

## "26<sup>th</sup> Constitutional Amendment"

26<sup>th</sup> Amendment was proposed and passed by three-fourth majority from both the houses last year. Its sole aim was depicted as to balance the power imbalance between "Judiciary" and the "Executives". This amendment not only clipped the powers of chief justice, it also reduced the jurisdictional limits of apex court. The ~~balance~~ ~~the~~ balance which was supposed to be the outcome of the amendment, resulted in the tilt towards "Executives" in reality.

Article 184(3) which allowed Apex court to exercise its power when required. Suo Motu (Article 184(3)) power, once exercised to preserve the rights of those who can't fight for their own rights, may no longer be available. Suo Motu was exercised wrongly in some cases, but that doesn't mean to curtail this power. It required reforms, but muting it entirely was never a solution.

"26<sup>th</sup> Amendment" also provides a procedure to appoint a chief justice supreme court. It replaced decades long procedure of senior most judge to be appointed as next chief justice. But after

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This amendment chief justice will be selected by government from three senior most judges. There is a chance of favoritism while appointing chief justice. Besides, senior most judge can be left as senior puisne judge while his junior can be the chief justice.

To sum up, those who cannot stand up for their rights may no longer be heard and fate of chief justice is in the hands of executives. Judiciary required reforms, but curtailing the power up-to this level created imbalance and this imbalance have created paradox.

Points are okay but try to understand 26 amendment in a broader context

Go through all the reforms that were introduced

Highlight both positive and negative points of 26 Amendment