

Recusal of Judges

❖ Context

- Recently former Supreme Court judge Justice M.R. Shah refused to recuse himself from hearing ex-IPS officer Sanjiv Bhatt's plea for additional evidence in his appeal against conviction in a 1990 custodial death case at the Gujarat High Court.



❖ Reasons for Judges to Recuse:

- **Potential conflict of interest:** Judges may withdraw from a case to avoid the **perception of bias** due to personal or financial associations with a party or entity involved.
- **Prior involvement:** Judges recuse themselves when an appeal is filed against their own previous judgment, following the principle of "**no person shall be a judge in their own case.**"
- **Upholding due process:** The principle of "justice must not only be done but must also be seen to be done" necessitates judges to recuse to maintain transparency and fairness in the judicial process.

❖ The Procedure for Recusal:

- **Automatic or plea-based:** Recusals can occur when judges voluntarily withdraw or when a party raises a plea, highlighting the possibility of bias or personal interest.
- **Judge's discretion:** The decision to recuse lies solely with the judge, and no party can compel a judge to withdraw.
- **Recusal and case transfer:** If a judge recuses, the case is typically reassigned to an alternate bench under the Chief Justice's authority.
- **Lack of codified rules:** India lacks codified rules governing recusals, relying on judicial pronouncements and precedents to address recusal issues.

❖ Recording Reasons for Recusal:

- **Discretionary recording:** Judges may choose to specify reasons for recusal through oral statements in open court or by issuing a written order.
 - **Lack of transparency:** Often, reasons for recusal are not disclosed, leading to criticism regarding judicial transparency, particularly in cases of mass recusals.
 - **Varying judicial practices:** Some judges provide explicit reasons, while others may leave the reasons speculative, highlighting the need for procedural rules in recusal pleas.
- ### ❖ Foreign Jurisdictions:
- **U.S. laws on recusals:** The U.S. has well-defined laws, outlining grounds for disqualification of judges based on financial interest, material witness status, or relationship to a party.
 - **U.K. law on recusals:** The U.K. adopts the "**real danger**" test, considering substantive evidence of bias, although criticism has been raised regarding the burden of proving actual bias.

Indus Waters Treaty (IWT)

❖ Context

- The Indian government has instructed officials in Jammu & Kashmir to enhance efforts for the "better utilization" of river waters under the Indus Waters Treaty (IWT).

❖ Key Highlights:

- The directive was given during a meeting chaired by Deputy National Security Advisor in Srinagar.
- The meeting reviewed the progress of hydropower projects in J&K and emphasized the timely completion of projects to maximize India's rights under the IWT.

❖ Water Sharing Provisions:

- The treaty prescribed how water from the six rivers of the Indus River System would be shared between India and Pakistan.
- The three western rivers—Indus, Chenab & Jhelum—were allotted to Pakistan for unrestricted use.
 - Barring certain non-consumptive, agricultural and domestic uses by India.
- The three Eastern rivers—Ravi, Beas and Sutlej—were allocated to India for unrestricted usage.

❖ Dispute Resolution Mechanism:

- The IWT provides a **three-step dispute resolution** mechanism, under which
- First, "Questions" on both sides can be resolved at the Permanent Commission, or can also be taken up at the inter-government level.

- Disputes/differences unresolved on the first level can be taken to the World Bank who appoints a **Neutral Expert (NE)** to come to a decision.
- Eventually, if either party is not satisfied with the NE's decision or in case of "**disputes**" in the interpretation and extent of the treaty, matters can be referred to a Court of Arbitration.

Annulment provisions:

- The treaty does not provide a unilateral exit provision to either country.
- It is supposed to remain in force unless both the countries ratify another mutually agreed pact.



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e-governed State

❖ Context

- Kerala Chief Minister announced recently that Kerala has achieved the distinction of becoming India's first fully e-governed state.

❖ Key Highlights:

- Under this comprehensive e-governance initiative, the Kerala government aims to bring services directly to the masses, eliminating the need for citizens to visit government offices in person.

❖ Various Steps Taken:

- **Kerala Fibre Optic Network (KFON) project** : The implementation of the **Kerala Fibre Optic Network (KFON) project**, which has made internet access a citizen's right.
- **e-Sevanam** : The government has launched a single-window portal called e-Sevanam, offering an extensive array of 900 services which would soon be extended to **taluk-level offices**.

