

A CONTROVERSIAL TRANSFER**CJ Tahiramani's transfer to the Meghalaya HC once again shows collegium system's flaws**

The unusual transfer of the Chief Justice of the Madras High Court, Justice Vijaya Kamlesh Tahiramani, to Meghalaya High Court has caused understandable disquiet among lawyers. While the Constitution does provide for such transfers from one high court to another, it is extremely rare that the senior-most Chief Justice in the country is shifted from a large court with a complement of 75 judges to one of the newest courts, which has a strength of only three judges. It is no surprise, therefore, that the judge, who entered the superior judiciary in 2001, and is the senior-most high court judge in the country, chose to resign, rather than continue in circumstances bordering on humiliation. It is unfortunate that the collegium rejected her request for reconsideration without assigning a reason. It is easy to argue that one high court is as good as any other, that such transfers should not be seen as a 'demotion', and that the Chief Justice of India (CJI) should be free to transfer the head of any high court in the interest of "better administration of justice". However, it is a fallacious argument when one considers that there are no known complaints about her performance or any public controversy around her judicial or personal conduct. It is possible that the transfer is based on an internal performance assessment, or complaints not available in the public domain. However, in the absence of any explanation, the bar cannot be blamed if they see the transfer as punitive. If it is performance-related, a question arises as to whether all judges are being assessed on the same criteria.

The controversy once again brings under focus the flawed collegium system of appointments and transfers. In recent years, the government and the collegium have been disagreeing frequently on the latter's recommendations for appointments. However, judicial transfers are initiated solely at the instance of the CJI. Therefore, the perception that Justice Tahiramani's transfer has something to do with her judgment in the Bilkis Bano gang rape case, when she was in the Bombay High Court, is quite misconceived. It was after this verdict that she was appointed Chief Justice of the Madras High Court, and a year has elapsed since then. The Memorandum of Procedure relating to appointments and transfers of high court judges says the opinion of the Chief Justice in this regard "is determinative". And in the case of a Chief Justice of a High Court, the CJI needs to take into account, "only the views of one or more knowledgeable Supreme Court Judges" while proposing a transfer. In the Second and Third Judges cases, the Supreme Court felt that the fact that the proposal is initiated by the CJI and recommended by a plurality of judges is enough as a safeguard against arbitrary transfers. However, the Tahiramani controversy shows that the systemic faults of the collegium system — opaqueness and the scope for personal opinions colouring decision-making — remain unaddressed.

Words

Flaw
Disquiet

Kind

Noun
Noun

Meaning

Defect, blemish, fault, limitation, foible
Unease, worry, anxiety, distress, concern

Extremely	Noun	Exceedingly, exceptionally, hugely, acutely
Superior	Adj.	Higher ranking, senior, loftier, upper level
Circumstances	Noun	Situations, condition, state of affairs
Humiliation	Noun	Embarrassment, mortification, indignity, ignominy
Reject	Verb	Repudiate, jettison, rebuff, turn down
Assign	Verb	Allocate, allot, give, entrust with, charge with
Demotion	Noun	Reduction, in rank and status
Fallacious	Adj.	Erroneous, false, specious, flawed
Argument	Noun	Quarrel, disagreement, squabble, vendetta
Complaint	Noun	Protest, objection, remonstrance, grievance
Controversy	Noun	Disagreement, dispute, dissension, contention
Conduct	Noun	Behaviour, comportment, demeanour, deportment
Assessment	Noun	Evaluation, judgement, estimation, appraisal
Performance	Noun	Show, production, showing, staging
Punitive	Adj.	Harsh, disciplinary, severe, austere
Criteria	Noun	Basis, standard, touchstone, litmus test
Frequently	Adj.	Regularly, often, habitually, customarily
Recommendation	Noun	Advice, course, guidance, exhortation
Initiate	Verb	Begin, start off, commence, usher in
Instance	Noun	Example, occurrence, specimen, illustration
Perception	Noun	Ability to see, hear and touch
Judgement	Noun	Discernment, acumen, shrewdness, perspicacity
Misconceive	Verb	Misunderstand, misinterpret, misconstrue
Verdict	Noun	Judgement, adjudication, resolution, decree
Memorandum	Noun	Message, missive, epistle, communication
Procedure	Noun	Plan, method, strategy, stratagem, mechanism
Determinative	Adj.	Serving to define, qualify or direct
Safeguard	Verb	Protect, shield, screen, defend, shelter
Opaqueness	Noun	Mystery, reconditeness, fogginess, dimness
Fault	Noun	Responsibility, liability, culpability, guilt
Judicious	Adj.	Wise, erudite, savant, donnish, sage
Condemn	Verb	Reprimand, rebuke, censure, lambaste, pillory
Disagree	Verb	Differ, be in dispute, dissent from, diverge
Sole	Adj.	Main, chief, express

