Twitter Thread by NEO



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Judicial System of India (Explained)

In this thread, U will understand-
1. How Indian Judiciary operates
2. How judges of SC, HC and SS r appointed
3. How they can be removed
4. Role of Law ministry
5. Judicial corruption

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Indian Judiciary is completely independent from Legislative (State n Central Govt). That means entire process of appointment, transfer, removal, administration is taken care by Judiciary only n there is no political interference in it.

Indian constitution gives 2 unique powers to Judiciary and that makes it super powerful
1. They r protector of constitution n they can go to any extent to protect constitution
2. They r the interpreter of constitution. Indian constitution is not descriptive, its one liners

so court have full freedom to interpret in whatever way they want n this power is misused a lot.
Like India constitution use the word minority but doesn't define what is minority
So they interpreted in whatever way they wanted

Hierarchy of Indian Judiciary
1. District courts : Session courts, metropolitan courts, special courts. In every city
2. High court ; 1 in every state
3. Supreme court : 1 in country at New Delhi

Appointment n Transfer of Judges

In India Judges r not appointed by some entrance exam like IAS or IES. They r appointed straight away by a team of 5-7

Judges. That team is called collegium. This appointment procedure didn't mention in Indian constitution but was made by judges

by three judgement order. These 3 judgements were-

S. P. Gupta v. Union of India - 1981 (also known as the Judges' Transfer case)
Supreme Court Advocates-on Record Association vs Union of India - 1993
In re Special Reference 1 of 1998

Procedure to appoint judge in

District Court :
there r 2 ways
high court can appoint any lawyer who have 7 year experience
or
By State judicial services exam n then interview by high-count

Judges of the higher judiciary (HC and SC) are appointed only through the collegium and the government has a role only after names have been decided by the collegium

Collegium System for appointment in HC and SC Judges

The SC collegium is headed by the CJI (Chief Justice of India) and comprises four other senior most judges of the court.
A HC collegium is led by its Chief Justice and four other senior most judges of that court.

Procedure to appoint judge in High Court

-any advocate who has experience of 10 year can become high court judge
- proposal initiated by HC Collegium sent to Supreme Court collegium - law ministry - state govt - governor

Procedure to appoint Supreme Court Judge

Any person can become supreme court judge
- 5 year experience as judge in any HC
- 10 year experience as advocate in HC

SC collegium decides who will become SC judge n sent recommendation to Law ministry n after getting approval President appoint them.

Who will become next CJI is decided by current CJI on the basis on seniority

So now u have understood that there is no competitive exam to become judge in HC or SC
To Whomsoever these HC n SC judges decide they can make them Judge.
N this has become the major reason of nepotism in Indian judiciary.

Its said that from last 70 years only 300 families r controlling Indian judiciary.
Its said Judges recommends the name of only their relative family members.
Its impossible to those lawyers to get place in Indian judiciary who r not from elite melord family.

Collegium sends list of judge for the appointment to law ministry. Law ministry can object and send back to collegium for reconsider but if collegium resend to law ministry then Law ministry is bound to accept it whether like or not.

If u search on google, u will find 100s of cases where how collegium abused their power n appointed judges to their family members.

Currently there r 3 crore pending cases in India n Indian Judiciary works hardly 200 days in a year.

No country have such type of one sided collegium system that India have.

India Judiciary has 0 accountability that means u cant criticize them, make them legally responsible for their judgements.

Judicial Corruption
In April 2017, a judicial Magistrate Debanjan Ghosh gave bail to a murder accused, and it is alleged that it is unusual unless huge money is involved.

n Dec 2009, Prashant Bhushan said, "out of the last 16 to 17 Chief Justices, half have been corrupt

There have been allegations that judges with doubtful integrity were elevated within the higher judiciary and campaigns held for their impeachment

Impeachment process of Judges is also so complex that its impossible to remove them.

Impeachment process
1. Proposal is initiated by 100 Loksabha or 50 Rajya sabha MPs
2. Speakers make a inquiry committee. Who r the members of that committee ?
- Supreme court judge
- high court judge
- jurist

Judge can be impeached only if this inquiry committee of their fellow judge recommends.

Till now no supreme court judge ever impeached in India.
One high court judge has been impeached for the corruption.

In 2014, Modi govt brought NJAC to change the appointment procedure of these Melords
but in 2015, Supreme court dismissed this NJAC.

Nepotism in Indian judiciary
ref: https://t.co/Nj4hFjm57h

Govt gives proof of Nepotism to SC in 2018 but SC ignored it
https://t.co/P3o7EJXoJ4

Why its impossible to become judge in India if u don't belong to elite group
Ref : https://t.co/seT61Xj3IY

A thread by @InfinityTarun
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This thread can be copy pasted from my telegram account in evening
https://t.co/QJGDnIM68v