



POST GRADUATE TEACHING DEPARTMENT OF LAW

RASHTRASANT TUKDOJI MAHARAJ NAGPUR UNIVERSITY

(Established by Government of Central Provinces Education Department by Notification No. 513 dated the 1st of August, 1923 & presently a State University governed by Maharashtra Public Universities Act 2016 (Mah. Act No. VI of 2017))



**National Webinar
On**

**“THE TUSSLE BETWEEN EXECUTIVE AND JUDICIARY VIS A VIS
APPOINTMENT OF JUDGES”**

Report

Date: 20th FEBRUARY 2023

Time: 10:00 A.M.

**Post Graduate Teaching Department of Law,
Rashtrasant Tukadoji Maharaj Nagpur University, Nagpur**

**Organizes
NATIONAL WEBINAR
on**

**“THE TUSSLE BETWEEN EXECUTIVE AND JUDICIARY
vis-a-vis APPOINTMENT OF JUDGES”**

Resource Person
Dr. SANJAY JAIN,
Professor of Law,
NLSIU, Bengaluru

Date : 20/02/2023 | Day : Monday | Time : 10:00 am
Platform : Cisco-Webex

Co-ordinator
Dr. Girish Kulkarni
Assistant Professor of Law,
PGTD of Law, RTMNU

Convener
Dr. Payal Thaorey
Head and Assistant Professor of Law,
PGTD of Law, RTMNU

Registration Link
<https://forms.gle/gRS9EUanPuhm3xNT8>

No Registration Fee
E-Certificate will be issued to all the attendees after filling the feedback form.

Post Graduate Teaching Department of Law, Rashtrasant Tukadoji Maharaj Nagpur University, Nagpur organized a National Webinar on “THE TUSSLE BETWEEN THE EXECUTIVE AND JUDICIARY VIS A VIS APPOINTMENT OF JUDGES” under the supervision of Dr. Girish Kulkarni Sir, Assistant Professor, PGTD of Law, RTMNU and Dr. Payal Thaorey Ma’am, Convener of the webinar as well as the Head of the Department & Assistant Professor PGTD of Law, RTMNU and the resource person for the webinar was Hon’ble Dr. Sanjay Jain Sir, Professor at NLSIU Bangalore on the 20th of February 2023 at 10:00 a.m. through Cisco-Webex.

The convener of the webinar Dr. Payal Thaorey Ma’am, Head and Assistant Professor, PGTD of Law RTMNU, delivered the welcomed address. The host of the webinar Miss. Madhura Bhande introduced the Hon'ble Resource Person Dr. Sanjay Jain Sir, Professor at NLSIU Bangalore.

Dr. Sanjay Jain Sir enlightened the participants with his words on the “THE TUSSLE BETWEEN EXECUTIVE AND JUDICIARY VIS A VIS APPOINTMENT OF JUDGES”, the brief outline of the webinar is as under:

The keynote speaker focused on the four judge cases relating to appointment of judges and on the relationship between the executive and the judiciary too. He said that the major premise today is the executive playing the role in the appointment of judges of higher courts which are compromised and not free from transparency and that’s what exactly the issue addressed in the 1992’s second judge case which played an important role. It was decided that in the appointment of judges the executive should not have any role and whole process must be dominated by the judiciary.

Once a convention was read as a binding rule by the Supreme Court of India in the judges second case and they held that the Chief Justice of India must play dominant role and his consent must be final word. But, in between these premises there were certain issues that CJI will only have primacy when there’s a lack of consensus. In judges second case, in the issue of transfer of HC judges, it was laid down that government cannot make transfers without the consultation of the CJI of SC and concern Chief Justice of HC. Another issue was what if there’s a difference of opinion between the government and the CJI? Till S.P. Gupta Governments decision used to prevail but after second judges case, the CJI’s opinion will prevail.

The speaker referred to the lecture of Justice U.U. Lalit in which he said that the collegium system is the best, the full proof and near perfect one which usually consults the related judges who have worked in the respective courts for the appointment of judges and we do not have any other perfect substitute for that which is as best as collegium. Later, the fourth judges case, the commission of NJAC and features also the dissenting judgement of justice Chelameshwar was discussed.

This Great Session was then continued by the Q and A round. The queries of the participants are as follows:

1) What can be the permanent body which will deal with appointment of judges without political interference?

