

POLITY

PRE-CONTEXT

JUDICIAL APPOINTMENTS, TRANSFERS, REMOVAL.

THE HINDU, PG.NO: 14.

News: "SC relaxes condition for appointment of ad hoc judges to HCs."

Appointment of Ad hoc (temporary) Judges:

- **At Supreme Court:**
 - **Art. 127:** A **High Court Judge** can be appointed as ad-hoc judge in the supreme court by the **CJI** (with the previous consent of the **President** and after consultation with the **Chief Justice of the High Court concerned**).
 - The High Court judge **must be qualified for appointment as a judge of the Supreme Court**.
 - Ad hoc judges are appointed if there is a lack in quorum(minimum number) of the Permanent judges in Supreme court.
- **At High Court:**
 - Art. 224A of the Constitution provides for the appointment of **retired High Court judges** as Ad hoc judges.
 - Ad hoc judges can be appointed to State High Courts **only if their judicial vacancies crossed 20%** of the sanctioned strength.
 - **Number of ad hoc judges must not exceed 10% of the sanctioned judicial strength of a High Court.**

Qualifications for Judge of the Supreme Court:

- **According to Constitution of India:**
 - A person must be a **citizen of India**.
 - Have been a **High Court judge** for at least five years.
 - Have been a **High Court advocate** for at least 10 years.
 - Be considered a **distinguished jurist** by the President.

Collegium System:

- For **appointment and transfer of judges** in the higher judiciary in India.
- **For Supreme Court (SC) appointments:** collegium consists of **CJI plus 4 senior-most Supreme Court judges**.
- **For High Court appointments:** collegium consists of CJI plus 2 senior-most Supreme Court judges.
- CJI after consultation with collegium **recommends to President** for an appointment.
- Supreme Court Judges retire upon attaining the **age of 65 years**.
- The **strength of the Supreme Court of India** is **determined by the Parliament of India**.
 - **Current strength is 33.**

Evolution of Collegium:

- **The Constitution provides that:**
 - **Judges to the Supreme Court** are to be appointed by the **President of India in consultation with the CJI** and such other judges that he or she deems fit.
 - **Judges to the High Courts** are to be appointed by the **President** in **consultation** with the **CJI**, the **Governor** of the State and the **Chief Justice of that court**.
 - **In the case of transfers**, the President may move a judge from one High Court to another, but **only after consulting the CJI**.
- **1st judges case (1982):** the word '**consultation**' only implies exchange of views.

2nd judges case (1993):

- Word '**consultation**' = **concurrence**, advice by CJI (plus 2 judges) is binding on President.
- If collegium reiterates, judicial appointments must be cleared (a healthy convention).
- **3rd Judges case: Collegium** (4 Judges + CJI).
- **99th CAA 2015: NJAC** (3 judicial members & 2 executive appointees): Declared Unconstitutional by SC.

Removal of Judges:

According to Judges Inquiry Act, 1968:

- A **removal motion** signed by 100 members (in case of Lok Sabha) or 50 members (in case of Rajya Sabha) is to be given to the Speaker/Chairman.
 - If the motion is admitted, then a **three-member committee** to investigate into the charges is constituted.
 - If the committee **finds the judge to be guilty of the charges (misbehaviour or incapacity)**, the House in which the motion was introduced, can take up the consideration of the motion.
- **Special majority:** Majority of total membership of the House & majority of not less than two thirds members present and voting.
- Once, the House in which **removal motion was introduced passes it with special majority, it goes to the second House which also has to pass it with a special majority**.
 - After the motion is passed, an address is presented to the President for removal of the judge.
- The **President** then passes an order removing the judge.

Note:

- Till now, **only two judges so far have been found guilty** for their "misbehaviour" by the three-member committee.
- **No judge has been impeached** in India till date.

Other country Practices:

- **Canada:** power resides with the Federal Govt.
- **Germany:** Elected by Executive and Legislature.
- **USA:** Nominated by President & confirmed by Senate.
- **UK:** Selection Commission of 15 members of different backgrounds.

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GS III

SYLLABUS: ISSUES RELATING TO GROWTH.

MIDDLE INCOME TRAP

THE HINDU, PG.NO: 12.

News: "India heading to middle income trap, 50% of people live on ₹150 a day: Congress".

A scenario where countries achieve middle-income status but fail to transition to high-income due to stagnant productivity. **It mostly occurs when GNI at USD 8000.** Since 1990, only 34 middle income status countries have managed to shift to high income status.

Classification based on GNI per capita (in USD):

- **Low Income:** < 1,150 USD.
- **Lower-middle Income:** 1,150-4,510 USD.
- **Upper middle Income:** 4,510-14,000 USD.
- **High Income:** >14,000 USD.

Countries stuck in Middle-Income Trap:

- **Brazil:** during period 2000-2016, annual productivity growth averages only 0.3% per year.
- **Malaysia & Thailand:** upper middle income countries since the 1990s today.
- **South Africa:** upper middle-income status since early 1990s.

