

REFUSING TO RECUSE**There is a compelling case for Justice Mishra to withdraw from the land acquisition case**

Should Justice Arun Mishra recuse from a five-judge Supreme Court Bench formed to give an authoritative interpretation of a provision in the 2013 land acquisition law? There is quite a compelling case that he must. In the normal course, recusal could be a judge's individual decision. In the course of the hearing, before orders were reserved on this question, he suggested that the demand for his withdrawal amounted to "bench-hunting" and an attempt to tame the judiciary. However, the case history shows that there could be grounds for apprehension that he has a predisposition towards a particular view that would affect his ability to render an impartial ruling in the current referral. Last year, in an unusual verdict, a Bench headed by Justice Mishra, with one judge dissenting, overruled a 2014 judgment by another three-judge Bench on the interpretation of Section 24 of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013. It was unusual because every Bench is bound by the precedent set by another Bench of the same size. And if a Bench differs with the ruling of a coordinate Bench, it ought to refer the matter to a larger one, instead of adjudicating the question itself. Adherence to this doctrine of precedent ensures judicial discipline. In holding that the earlier judgment was per incuriam (an order passed without due regard to law) Justice Mishra departed from this doctrine.

When a similar matter came up before judges who were part of the Bench that had passed the 2014 judgment, it was brought to their notice that their ruling no longer held the field. The Bench, headed by Justice Madan Lokur, ordered that in view of the conflicting judgments, all hearings on land acquisition matters involving Section 24 be postponed until the question whether the matter has to be examined by a larger Bench was decided. It was only thereafter that Justice Mishra referred the matter to the CJI for constituting a larger Bench. In this backdrop, Justice Mishra's vehement refusal to withdraw from the hearing is disappointing. Far from undermining the judiciary, the demand for his recusal advances the principle that justice must be seen to be done. International standards of judicial impartiality take into account the perception or apprehension of bias, and it need not necessarily be a fact. The argument that a prior decision on a question of law does not disqualify any judge from considering the same question again is normally valid. However, it may not be applicable when the prior decision was made against the reigning precedent. The controversy also brings under focus the power of the CJI as Master of the Roster. In a court of 34 judges, would it not have been better had the case been posted before a Bench in which Justice Mishra was not a member?

<u>Words</u>	<u>Kind</u>	<u>Meaning</u>
Recuse	Verb	Reject, repudiate, jettison, rebuff, turn down
Compel	Verb	Force, coerce into, pressure, impel, urge, dun

Authoritative	Adj.	Reliable, dependable, trust worthy, well founded certified
Apprehension	Noun	Agony, worry, affliction, torment, woe
Predisposition	Noun	Susceptibility, proneness, tendency, inclination
Render	Verb	Give, provide, supply, contribute, proffer
Impartial	Adj.	Unbiased, unprejudiced, neutral, nonpartisan
Composed	Adj.	Clam and cool, self possessed, serene, tranquil, nonchalant
Verdict	Noun	Judgement, adjudication, decision, decision, finding
Dissent	Verb	Disagreement, argument, dispute, objection
Overrule	Verb	Cancel, countermand, reverse, override, retract, withdraw
Compensation	Noun	Recompense, repayment, reimbursement
Transparency	Noun	Clear, lucid, pellucid, limpid, explicit
Rehabilitation	Noun	Betterment, comeback, convalescence, healing
Precedent	Noun	Model, exemplar, example, pattern
Co-ordinate	Verb	Harmonize, correlate, synchronize, dovetail, arrange
Adjudicate	Verb	Judge, adjudge, try, hear
Adherence	Noun	Attachment, faithfulness, loyalty, allegiance
Doctrine	Noun	Creed, credo, dogma, belief, conviction
Per-incuriam		Inadvertently, inattentively, negligently
Depart	Verb	Leave, go, go off, deviate, go away, leave
Vehement	Adj.	Passionate, forceful, ardent, spirited
Disappoint	Verb	Let down, fail, dishearten, frustrate
Perception	Noun	The ability to see, hear or become aware of something the sense
Bias	Noun	Prejudice, partiality, favouritism, unfairness, racialism
Argument	Noun	Vendetta, squabbling, quarrelling
Valid	Adj.	Actual, real, true, certain, sure, certified, validated
Prior	Adj.	Earlier, previous, preceding, antecedent
Reign	Noun	Rule, sovereignty, monarchy
Controversy	Noun	Disagreement, dispute, dissension, contention, disputation