- In panchayats, delivery of as many as 250 services has been made online.
- **Digital University** : To bridge the digital divide and propel e-governance, Kerala has established the country's first **digital university and embarked** on the ambitious digital science park project, worth ₹1,500 crore.



- These strategic initiatives are aimed at fostering a knowledge-based society and economy, **promoting e-literacy, and ensuring that the benefits** of e-governance reach all sections of society.

Darjeeling's Pollution Crisis

❖ Context

- Darjeeling Faces Alarming Pollution Levels, Raises Concerns for Policy Makers.

❖ Key Highlights:

- Recent scientific study highlights Darjeeling's potential transformation into one of West Bengal's most polluted cities.
- PM10 concentrations in Darjeeling exceeded the Indian standard of **60 micrograms** per cubic meter during summer and winter seasons.
- The study predicts further deterioration, with projected PM10 levels exceeding 105 in summer and 90 in winter.
- Ultrafine particulate matter (PM1) is projected to approach 50 micrograms per cubic meter, surpassing the Indian standard for **PM2.5**.
- **Contributing Factors and Causes:**
 - Factors leading to **PM1 pollution in both summer** and winter include vehicular emissions, biomass burning from roadside eateries, **dust transport** from the Indo-Gangetic Plain, coal combustion, and secondary sources.
 - **Uncontrolled tourist influx**, unplanned urbanization, unauthorised land use, biomass and combustion activities, as well as the use of old vehicles and diesel-driven generator sets, contribute to the pollution crisis in Darjeeling.

- The findings highlight the importance of including polluted regions like Darjeeling in the **National Clean Air Program (NCAP)**, initiated by the Government of India.



India's Longest Sea Bridge

❖ Context:

- PM Modi expressed happiness over India's longest sea bridge Mumbai Trans Harbour Link.

❖ Key Highlights:

- It is next generation infrastructure which will boost 'Ease of Living' for people.
- This **22-kilometer** long 6-lane sea bridge from Sewri to Nhava in Mumbai will ensure Seamless, direct connectivity between South Mumbai & Raigad.
- The bridge will also reduce distance between Mumbai, Navi Mumbai, Raigad, Mumbai-Pune Expressway and Mumbai-Goa Highway, and save one hour travel time including fuel and transportation cost.



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News in Between the Lines

Forum Shopping



❖ Context

- Recently, CJI **Chandrachud** criticised 'forum shopping'.

❖ What is Forum Shopping?

- Forum shopping occurs when litigants or lawyers intentionally transfer their case to a specific judge or court, expecting a more favorable judgment.
- Lawyers consider the appropriate forum **as part of their litigation strategy**, such as approaching the Supreme Court through a public interest litigation case to gain greater attention.
- However, blatant attempts to bypass the normal process or avoid a specific judge are disapproved of due to the **injustice caused** to the other party and the potential burden on certain courts.
- It **grants courts discretionary powers to refuse** jurisdiction and direct the case to a more suitable forum in the interests of justice.
- **"Bench hunting"** is another term associated with forum shopping, where petitioners seek a specific judge or court to secure a favourable order.

❖ Various Court Judgments:

- In the 1988 case of '**Chetak Construction Ltd. vs. Om Prakash**,' the Supreme Court emphasized that litigants cannot choose their forum and declared that every attempt at forum shopping must be strongly opposed.
- The **Delhi High Court** has imposed costs on companies found guilty of indulging in forum hunting, highlighting the court's commitment to preventing manipulative practices in the legal system.

HC Chief Justice



❖ Context

- Centre clears appointment of **Justices RD Dhanuka** and **SV Gangapurwala** as Bombay, Madras HC CJs.

❖ How HC CJs are appointed?

