

Important Topic



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N . v Ramana Reforms CJI

Notes for civil services preparation



UPSC

General Studies

From student leader to CJI

Journey

- 1975** A student leader who fought for civil liberties during the Emergency
- 1980** Joined a law college
- 1983** Enrolled at the Bar
- 2000** Appointed a permanent judge of the Andhra Pradesh high court
- 2013** Elevated as chief justice of the Delhi high court
- 2014** Elevated as a Supreme Court judge



Landmark judgments

- **November, 2019:** In the Karnataka assembly case, ruled that disqualification under the Tenth Schedule for defection could not operate as a bar for contesting re-election
- **January, 2020:** Ruled that access to internet is a fundamental right following a communications blackout in J&K after effective revocation of Article 370
- **February, 2021:** Ruled that UAPA doesn't stop courts from granting bail when fundamental rights are violated

1. Delayed release from jails after bail order 'is just too much': CJI

- Supreme Court of India announced on July 16, 2021, to implement a system for safe digital transmission of its bail orders to jails across India.
- With the implementation of 'safe digital transmission of bail order' scheme, authorities will not be required to wait for authentic orders to release prisoners.
- Bench headed by Chief Justice N V Ramana has directed Secretary-General of Supreme Court to submit proposal on safe digital transmission of its bail orders scheme.
- Bench directed to implement scheme within a month.
- It also requested states to provide information on availability of internet connection in jails across India because, digital transmission scheme would require an internet connection.
- Senior Advocate Dushyant Dave has been appointed as amicus curiae to aid implementation of scheme.

Background

- Supreme Court took suo motu cognizance, on July 13, 2021, of delay by Uttar Pradesh authorities in releasing 13 prisoners who were granted bail by supreme court on July 8, 2021. Prisoners were juveniles when they were convicted and have been lodged in Agra Central jail for 14 to 22 years in a murder case.

Amicus Curiae

- One who is not a party to case but assists court by offering information, expertise, or insight with bearing on issues in any case are known as “Amicus Curiae”. The decision of considering brief by amicus is subject to discretion of court. This figure originated in Roman Law. Amicus Curiae is a Latin phrase that literally means ‘friend of the court’

2. Why do you need the ‘colonial law’ of sedition after 75 years of Independence, CJI asks govt.

Context

- Chief Justice of India N V Ramana has ignited a passionate debate during a preliminary hearing concerning whether “sedition” should be an offence at all, and how to prevent its misuse or abuse, were it to remain

Issues with the sedition under Section 124A

- **Against fundamental right:** The meandering meanings of expressions such as “disaffection” towards the government, “hatred”, “contempt” etc. constitute an unreasonable restriction on the fundamental right to free expression guaranteed under **Article 19(1)(a)**.
- Neither the framers of the Constitution nor the authors of the amended Article 19(2) included “sedition” as a ground for “reasonable restriction” to freedom of speech and expression.
- **Colonial past:** CJI Ramana in preliminary hearings has pointedly asked the Attorney General whether “sedition under Section 124A of the Indian Penal Code is still required after 75 years of independence from colonial rule.
- **Prone to misuse:** The lack of definition of terms used in the section leaves wide the scope for interpretation and thus rampant misuse and abuse.

Conclusion

- What Gandhiji said — the law may not be used to “manufacture affection” under pain of a penal sanction — was as true then as it remains now. It is high time to realise that the law of “sedition” must go, even when it may strictly not even exist!

3. CJI made ‘statement of law’ at CBI panel:

- The Centre has appointed Maharashtra cadre IPS officer of 1985 batch, Subodh Kumar Jaiswal, currently Director General of the Central Industrial Security Force, as CBI Director for two years.
- The government has picked him from a panel of three officers who were shortlisted by the Prime Minister-led Appointments Committee of the Cabinet (ACC) consisting of CJI as well as leader of the largest opposition party in the Lok Sabha.

What is the ‘statement of law’ made by the CJI?

- In the PM led panel, Chief Justice of India N.V. Ramana opined to avoid officers with less than six months left to retire for appointment as CBI Director. This is being termed as a simple “statement of law”.
- Because, as per the CJI, the panel’s selection of officers should be able to withstand the “scrutiny of law in the future”.

Supreme Court’s views and judgements in this regard:

1. **Prakash Singh case:** The **six-month minimum residual tenure rule** was introduced by the Supreme Court in a March 13, 2019 order in **the Prakash Singh case** pertaining to the appointment of DGPs. It was extended to the CBI Director too.
2. **Union of India versus C. Dinakar, 2004:** “Ordinarily IPS officers of the senior most four batches in service on the date of retirement of CBI Director, irrespective of their empanelment, shall be eligible for consideration for appointment to the post of CBI Director”.
3. **The Vineet Narain judgment of 1998:** The Director is to hold the post for not less than two years. He/she may not be transferred except with the previous consent of the high-level committee.

Implications of this stand by CJI:

- The CJI's reliance on the 2019 order – which the other two members including the prime minister complied with – would mean that the degree of discretion which this government enjoyed before Jaiswal's selection has now been limited, while appointing persons to sensitive posts which require persons of impeccable character, integrity and professionalism as incumbents.

4.CJI Ramana says 'sorry state of affairs' in Parliament, lack of clarity on laws

Context

- Chief Justice NV Ramana said earlier debates in the two Houses used to be very wise and constructive, but now there was lack of clarity in laws that are being enacted in Parliament.
- Chief Justice of India NV Ramana said on Sunday Parliament was witnessing a sorry state of affairs and there was no clarity of laws leading to a lot of inconvenience for all.
- The chief justice said earlier debates in the two Houses of Parliament used to be very wise and constructive, but now there was lack of quality in the discussions being held while enacting laws, adding that such a situation usually arose when intellectuals and professionals like lawyers were not present in the House.
- The CJI's statement came amid widespread criticism of the recently concluded monsoon session of Parliament that came to an abrupt end, two days ahead of its schedule, due to repeated disruptions and ruckus in both Houses.

5.Threat to human rights highest in police stations: Chief Justice of India NV Ramana

Context

- CJI N V Ramana talked about rampant custodial killings across India and called for a nationwide sensitisation of police officers
- Terming the project "Access to Justice" as an "unending mission", the CJI also said that to become a society governed by the rule of law, it was necessary to "bridge the gap of accessibility to justice between the highly privileged and the most vulnerable".

- “If, as an institution, the judiciary wants to garner the faith of the citizens, we have to make everyone feel assured that we exist for them. For the longest time, the vulnerable population has lived outside the system of justice,” he said.

6. Need for separate law enforcement agency for the protection of Judges

7. Chief Justice N V Ramana upset with reports on Supreme Court collegium on judges

