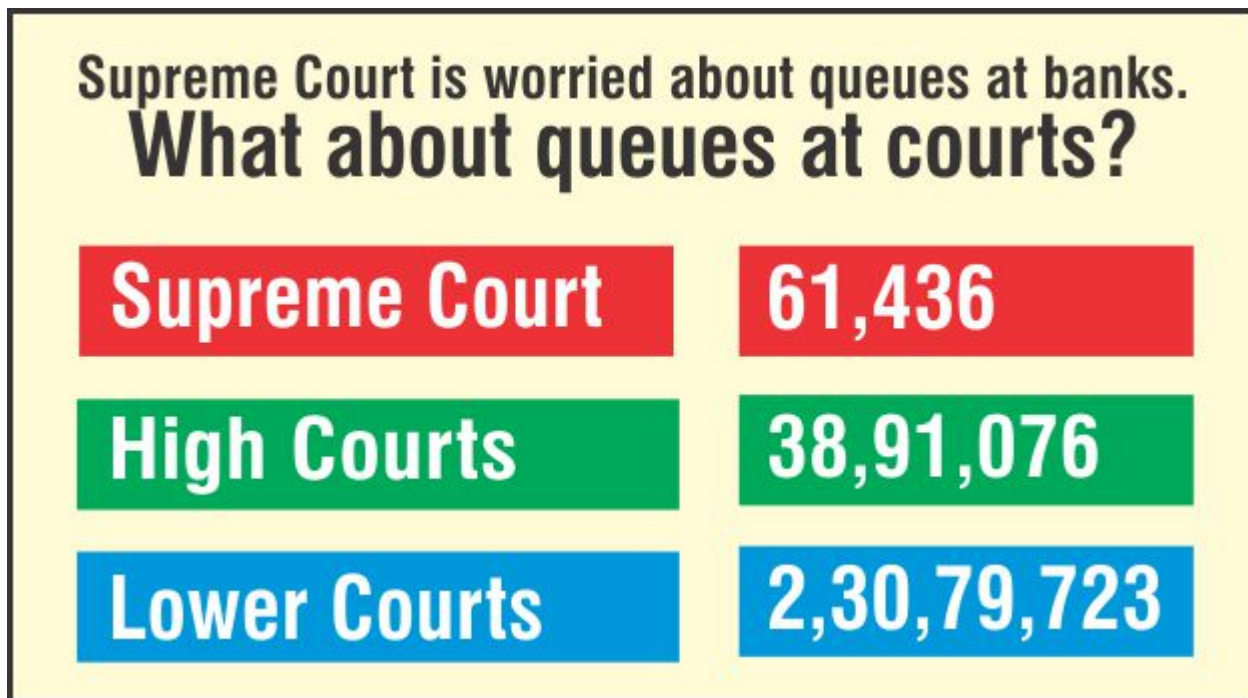


## CORRUPT COLONIAL JUDICIARY, QUIT INDIA

### Description



Almost 90% of the decades long pending cases in courts are the leftovers of the previous governments, especially the Congress governments. Instead of now shedding crocodile tears, Supreme Court must own the responsibility, for the SC alone is to blame for this criminal lapse.

## COLLEGIUM, THE BRAINCHILD OF OUR COLONIAL JUDGES, IS THE VILLAIN OF THE PIECE

In the whole world today, India is the only country which has a colonial type judiciary that follows the vicious practice of 'judges selecting judges' by a system called COLLEGIUM — a cosy judicial club functioning as a super judiciary. In the name of freedom of judiciary, this undemocratic judicial system is not only escaping all sorts of accountability to the people but also poses a threat to the democratically elected government here, by intervening and nullifying many of the government's revolutionary measures and moves.