Ans: Politics is all pervasive. There cannot be any body without political interference. There is a need of political interference to ensure that judiciary does not belong to xyz community and judiciary becomes diverse, judiciary opens itself to all groups and therefore non-judicial elements must also have very important role in the appointment of judges.

2) In a diverse country like India can we ignore the need for ensuring the gender diversity at the bench especially in the Supreme Court?

Ans: All courts must have a gender balance and it is amazing why we don't realize the need for maintaining gender balance. A society when it is a heterogeneous society why only particular groups should dominate an important institution like judiciary?

3) Would you please like to highlight the challenges if any faced by the collegium in the appointment of eminent jurist as a judge?

Ans: One of the main challenges is that the court should have the open mind. All the judges must have respect for the academics. If justice trimotor can be elevated as a judges SC of U.S.A then why Upendra Baxi or others could not be elevated? But this deeply rooted myth that the judges know the law teachers only talk about the law that myth had to be problematized and challenged.

4) How could be the minimum period of tenure be secured for the judges of higher court in order to secure the efficiency and independency of judiciary?

Ans: In my opinion the best course would be to ensure irrespective of age, there should be a minimum tenure although if you want to maintain, but create an exception by way of minimum

tenure as for chief justice of India 2-3 years and for the other judges 5 years so, suppose if the retirement age is 65 and if the particular judge is appointed at the age of 63 then as an exception he should be allowed to continue after the lapse of 65 years because, it is not a musical chair where upon your turn you will seat and arbitrarily you'll have to leave if you want to stabilize the society you'll have to give them time sufficiently.

After this informative webinar the formal vote of thanks was proposed by the Assistant Professor of Post Graduate Teaching Department of Law, RTMNU, Dr. Girish Kulkarni Sir.

WEBINAR DETAILS

- **WEBINAR LINK**

<https://rtmnunagpur.webex.com/rtmnunagpur/j.php?MTID=mdc012fc7cfd575b071b6f4faa3b5203b>

YOUTUBE LINK OF WEBINAR

<https://www.youtube.com/watch?v=XeIOhbXFDT4>

GLIMPSES

This screenshot shows a Zoom meeting in progress with 105 participants. The main window displays a grid of video feeds. The top row includes Shikha Gupta (Me), Dr Jain Sanjay (Cohost), and Aakanksha Bhatt. The bottom row includes Aanchal Mittal, Dr Jain Sanjay (Cohost), and a video feed of a man. The right sidebar shows a list of participants, including Shikha Gupta, Abid Khan, Dr Jain Sanjay, Dr. Girish Kulkarni, Dr. Payal Tharey (HoD), madhurabhande16, Aakanksha Bhatt, Aanchal Mittal, Abhishek Mandape, Aditi Gupta, Adv. Poonam Ingolay, Adv. Sumedh Ambade, Aishwarya Peshwe, Alaparthi Ashritha, and Aman Dwivedi. The bottom toolbar contains buttons for Unmute, Start video, Share, and other controls.

This screenshot shows a Zoom meeting in progress with 112 participants. The main window displays a grid of video feeds. The top row includes Shikha Gupta (Me), Dr Jain Sanjay (Cohost), and a video feed of a man. The bottom row includes a video feed of a man, 902B Hansika Banthia, and a video feed of a woman. The right sidebar shows a list of participants, including Shikha Gupta, Abid Khan, Dr. Payal Tharey (HoD), Dr Jain Sanjay, Dr. Girish Kulkarni, madhurabhande16, 902B Hansika Banthia, Aakanksha Bhatt, Aanchal Mittal, Abhishek Mandape, Aditi Gupta, Adv. Poonam Ingolay, Adv. Rudrakshi M. Mendhe, Adv. Sumedh Ambade, and Aishwarya Peshwe. The bottom toolbar contains buttons for Unmute, Start video, Share, and other controls.

