

UPSC

Answer Questions in NOT MORE THAN the Word Limit specified for each in the Parenthesis.
(Specimen Answer Booklet - For Practice Purpose Only)

(Please do not write anything except the question number in this space)
कुछ इस स्थान में प्रश्न संख्या के अतिरिक्त कुछ न लिखें।

उम्मीदवारों को इस हार्शिए में नहीं लिखना चाहिए
Candidates must not write on this margin

Q. Discuss the Process of appointment of Judges of SC & HC. And Give suggestions to bring in Transparency in appointment process -

Mention Articles
state specific
(value added content)

→ Appointment of Judges of SC & HC is a vital function to ensure the independence of Judiciary is at primary as it is also a part of Basic Structure Doctrine

Art 124(2)
Art 217

Process of Appointment of Judges

① Article 124 states that President shall appoint Judges of Supreme Court.

② As per the provisions mentioned in 1, 2, 3, 4th Judge Case SC Judge Appointment → CJI + 4th Senior Most Judge Recommendation is Required.

→ mention case laws

③ And for HC Judges → CJI + 2 Senior Most Judge + concerned HC Senior Judge Recommendation is Required.

The process further involves the names to be passed to Central legislation and finally to President.

The primacy of Judiciary prevails as they are the most competent Body for Appointment.

mention HC Articles too

Structure well shows evolution flow chart + case laws



ambika

mb.ec

UPSC

Answer Questions in NOT MORE THAN the Word Limit specified for each in the Parenthesis.
(Specimen Answer Booklet - For Practice Purpose Only)

उम्मीदवारों को इस हाथिए में नहीं लिखना चाहिए
Candidates must not write on this margin

Conflict of Executive vs Judiciary

① S.P Gupta vs UOI (1982) → Executive order is final & Judiciary Recommendation was just consultative. → (1st Judge case)

② SOADRA vs UOI (1994) → 2nd Judge case reiterated the primacy of Judiciary power to appointment

③ SOADRA vs UOI (2015) → 4th Judge case declared 99th CAA to be unconstitutional & declared NJAC as Ultra Viras.

These cases signifies that to bring Independence in Judiciary functioning and to secure Rule of Law & Separation of Power, the power of appointment shall not ~~have~~ include executive.

Transparency Suggestions

① To Give Clarity on Appointment based on Merits, integrity, experience. → National Judicial Commission Bill

② Ensure Diversity by appointing Judges from SC, ST, women, different Regions, etc

③ fixed timeline should be provided to avoid any hindrance. → Regulate Transfer

Thus, with Independent Judiciary it increase the Public Trust in the Judicial system which helps to promote Unity, Diversity & Law and order. **removal in**

Lawyer & Advocate v. UOI

make stationary specific

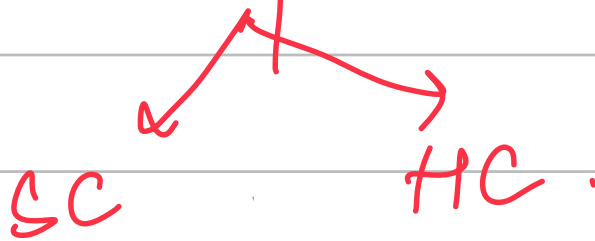
write above or answer quality

write above or answer quality

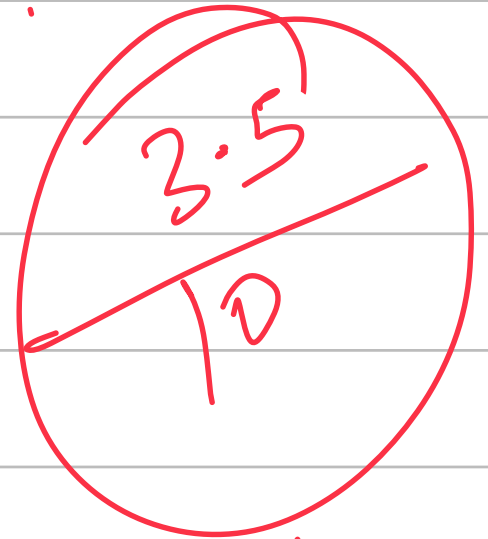


Case
Supreme Court
Federal Association

Outline the process clearly



Give
eligibility
&
Qualification



work on structuring, value
addition & original
more specificity.

~~keep writing~~