Here the real enemy of India is not Pakistan nor is it terrorism. The real threat on the path of progress of free India comes from within India, namely the INDIAN COLONIAL JUDICIARY that raises its ugly head whenever the nation embarks on any revolutionary progressive move, and this colonial self-appointed "My Lords" , in the name of

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**‘constitutional provisions’ intervene and thwart the move, often by joining the reactionary forces, including the opposition parties.**

**Prime Minister Narendra Modi has done surgical strike on Pakistan and Black Money. But what he really should have done first was a surgical strike on the fast degenerating Indian judicial system by stripping it of all its colonial suit and tie, colonial court gown, colonial court language (English), and above all, its colonial mindset. What is fundamentally and urgently needed is the Indianisation of our judiciary by ridding it of all its colonial moorings and making it democratic and, above all, transparent in the selection of judges, and not leaving the system to the whims and fancies of these colonial “My Lords” who are the cancerous symptoms and leftovers of colonialism.**

**In 1947, after having defeated Germany, Italy and Japan in the 2nd World War, colonial Britain was at her powerful best. Then Britain was not doing anything favourable to India or Indians — as a fully FREE INDIA — by granting “independence ” on 27 August 1947. Here colonial Britain was only helping herself the inconvenience of direct rule from Britain through a British Viceroy sitting in Delhi. By this process, Britain was only relegating and bringing India under a type of remote-controlled colony rule(neo-colonialism) using all sorts of advanced technologies and colonial legacies with an already in-built colony rule infrastructure remaining intact in place.**

**So Britain made sure a western educated Jawaharlal Nehru as the first Prime Minister of ‘FREE’ India which was already having enough western educated bureaucrats, systems and sectors to continue the neo-colonial rule.**

## **THE ONGOING COLONIAL LEGACY**

**The greatest and the long lasting colonization is the colonization of the mind. In the initial stages of colonization, the conquered people are enslaved and controlled with the force of arms. The weakness of this form of colonization is that the colonized people can rise up in revolution and send the colonizer packing permanently. This colonization is transient. However, the colonizer has other weapons in their arsenal and these are used to colonize the minds of the conquered people, since colonization of the mind is more permanent**

**Today India is reeling under the worst colonial legacy in history. With key sectors like the Indian Constitution, Indian Democracy, Judiciary, Education, Economy, Science and Technology, Media ... all having been deeply entrenched in her colonial legacies and having strong western orientation, ‘handling’ or dealing with any post-independent government in India has been a child play for the global forces, especially the global corporate owned Indian media.**

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After all, the system that is in practice today is part of our colonial legacy, that can be broadly seen through the following categories:

### ***Political***

India has adopted the form of parliamentary government which is similar to British one. Our constitution gradually emerged from various acts passed by British from 1858 to 1947 with very major contributions from 'Government of India Act 1935' passed by British colonial government.

### ***Educational***

Indian system of education is largely impacted by British system. They neglected mass education and promoted clerical education system. India is still struggling to overcome the ill effects of the same education system which promotes rote learning

### ***Administrative***

British introduced the system of Indian civil services, which is known as IAS now a days. It has its both positive and negative impacts. Negative impacts include 'officer-shahi' culture, generalists on top positions rather than specialists, and too much concentration of power which promote corruption. Positive impacts are that it has helped to bind India as a nation with similar kind of administrative structure.

### ***Social and cultural***

Modern Indian problem of Communal tension is largely a British colonial legacy. They followed a policy of 'divide and rule' and pitted Hindus and Muslims against each other for their political gains. British modified social structure of Indian society and created a powerful class of zamindars and landlords who acted as loyal British allies. They also created an educated middle class which can act as a market of British produced goods. Zamindari is abolished now but middle class is expanding day by day with consumerist culture.

### ***Technical and Architectural***

India's first Engineering college was started by British at Roorkee, which is now IIT Roorkee. They introduced railways, telegraph etc in India. Buildings made by British are still used today by many government offices. Parliament House, Rastrapati Bhavan, etc were all made by British. These buildings are one of the most visible legacies of British Colonialism.

### ***Economic***

India was bleed to death due to economic exploitation. Social structure was modified due to introduction of monetary land tax(which was earlier a part of produce). Cultivation of cash crops was promoted. Artisan and local handicraft and other technical industries were destroyed by unfavorable trade. Traditional industries are still struggling in modern day India, because we proceeded with industry based economic development plan as per colonial legacy.

### ***Defence***

British introduced modern defence system in India. In fact, modern India defence forces are very much patterned based on british legacy. Most of Indian Army generals have come from a school called RIMC (Rashtriya Indian Military College), which was started by British to train Indian boys to impart officer qualities. It was then known as Royal Indian Military College.