PARTICIPANTS LIST

<u>SR.NO</u>	<u>NAME OF THE PARTICIPANTS</u>
	MOHAMMAD TAHAUDDIN
2.	Sagar Kumar shahare
3.	SHIKHA GUPTA
4.	Kailas Pratapsing Vasave
5.	Shreyash Bhardwaj
6.	Megha Kusram
7.	Shruti Gala
8.	Pooja adnani
9.	Kavya Sharma
10.	ANJUM DADASHA SHAHA
11.	Syeda Aqsa Ahmad
12.	Megha Kusram
13.	Ram Prabhakar Aurangabadkar
14.	Shruti Banerjee
15.	NEHA SIDDIQUI
16.	Prof.Shah Iqbal Shabbir
17.	Shreyash Bhardwaj
18.	SAMEER GIRISH GARGEY
19.	Vidyasagar Dalpatprasad Tripathi
20.	Adv. Sumedh S. Ambade
21.	Prabuddha B. Damle
22.	Shruti Ramkrushnarao Waghade
23.	Suman tanwar
24.	Dr. K Gireesan
25.	Aditi
26.	Aarti Parag Banthia
27.	Alaparathi Ashritha
28.	Narendra Ramesh Lalwani
29.	Deveshri Tembhare
30.	Ms. Sonali Balkrishna Garule
31.	Kritika M Shekhar
32.	Adv. Atul Chakma
33.	Dr. Daksha Sharma
34.	Nandini Ladha
35.	Aakanksha Bhatt
36.	Mahendra Dewaji Nandeshwar
37.	Vidhya.P.Shetty
38.	Asst.Prof.Soni N Hariyani
39.	Madhura Bhande
40.	Mani Shanker Sharma

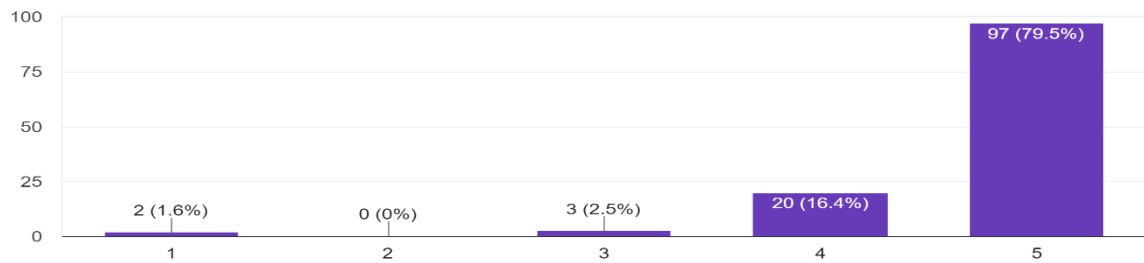
41.	Shekhar mantapurwar
42.	Chinmay Singewar
43.	Abhishek Mandape
44.	Archana Deshpande
45.	Kavita behune
46.	Dr. Pratima Soni
47.	Adv. Rudrakshi M. Mendhe
48.	Preeti B. Motghare
49.	Aniket Vitthal Rathod
50.	Celesty PILLAI
51.	Miss Priyanka Siddharth Dongre
52.	Pradeep Kumar Dhara
53.	Aman Dwivedi
54.	Moni Bhaisare
55.	Kushagr Khanna
56.	Dr.Archana Arun Thorat
57.	Pranita Chavan
58.	Manohar Jaganrao Gajbhiye
59.	ANUSHA DILIP PATRE
60.	Dr. Sonia Khera
61.	Mr. Abdud Darrar Hafiz Sheikh
62.	Poonam Anil Ingolay
63.	DEEPAK ABHIMANYU RAUT
64.	Adv.Madhao Shamrao Zoad
65.	Prakash Kumbhare
66.	Dr. Archana Adhik Pawar
67.	Suman tanwar
68.	Bhupender Negi
69.	MISS. SHAZIA SYED AZIZUDDIN BARI
70.	Garima
71.	Alaparthi Ashritha
72.	Devansh Malhotra
73.	Manav Garg
74.	Anushree Mukte
75.	Aanchal Mittal
76.	Shitanshu Gupta
77.	Mani Shanker Sharma
78.	Harmeet Kaur
79.	riddhi garg
80.	Suhani
81.	Akshat Sharma
82.	SHRUTI GUPTA

