

Sink((verb) – ignore, disregard/forget, set/put aside भुला देना) your differences: on the executive-judiciary relationship

1. A touch of **pragmatism** ((noun) – realism, practicability, logical thinking व्यावहारिकता) is what the judiciary and the executive need at this juncture ((noun) – point, time/moment, stage अवसर)
1. It is **disconcerting** ((adjective) – unsettling, disturbing, embarrassing परेशान कर देने वाला) that differences between the executive and the judiciary are emerging often in the public domain these days. By raising the **question whether the judiciary does not trust the Prime Minister** to make fair judicial appointments, and **harping on** ((phrasal verb) – talk or write/complain continuously and lengthy on a particular subject दुखड़ा रोना) the need to maintain the balance of power between the executive and the judiciary, representatives of the Union government have risked the impression that they are putting the judiciary on the defensive. **Read between the lines** ((phrase) – conclude/understand (something) from assumption rather than in a detailed manner; infer from, interpolate from, assume from समझना.) and the executive's **profound** ((adjective) – intense, very great, extreme प्रगाढ़, अत्यंत) dissatisfaction with the state of play in relations between the two wings is evident. Union Law Minister Ravi Shankar Prasad is undoubtedly **entitled** ((verb) – qualify, authorize, allow अधिकारी अधिकृत होना) to hold the view that the Supreme Court's 2015 verdict **striking down** ((phrasal verb) – abolish, annul, nullify (a law or regulation) अन्त करना) the law creating the National Judicial Appointments Commission (NJAC) reveals the judiciary's **distrust** ((noun) – mistrust, suspicion, wariness/misgiving शंका) in the Prime Minister and the Law Minister. His question whether an audit is needed to determine what has been lost or gained since the **collegium system** ((noun) – The collegium system is the one in which the Chief Justice of India and a forum of four senior most judges of the Supreme Court recommend appointments & transfers of judges. There is no mention of the collegium in the Constitution of India.) was created in 1993 is not without merit. However, it is debatable whether these issues should have been raised in public, that too in the presence of the Chief Justice of India and his **fraternity** ((noun) – group, profession; a group of people with same job, interest and etc). Chief Justice Dipak Misra seemed **coerced** ((verb) – pressure, force, compel जबरदस्ती करना) into responding that the judiciary reposes the

same trust that the Constituent Assembly had in the Prime Minister, and that the judiciary indeed recognised and respected the separation of powers **enshrined** ((verb) – to enclose in, preserve, treasure, protect (as valuable संजोना, पवित्र समझ कर सुरक्षित रखना)) in the Constitution. There was really no need for such a public **affirmation** ((noun) – assertion, declaration, statement पुष्टीकरण) of first principles in a democracy.

1. However, it does not mean that major concerns over whether there is real separation of powers, whether public interest **litigation** ((noun) – legal action, legal process, legal proceeding मुकदमा) has become an **interstitial** ((adjective) – forming/occupying interstices (a small and intervening space) अन्तरालीय.) space in which judges give policy directives, and whether the country needs a better system than the present one in which judges appoint judges should be **brushed aside** ((phrasal verb) – dismiss, disregard, ignore अवहेलना करना). The present collegium system is **flawed** ((verb) – weaken, invalidate, mar दोषपूर्ण) and lacks transparency, and there is a clear need to have a better and more **credible** ((adjective) – convincing, acceptable; reasonable विश्वसनीय) process in making judicial appointments. It is clear that differences over formulating a fresh **Memorandum of Procedure** ((MoP) – a guideline for selection of high court judges) for appointments are **casting a shadow** ((phrase) – to spoil a situation; upset बिगाड़ देना) on the relationship. It is best if both sides take a **pragmatic** ((adjective) – empirical, realistic/actual, practical व्यवहारमूलक) view of the situation and sink their differences on the new procedure, even if it involves **giving up** ((phrasal verb) – admit/concede defeat, stop trying स्वीकार करना) a point or two that they are **clinging to** ((verb) – grasp/grip, hold on to, adhere अडिग रहना). For a start, they could both **disclose** ((verb) – reveal, show, exhibit भेद खोलना) the exact points on which the two sides differ so that independent experts will also have a chance to contribute to the debate. If it is the right to **veto** ((verb) – refuse, dismiss, overrule मना करना) a recommendation that the **government** wants on some limited grounds, the Collegium must not be **averse** ((adjective) – opposed to, against, hostile to विरुद्ध) to considering it. Resolution of this matter **brooks** ((verb) – tolerate, allow, bear/withstand (an opposition) सहना) no further delay.