700 million in lines of credit committed to Sudan
- Strong people-to-people ties through students and medical tourists
- Potential threat to Indian interests if conflict revives Islamic militancy

Can you answer the following question?

Analyze the complex geopolitical dynamics of the ongoing conflict in Sudan, highlighting its humanitarian impact and the role of regional and global powers.

