

“Judicial independence is sacrosanct, but so is judicial accountability”. Examine this statement in the context of the procedural challenges in removing judges in India. Suggest reforms to make the process more effective while upholding constitutional values.

The statement "Judicial independence is sacrosanct, but so is judicial accountability" highlights the delicate balance between ensuring judges can perform their duties without external pressures and holding them accountable for their actions. In India, the procedural challenges in removing judges are significant, making it a complex and rarely successful process².

Procedural Challenges in Removing Judges in India

The process for removing judges in India is outlined in Articles 124 and 218 of the Constitution, and further detailed in the Judges (Inquiry) Act, 1968. Here are the key steps:

1. **Initiation:** A motion must be signed by at least 100 MPs in the Lok Sabha or 50 MPs in the Rajya Sabha.
2. **Admission:** The Speaker or Chairperson decides whether to admit the motion.
3. **Committee Formation:** A three-member committee is formed, including a Supreme Court judge, a High Court judge, and a distinguished jurist.
4. **Investigation:** The committee investigates the allegations.
5. **Report Submission:** The committee submits its report to Parliament.
6. **Debate and Vote:** Both Houses of Parliament debate and vote on the motion, requiring a special majority (more than half the total membership and two-thirds of the members present and voting).

Suggested Reforms

To make the process more effective while upholding constitutional values, several reforms can be considered:

1. **Clear Definitions:** Define "misbehaviour" and "incapacity" more clearly to avoid ambiguity.
2. **Minor Disciplinary Measures:** Introduce minor disciplinary measures for less severe misconduct, such as warnings or temporary withdrawal of judicial work.
3. **Independent Oversight:** Establish an independent body to oversee the investigation process, ensuring impartiality.
4. **Transparency:** Enhance transparency by allowing public access to investigation reports and proceedings, subject to confidentiality where necessary.
5. **In-House Mechanism:** Strengthen the in-house mechanism for handling complaints within the judiciary itself, ensuring accountability without compromising independence.

These reforms aim to strike a balance between judicial independence and accountability, ensuring that judges can perform their duties without fear of undue influence while being held accountable for their actions.

Assess the impact of India's defence cooperation with Sri Lanka on regional maritime security. How can such initiatives address external security threats in the Indian Ocean Region?

India's defence cooperation with Sri Lanka has had a significant impact on regional maritime security, particularly in addressing external security threats in the Indian Ocean Region (IOR). Here are some key points:

Impact on Regional Maritime Security

1. **Enhanced Maritime Surveillance:** India has provided Sri Lanka with equipment such as the Dornier Aircraft for maritime surveillance, which has improved Sri Lanka's ability to monitor its waters.
2. **Joint Exercises:** Regular joint exercises like SLINEX (Sri Lanka-India Naval Exercise) enhance interoperability between the two navies, fostering mutual understanding and cooperation.
3. **Capacity Building:** India has assisted in building Sri Lanka's maritime capabilities through training and infrastructure development.
4. **Humanitarian Assistance and Disaster Relief:** India's role as a "first responder" in providing humanitarian assistance and disaster relief has strengthened the bilateral relationship and improved regional stability.

Addressing External Security Threats

1. **Counter-Piracy Operations:** Joint efforts have been successful in countering piracy, which is a significant threat in the IOR.
2. **Combating Terrorism:** Enhanced cooperation helps in addressing maritime terrorism and preventing the use of the region's waters for terrorist activities.
3. **Chinese Influence:** With growing concerns over Chinese military presence in the IOR, India and Sri Lanka's collaboration ensures that Sri Lanka's territory is not used for activities detrimental to regional security.
4. **Illegal Activities:** Joint operations have been effective in combating smuggling, illegal fishing, and other organized crimes.

Suggested Initiatives

1. **Multilateral Engagements:** Deepening cooperation with other regional partners to ensure a secure and stable IOR.
2. **Regular Dialogues:** Establishing regular dialogues based on mutual trust and transparency to address emerging security challenges.
3. **Technological Upgrades:** Investing in advanced technologies for maritime surveillance and defense to stay ahead of potential threats.

These initiatives and collaborations are crucial for maintaining peace, stability, and security in the Indian Ocean Region.