Is India in Middle Income Trap:

- **Not yet!** Currently, **India classified as a lower-middle-income (USD 2600 GNI per capita)** country by the—**World Bank in 2023.**
- India's GDP growth rate averages around 6-7% over past decade—**IMF 2021.**
- India has set a goal to make India a developed country by 2047 (**Vision for Viksit Bharat 2047**).
 - India needs to strive to be a **\$30 trillion economy (currently ~4 trillion USD)** with **per capita income of \$18,000 per annum** by 2047 to be Viksit—**NITI Aayog vision document.**

Factors causing the Middle-Income Trap:

- **Low investment in R&D & Insufficient Human Capital Development** Eg. East Asian countries.
- **Dependence on low cost manufacturing** leading to stagnant productivity Growth.
- **Lack of investments in infrastructure:** Eg. Latin American countries facing MIT had invested less than 3% of GDP in infrastructure.
- **Weak institutions and Governance:** Eg. Many middle-income countries score below 50 out of 100 in the **Corruption Perception Index.**
- **Regulatory Barriers:** which stunt the growth of entrepreneurship and foreign investment.
- **Demographic Challenges:** Eg. Thailand experiencing the aging demographics, reduction in labor force—**UN population prospects 2020.**
- **High public debt levels:** Eg. Brazil public debt was over 90% in 2020—IMF reports 2021.

Ongoing measures in place to tackle MIT:

- **World Bank 2023 report highlighted the importance of the "3i" approach for India:** investment, infusion, and innovation to break the phase of MIT.
- **The Lewis Model of economic development** is relevant to escaping the Middle Income Trap because it emphasises **transitioning from agriculture to industrial sectors.**
- **Digital Advancement:** Eg. **Digital India** aims to improve connectivity with the latest technologies.

• Tapping demographic dividend potential

- **Overhauling education** with National Education Policy 2020.
- **Building a strong healthcare system** under Ayushman Bharat through primary, secondary, tertiary health care and insurance components etc.
- Promotion of schemes related to skill development, entrepreneurship etc.
- **Boosting manufacturing sector:** with schemes like PLI, Make in India.
 - Eg. **Textile and apparel industry, worth \$150 billion,** employs 45 million people, compared to 5.5 million in the IT sector.
 - **Textile factories often employ 60-70% women,** empowering those who might otherwise be confined to unpaid work.
- **Lowering Public debt** from 88% in 2020 to 80% in 2022—**IMF annual reports 2023.**

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EXAMPLES FROM TODAY'S NEWS PAPER

THE HINDU, PG.NO: 8 & (LETTERS TO EDITOR).

News: "The science is clear, crowd disasters are preventable."

Instances of Stampede:

- **Year 2022:** 159 people killed in stampede at a Halloween festival in South Korea.
- **Year 2023:** nearly 90 people were killed in Sanaa, Yemen, at a charity distribution event.
- **Year 2025:** 30 people were killed in Maha Kumbh, India.

Case Study Point of View:

- **Stakeholders:**
 - **Government:**
 - **Ethical Responsibility:** Ensure crowd management, enforce safety norms.
 - **Failure:** Poor planning, inadequate infrastructure.
 - **Organisers:**
 - **Ethical Responsibility:** Follow safety protocols, limit overcrowding, VIP Culture.
 - **Failure:** Overbooking, ignoring warnings.
 - **Local Police:**
 - **Ethical Responsibility:** Active Monitor crowds, deploy emergency teams.
 - **Failure:** Delayed response, lack of coordination.
 - **Public:**
 - **Ethical Responsibility:** Follow guidelines, avoid risky behavior.
 - **Failure:** run fast, reach first' attitude, Over enthusiasm, ignoring safety rules.

Ethical theories:

- **Utilitarianism:** Focus on minimizing harm and maximizing public safety.
- **Duty Ethics (Kantianism):** Authorities' duty to protect citizens' lives.
- **Rights-Based Approach:** Citizens' right to safety during public events.



Ethical Dilemmas:

- **Conflict of Interest:** Balancing event popularity (economic/religious benefits) vs. safety.
- **Transparency vs. Blame Game:** Admitting systemic failures vs. shifting responsibility.

Course of Action:

• **Immediate Measures:**

- **Emergency Response:** Deploy medical teams, set up helplines.
- **Compensation:** Transparent compensation for victims' families.

• **Long term Measures:**

- **Legal Framework:** Strict penalties for negligence; enforce the National Disaster Management Guidelines.
- **Infrastructure:** Upgrade venues with exits, barricades, CCTV.
- **Crowd Management:** Use technology (AI-based crowd monitoring, QR ticketing).
- **Training:** Regular drills for police and volunteers.

Ethical Values:

- **Empathy:** Compassion for victims and families.
- **Integrity:** Transparent investigation into causes.
- **Responsibility:** Proactive governance to prevent future incidents.
- **Justice:** Fair punishment for negligence; compensation for victims.

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Thank you!