83.	Anjum Dadasha Shaha
84.	Dr. Prashant Rahangdale
85.	Manish D Uike
86.	Shekhar gopal mantapurwar
87.	Dr. K Gireesan
88.	Manav Lal
89.	Syeda Aqsa Ahmad
90.	ANJUM DADASHA SHAHA
91.	Anupama M Falke
92.	Alaparthi Ashritha
93.	Shruti Banerjee
94.	Aishwarya Peshwe
95.	Padma Chobe
96.	ANJUM DADASHA SHAHA
97.	Mrs.Vaishali Shiwankar
98.	Tariq Akhtar Khan
99.	Dr.Rohini Fuladi
100.	Alaparthi Ashritha
101.	Dr. Vaishali A. Sukhdeve
102.	Preeti Vithal Ramteke
103.	Mr.Rajiv Shriram Ghirnikar
104.	Narendra Arvindrao Pitale
105.	Pawan Chanderlal Makhija
106.	Dr.Rohini Fuladi
107.	Pragati Navanth Dhakane
108.	Adv.Netra Vijay Dawda
109.	Anuska Nair
110.	Nishant Jagre
111.	Shivani Nilesh Kakde
112.	Mr Mikhil Kajrolkar
113.	Sakshi Thombre
114.	Prof.Soni N Hariyani
115.	Vishva Jeet Bhookar
116.	Aishwarya Peshwe
117.	Dr. Archana Adhik Pawar
118.	Naaz Rahman
119.	Ms. Sarika kamdi
120.	Dr.Swati Joshi
121.	PADMA GHATAME
122.	Dr. Prashant Rahangdale
123.	Dr. V. Vijay Lakshmi

FEEDBACK

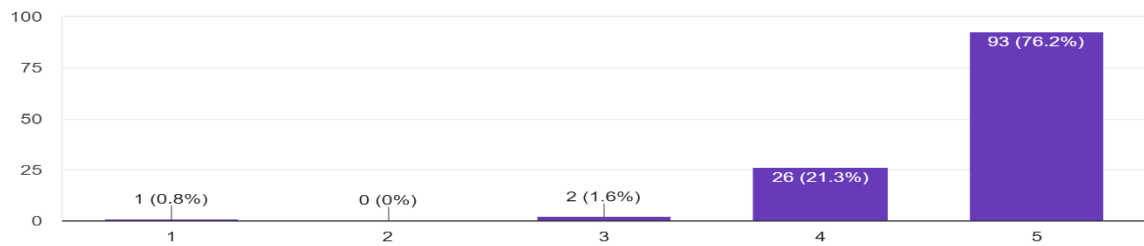
How informative did you find our Webinar?

122 responses



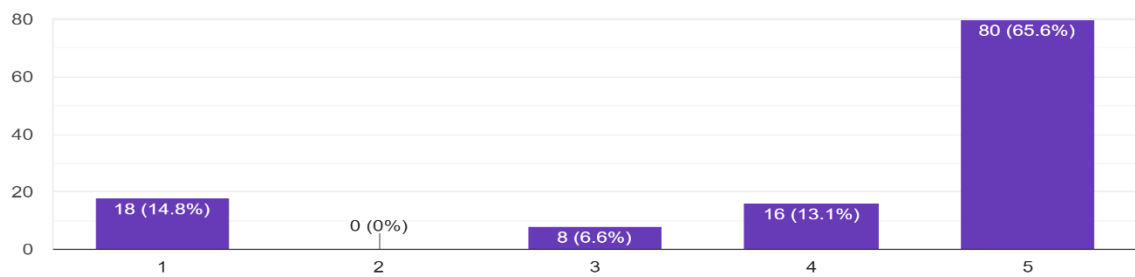
How would you rate the content of this Webinar?

122 responses



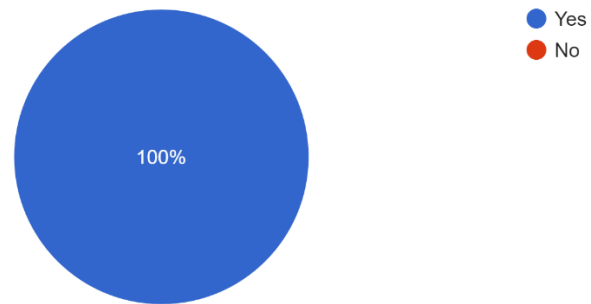
How would you rate the presentation of Dr. Sanjay Jain?

122 responses



In future, would you like to attend more webinars on this topic?

122 responses



A handwritten signature in black ink, which appears to read 'Payal Thaorey'.

Dr. Payal Thaorey
Head, PGT Department of Law,
RTMNU