- The Government have, in consultation with the Chief Justice of India, decided as a matter of policy to appoint the Chief Justice of all High Courts **from outside**.
- In case of initial appointment of a Chief Justice of a High Court, the provisions of **Article 217** will have to be followed.
- Initiation of the proposal for the appointment of Chief Justice of a High Court would be by the **Chief Justice of India**.
- The process of appointment must be initiated **well in time to ensure** the completion at least **one month prior** to the date of anticipated vacancy for the Chief Justice of the High Court.
- The Chief Justice of India would send his recommendation for the appointment of a **puisne Judge of the High Court** as Chief Justice of that High Court or of another High Court, in consultation with the **two senior- most Judges of the Supreme Court**.
- He would also ascertain the views of the **seniormost colleague** in the Supreme Court who is conversant with the affairs of the High Court in which the recommendee has been functioning and whose opinion is likely to be significant in adjudging the suitability of the candidate.
- The views of the **Judges of the Supreme Court** thus consulted would then be sent by the Chief Justice of India alongwith his proposal, to the Union Minister of Law, Justice and Company Affairs.
- After receipt of the recommendation of the Chief Justice of India, the Union Minister of Law, **Justice** would obtain the views of the governor of state.
- After receipt of the views of the State Government, the Union Minister of Law, **Justice, will submit proposals** to the Prime Minister, who will then advise the President as to the selection.
- As soon as the appointment is approved **by the President**, the Department of Justice will announce the **appointment and issue necessary notification** in the Gazette of India.

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Meiogyne Arunachalensis



Context:

- Researchers have discovered a new tree species in Arunachal Pradesh and named it Meiogyne arunachalensis, highlighting the region's rich flora.
- Arunachal Pradesh, known for its lush landscapes and diverse ecosystems, has been identified as a hotspot for biodiversity.

❖ Key Highlights:

- Meiogyne arunachalensis shares morphological similarities with **Meiogyne maxiflora** found in Thailand but exhibits distinctive vegetative and reproductive characteristics.
- **Meiogyne arunachalensis** is the largest species in the Meiogyne genus, displaying impressive tree height and girth.



- Recorded habitats of Meiogyne arunachalensis include the **East Siang district and Namdapha National Park** in Arunachal Pradesh.
- It is also likely to be found in neighboring districts and northern parts of Myanmar adjacent to Namdapha National Park.
- With the identification of Meiogyne arunachalensis, India now has a **total of three known species** in the Meiogyne genus, adding to the captivating botanical heritage of the country.

Nigeria



❖ Context

- Defence Minister will visit Nigeria from the 28th to the 30th of May 2023 to attend the swearing-in ceremony of the President-elect of the West African nation.

❖ About Nigeria:

- **Geography:**
 - Nigeria shares borders with several countries, including **Benin to the west, Niger to the north, Chad to the northeast, and Cameroon to the east.**
 - It is also bordered by the **Gulf of Guinea to the south.**
- **Population and Ethnicity:** It is incredibly diverse, with more than 250 ethnic groups. The largest ethnic groups are the **Hausa-Fulani, Yoruba, and Igbo.**
- Its economy is primarily driven by **oil exports.**
- **Languages:** English, Hausa, Yoruba, and Igbo are the most widely spoken languages.
- **Important Rivers:** Niger River, Benue River, Cross River, Kaduna River.
- **Chappal Waddi** is the highest peak in Nigeria.

Hornbills



❖ Context:

- The two-decade-long effort, involving Kadar tribal community in **Vazhachal forest division**, has improved the population of hornbills.

❖ Key Highlights:

- The **Hornbill nest tree monitoring programme**, involving the Kadars, an indigenous community, was started in 2005 in the **Vazhachal forest division** with the technical support of the Western Ghats Hornbill Foundation to address the declining **hornbill population** and restore their vanishing nesting habitat.
- The unique low-elevation riparian forest in the Athirappilly-Vazhachal areas is the only location where all the **four south Indian species of hornbills – the Great Hornbill (the State bird of Kerala), Malabar Pied Hornbill, Malabar Grey Hornbill and the Indian Grey Hornbill – can be seen.**
- According to the **International Union for Conservation of Nature (IUCN) Red List**,
 - the Great Hornbill is a **vulnerable category**,
 - while the Malabar Pied Hornbill is near-threatened.
- Hornbills are birds found **in tropical and subtropical regions** of Africa and Asia.
- In India, there are **nine species of hornbills**, with the northeastern region being home to the highest diversity of these birds.

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