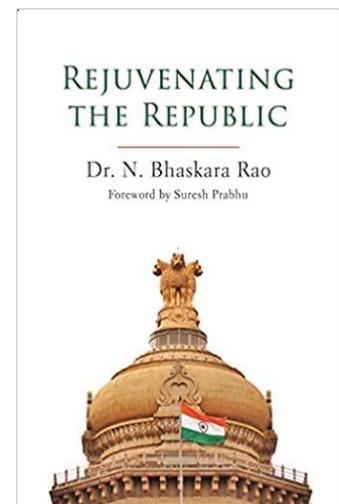


When Can We Expect Checks & Balances Between the Executive, Legislature & Judiciary?

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Our President-elect Draupadi Murmu raises new hope for sanity in the political discourse of the country. She is not only graceful and dignified but has also demonstrated how decently one could contest elections without a campaign and accusations as is customarily known. In a civilised way, she even showed how respect could be restored by political leaders of the country themselves and how inclusively leaders aspiring for high constitutional positions should go about. I feel same way elated about Murmu becoming our next President as I felt when **Dr A.P.J Abdul Kalam** had become the President of the Republic.

The incoming President Murmu, I'm sure, is as much aware as the outgoing Chief Justice of India, Ramana, is about murkier goings on in the current affairs of the country both inside the legislatures and outside. On Saturday Chief Justice of India, Ramana, who is retiring in August, spoke in Rajasthan in two different meetings. One, at Legal Services and the other addressing the State Legislative Assembly. At both the places the CJI was explicit about his anguish. He referred to points again like, for example, passing of bills without a discussion and knowing consequences were already raised by him hardly three months ago. In fact, even retiring Vice President of the Republic, Venkaiah Naidu, too referred to these points elsewhere earlier. A recent book of mine, "*Rejuvenating the Republic*", discussed these and related issues raised by the CJI and the Vice President. It is a coincidence that both are retiring in August. This however should not be presumed that issues raised by them are not serious to be followed up by their successors.



Despite seriousness of these issues neither the news media nor the political leaders have followed up or echoed any of the concerns raised by the CJI with the Union Law Minister on the dias in Jaipur on Saturday. On the issue of nearly five crore pending court cases in the country, the CJI pointed at the executive and the legislatures. These differences are symptoms of larger malice that the Republic is suffering from. Can we expect to realise our high hopes and the targets without addressing these issues. “CJI had pointed to “Indiscriminate arrests, in such large numbers is something that has acquired new alarm level with over 80 per cent of prisoners in jail for long spell without even bail. The CJI felt these arrests are ‘unnecessary and causing an impression of a police state’! On July 11, two judge bench of the Supreme Court made those observations. “Jails in India are flooded with under-trials” and even suggested the Government to enact a law to stop “unnecessary arrests”. But then what did the apex court do over the years to reduce that number, not filling vacancies (by the Government) alone cannot justify that situation.

The CJI also observed in Jaipur that “space for opposition is diminishing” and quality of legislature’s performance too is on decline to the extent of continued hostilities between parties. “Politics have become acrimonious ignoring that diversity of opinion enriches governments and society”. “Political opposition should not translate into hostility as we are sadly witnessing today,” the CJI has reminded. These are not signs of a healthy democracy, he said. Vibrant and strong opposition corrects the government. The issue of right to dissent peacefully is being reiterated and reminded by the Supreme Court and it’s sitting judges as well as some High Courts recently. This CJIs speeches in Rajasthan remind That it is Time to rejuvenate the pillars of the state with checks and balance system in play.

Earlier, addressing the Bar on August 25, 2021, he had implied that such a situation is responsible for not achieving implementation targets of several development schemes and for benefits of laws not reaching people. He lamented once again now that bills are passed without discussions. But there is no evidence of any party or leader following up with any initiative. CJI has not referred to an important initiative he had taken just before becoming CJI in April 2021 and for

nothing happening on that. He had asked the High Courts to constitute special panel to expedite number of long pending corruption or criminal cases involving past and present legislators within a year time frame. But so far there is no evidence anything happened on that front and there is unusual seal at the Supreme Court.

Both the retiring constitutional functionaries, representing the Judiciary and the Legislature, should now follow up these issue at college campuses as Venkaiah Naidu has been. Since they are concerned should continue talk about these issues, remind the larger public next couple of years. I'm sure the new President of India would be as much concerned of these issues and realise the relevance.

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