

- **Concern in removal procedure:** Lack of clarity as terms like misbehavior, Cumbersome and tedious Impeachment process, Politicization
- **Way forward:** Transparency in Appointment, Greater Internal regulation, Judicial accountability

Judge's Recusal

- **Context:** CJI Ranjan Gogoi himself hearing a case involving sexual harassment allegations against him.
- **Recusal** is the act of abstaining from participation in a particular official action as a judge or policymaker due to a conflict of interest or prior association with the parties in the case
- **Need of recusal:** In-line with the Principle of natural justice
- **Way Forward:** Avoid misuse, Upholding oath of office

Judicial accountability

- **Need of judicial accountability:** To uphold public trust, Judicial Independence, Principle of natural justice
- **Areas where judicial accountability is lacking:** Judicial Appointment, Removal, Conduct of judges, Opacity in operation, Information asymmetry, Contempt of court, Judicial overreach, Non-declaration of assets by judges
- **Steps taken to ensure judicial accountability:** Judicial Standards and Accountability Bill, 2010, Draft Memorandum of Procedure, 2016, An independent judiciary is a primary prerequisite for a healthy, vibrant, functioning democracy like India
- **Lack of transparency in Judiciary--Virtually outside RTI:** Study by Vidhi Centre has found that there is a "yawning gap" between the judiciary's pronouncements on the RTI Act and how the High Courts are implementing it.

Corruption in judiciary and need of vigilance wing

- **Reasons for judicial corruption:** The judicial system is highly dilatory and ordinary citizens find it hard to seek redress, as litigation is expensive, Misuse of power, Difficult impeachment process, Slow and inefficient system
- **Steps to control corruption:** Use of technology, Reduce the gap, Making the judiciary accountable
- Promotion of ADR, Increase number of judicial officers and number of fast track courts, Code of conduct for judges, Inquiry of corruption charges by retired judges of high credibility.

Conclusion: Building citizens' confidence in the judiciary is the constitutional mandate of the judiciary

Article 131

Significance of Article 131: Quasi-federal constitutional structure, Dispute resolution tool

Concerns with Article 131: Not for private citizens

Way forward: Politically motivated pleas must not be entertained by the SC

Judicial activism and judicial overreach

- **Benefits of Judicial activism:** Checks and balance, Judges wisdom, Constitutional obligation, Insight into the issue, Complete delivery of justice, Speedy solution
- **Concerns over Judicial overreach:** Undermining the doctrine of SOP, Negligence of the challenges faced by legislature and Executive, Lack of accountability of the judiciary, Uncertainty in laws
- **Way ahead:** Exercise self-restraint, Improving the quality of legislation

Conclusion: Making law is the function of the legislature and the executive has to implement it properly.

Contempt of Court

- **Need of contempt power:** Upheld court honour, Independence of the judiciary, Protection from the opinion of public and media trials, Credibility and efficiency of judiciary
- **Argument against:** Free Speech and Expression, Vague grounds, Against the Principle of Natural justice
- **Should the provision be retained or not?:** Law Commission->no requirement to amend the Act, **A high number of contempt cases:** -> Justify the continuing relevance of the Act.
- **Way forward:** Reduce discretion, Punishment shall be the last resort

Conclusion: Public institutions in a free society must stand upon their own merits

Lack of representation of Women in Judiciary

- **Importance of women representation:** Constitutional obligation - Articles 14,15,16,39 and 42 provides for gender justice, breaking Patriarchal Barrier, Global commitment - SDG 5 and SDG 16
- **Important issues:** Gender insensitivity→ Recent CJI comment of asking rape accused to marry the