Credible	Adj.	Believable, trustworthy, plausible, reasonable
Assert	Verb	Declare, aver, avow, proclaim, herald
Sundry	Adj.	Various, several, enough, ample

AGENTS OF CHANGE

There is evidence of the overall benefits that accrue from investing in women's education

If the evidence is clear and present, then not acting on it would be a chilling demonstration of inability and inefficiency, and the lack of will to bring about change. There should be no doubt that educating a woman serves a larger ameliorative purpose. The recently released Health Ministry survey that showed a direct correlation between the nutritional status of children and their mothers' education is a further stroke for the case of women's education. The Comprehensive National Nutrition Survey, which studied 1.2 lakh children between 2016-18, measured diet diversity, meal frequency and minimum acceptable diet as the three core indicators of nutritional deficiency among infants and young children. It demonstrated that with higher levels of schooling for a mother, her children received better diets. On two counts, meal diversity and minimum acceptable diet, and in terms of bolstering food with micro nutrients, the children of mothers with better education did well. The data is revelatory: Only 11.4% of children of mothers with no schooling received adequately diverse meals, while 31.8% whose mothers finished Class XII received diverse meals. While 9.6% of children whose mothers had finished schooling got minimum acceptable diets, only 3.9% of children whose mothers had zero schooling got such a diet.

Development economists have long studied the role that education of girls plays in enabling them to emerge as agents of change. Empirical work in recent years, Nobel laureate Amartya Sen reasons, has clearly shown how the relative aspect and regard for women's well being is strongly influenced by women's literacy and educated participation in decisions within and outside the family. In the late 1990s, Tamil Nadu along with the Danish International Development Agency, launched a mass rural literacy project in Dharmapuri, then considered backward, riding largely on local leaders, most of them women. Evaluation showed overall salubrious effects on the community within a short while. Implemented largely through the employ of the local arts, one measure of success, as recorded then, was an increased outpatient attendance in primary health centres. There is a body of compelling evidence for the government to focus on improving female literacy. In Census 2011, the female literacy rate was 65.46%, much lower than for males, at 82.14%. States such as Kerala with a high literacy rate (male and female) also sit at the top of the table on development indicators. As former American First Lady Michelle Obama said, "Because we know that when girls are educated, their countries become

stronger and more prosperous.” No other task can assume greater urgency for a nation striving to improve its performance on all fronts.

<u>Words</u>	<u>Kind</u>	<u>Meaning</u>
Evidence	Noun	Proof, confirmation, verification, corroboration
Accrue	Verb	Result, ensure, arise, follow
Ameliorate	Verb	Improve, make better, amend
Correlation	Noun	Connection, association, link
Diversity	Noun	Variety, miscellany, assortment, signify, signal, denote display,
Demonstrate	Verb	Reveal, bespeak, indicate, signify, signal, denote, display
Bolster	Verb	Strengthen, support, reinforce, fortify,
Revelatory	Adj.	Graphic, pictorial, vivid, evocative, sententious, weighty
Empirical	Adj.	Practical, observed, factual, actual, experimental, pragmatic
Salubrious	Adj.	Pleasant, agreeable, nice, select, high class, fancy
Evaluation	Noun	Assessment, appraisal, judgement, rating, gauging, estimation, ranking
Strive	Verb	Try, attempt, venture, endeavour, exert
Prosperous	Adj.	Thriving, doing well, buoyant, expanding, successful, booming, burgeoning
Assume	Verb	Presume, suppose, take it, conjecture, surmise, deduce
Performance	Noun	Show, production, presentation, staging, concert
Embrace	Verb	Welcome, with open arms, adopt, espouse, accept
Explore	Verb	Investigate, look into, scrutinize, go over with a fine tooth comb
Alignment	Noun	Affiliation, association, alliance, combination
Isolation	Noun	Separation, segregation, seclusion
Repercussions	Noun	Consequences, results, effects, outcomes