Transaparancy in Confering ‘Senior Advocate’ Designation

What is the issue?

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- Supreme Court has laid down guidelines for designating lawyers in the Supreme Court and High Courts as senior advocates.
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- SC’s senior advocate guidelines can be used to guide collegium in judges’ selection too.
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What is the new process?

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- Previously, the judges of the SC and HC had the sole discretion of according this status to advocates.
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- Now, applications will be vetted by a permanent committee known as the Committee for Designation of Senior Advocates.
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- **Members -** It will have 5 members and a permanaent secretariat.
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- The committee will consist of the Cheif Justic of India, two senior-most judges of the SC/HC, ‘Attorney General of India’ or ‘Advocate General of State’.
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- Additionally a person from the Bar will be nominated by the above mentioned members as a 5th member.
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- **Assessment -** The committee will compile all the relevant candidate information and examine his case.
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- It with regard to the reputation, conduct, integrity, free legal work, judgments in cases for which the advocate has appeared etc...
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- The committee will examine each candidate’s case, interview the candidate, and make its evaluation.
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- This system is transparent and objective, and provides equal opportunity to all candidates.
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- **Cons -** There is a proposal to publish names online for inviting complaints & suggestions ensuring better transparency.
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- This may find some opposition with regard to privacy.
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- There have also been reports of motivated complaints & objections.
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- The secretariat might be dragged into the dilemma of investigating frivolous complaints or objections.
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Can this be considered for Judicial Appointments?

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- Currently appointments to the higher judiciary is through a non-transaparent collegiums system.
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- The institutional mechanism for conferring senior Advocate status also seems suited to substitute the existing collegium system.
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- Hence, the sooner the judiciary adopts such a mechanism for judges too, the better it is for the institution.
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What is the current scenario in Judical Appoinments?

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- Political interference in the selection of judges in the 1970s, forced the evolution of collegium system.
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- However, the opaqueness and unsatisfactory selection, transfer, and elevation of judges to the Supreme Court caused friction.
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- This led to the passing of the Constitution (99th Amendment) Act, 2014 that

called for the establishment of National Judicial Appointments Commission - NJAC.
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- NJAC sought to give politicians and civil society a final say in the appointment of judges to the highest courts.
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- In 2015, a Constitution Bench of the SC declared NJAC unconstitutional on the ground that it interefered with judicial independence.
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Source: The Hindu

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