BELATED REALISATION

An erratic President Trump changes his mind over talks with the Taliban

In a dramatic set of posts on Twitter, U.S. President Donald Trump announced the cessation of peace negotiations with the Taliban while also revealing that the insurgent group's representatives were to have participated in secret talks at the Camp David retreat in Maryland. This is yet another instance of the stock that the maverick President puts in personal diplomacy in the conduct of America's foreign affairs. His tweets abruptly seem to have indicated the end, at least for now, to the negotiations conducted by the chief U.S. negotiator, Zalmay Khalilzad, with the Taliban. Mr. Khalilzad had disclosed that he had reached an "in principle" agreement with the Taliban, but the details have not been revealed. The negotiations were over U.S. troop withdrawal from the country and assurances from the Taliban of not letting the country to be used as a safe haven for terrorists targeting the U.S.

Mr. Trump said that a suicide car bomb attack in Kabul on Thursday was the trigger for his sudden decision. But the Taliban has been continually engaging in a series of wanton attacks against civilians throughout the course of the talks that the U.S. had with the group in Qatar. One estimate suggests that it has engaged in 173 terror attacks resulting in 1,339 fatalities in 2019 alone. The Taliban has perversely used the attacks as a bargaining chip of sorts, to undermine the Afghanistan government and to seek concessions on its own terms. It is not clear why Mr. Trump chose this moment to call off talks as little has changed in the Taliban's behaviour. What all this ambiguity reveals is Mr. Trump's erratic nature.

Afghanistan has continued to be wracked by internecine violence, with the Taliban increasing its control over several provinces and the government's writ prevailing only in the north-central parts of the country. A durable peace, with the U.S. seeking early troop withdrawal, is only possible if there are talks between all Afghan groups and other regional stakeholders, with a guarantee by the Taliban that it will eschew terror. But the Taliban has refused to engage with the Afghan government and the U.S.'s decision to delink the violence from the Doha talks only seemed to have emboldened the group. Mr. Trump must reveal the contents of the so-called "in principle" agreement and set more meaningful terms of engagement involving the Afghan regime in any further talks with the Taliban. It serves neither the U.S.'s own interests, as Mr. Trump seems to have belatedly realised, nor those of the beleaguered Afghan people if the Taliban is allowed to get away with repeated murder.

<u>Words</u>	<u>Kind</u>	<u>Meaning</u>
Belated	Adj.	Late, overdue, tardy, delayed
Erratic	Adj.	Irregular, unpredictable, unsteady
Dramatic	Adj.	Considerable, substantial, sizeable, goodly
Announce	Noun	Pronounce, declare, aver, avow, proclaim, herald, profess
Cessation	Noun	End, termination, halting, stoppage, closure
Negotiation	Noun	Discussion, talks, consultation, parley
Covert	Adj.	Secret, furtive, clandestine, surreptitious
Instance	Noun	Example, occasion, occurrence, specimen
Marerick	Adj.	Individualist, nonconformist, trendsetter
Abrupt	Adj.	Sudden, immediate, instantaneous, hurried
Conduct	Verb	Behave, manage, direct, coordinate, orchestrate, comportone self
Negotiator	Noun	Mediator, arbitrator, arbiter
Reveal	Verb	Disclose, evince, betray, divulge, inform

Troop	Noun	Soldiers, armed forces, service men
Assurances	Noun	Word, guarantee, pledge, affirmation
Haven	Noun	Refuge, retreat, shelter, sanctuary
Trigger	Verb	Activate, set off, set going
Wanton	Adj.	Promiscuous, immoral, indecent, lecherous, lascivious, dissolute
Estimate	Verb	Approximate, roughly, calculate, evaluate, gauge, reckon
Attack	Verb	Assault, charge, bounce, strike, ambush
Fatality	Noun	Death, casualty, mortality, victim
Perverse	Adj.	Awakward, contrary, un-cooperative, disobliging
Bargain	Verb	Haggle, barter, negotiate, deal, trade, traffic
Call off	Verb	Cancel, abandon, scrap, drop, mothball
Ambiguity	Noun	Ambivalence, equivocation, obscurity
Erratic	Adj.	Unpredictable, inconsistent, chargeable
Wrack	Verb	Torment, afflict, torture, agonise, harrow
Internecline	Adj.	Deadly, bloody, violent, fierce, destructive
Province	Noun	Territory, region, canton, area, sector, zone
Writ	Noun	Summons, subpoena, arraignment, indictment
Eschew	Verb	Forgo, forswear, shun, renounce, relinquish
Delink	Verb	Breakup, divorce, estrange, bifurcate, depart
Embolden	Verb	Encourage, hearten, strengthen, fortify, enkindle
Regime	Noun	Government, rule, reign, dominion, sovereignty
Belatedly	Adj.	Anon, eventually, later, subsequently
Bleagured	Adj.	Besieged, blockaded, surrounded,
Get away with		Escape, blame, punishment, undersirable