***Divide and rule:*** They tried to divide indians on the basis of religion and caste in order to strengthen their hold and their rule. Division of India based on religion and formation of pak

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and india is a scar on the system. It was done without much preparation and resulted in huge loss of life.

### *Judicial*

The most important understanding of the judicial process requires us to think about more than formal laws and procedures. System of modern courts in India was started by British which is continuing even today. Many judicial procedures, especially the Civil and criminal procedure code was made by Macauly in 1835 based on which many of our laws are still based on.

### *Lingering Colonial Legacies*

Today many nations that were once under colonial rule are still wilting under the spell of their colonial legacies. A few aspects of the lingering effect of colonial legacies are appended below:

- Corporate force came through colonialism (The British East India Company of the 16th century was the first corporate company that globally spread industrial civilization)
- Organized Religion came through colonialism (Bishop Desmond Tutu said: “When the missionaries came to Africa they had the Bible and we had the land. They said ‘Let us pray.’ We closed our eyes. When we opened them we had the Bible and they had the land.”)
- Industrialism, as a DISEASE, came through colonialism (“Industrial Civilization is a DISEASE”— Gandhi)
- Opium came through colonialism(Chinese Opium War)
- Corruption came through colonialism (Chinese Opium War)
- Modern Dualist Education came through colonialism
- Constitutions and legal systems of nations came as adapted from constitutions and legal systems of their respective colonialist nations.

Many nations of the world may have succeeded in driving out, from their lands, the colonial powers, but however the colonial legacy still rules the world through the globally established influence of Opium, Corruption, Black Money, Market Force(Corporate Force), Organized (Dualist) Religions, Modern (Dualist) Education, Modern (Dualist or reductionist) Science, Adapted Constitutions/Legal Systems etc. Today the fact is that it is the colonial

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legacy still rules the roost in almost all the erstwhile colonies.

The judges today want us to call them “My Lord” — Is this not too much? It is a pity that judges in India, especially CJI, think they are more than the govt of India and its constitution.

The present Indian legal system is continuing the colonial legacy where the ends justify the means. The Indian Judiciary administers a common law system of legal jurisdiction, in which customs, precedents and legislation, all codify the law of the land. It has in fact, inherited the legacy of the legal system established by the then colonial powers and the princely states since the mid-19th century, and has partly retained characteristics of practices of colonial Britain from her infancy

Overall, however, India's laws and the judicial system still reflect the colonial mentality that prevailed when Lord Macaulay, especially first set up the IPC. As things turned out, the architects of the Indian republic chose to retain the colonial laws, especially IPC in the new, independent India virtually unchanged from the colonial period, a legacy Indians still live with to this day.

This weird colonial legacy indeed challenges India and paves the way for all sorts of corrupt undemocratic practice in the dispensation of right justice.

## **COLLEGIUM**

In the world, India is the only country which has a colonial type judiciary which follow the vicious practice of judges selecting judges by a system called COLLEGIUM — a cosy judicial club functioning as a super judiciary in the country. It is a closed-door affair without a formal and transparent system. Here judiciary, in the name of freedom of judiciary, is escaping all sorts of accountability to the people, and they do it by misusing public funds and keeping it to themselves so that nobody can question them. Today if government is asking for transparency and accountability in appointment of judges, what is wrong in that?

Collegium system has become a place for nepotism and corruption, judiciary is also a public organisation and it should be accountable to the people of India. When there are reforms introduced in all fields of administration, why Judiciary wants to stick to “Unconstitutional” Collegium System? It is no secret that many judges have been put behind bars for corruption which is rampant in Indian Judiciary. Further, despite many suggestion from many eminent lawyers, judges and Law Ministry of government, the present members of the Collegium, led by the CJI, are doing nothing to improve the number of judges and tackle the increasing number of pending cases.

Slow in disposal of cases is not due to less number of judges but due to inefficient judges are being selected ignoring meritorious Advocates. Govt decision is a very good step in stalling the justice delivery system for years together. Simple impeachment system for judges to be provided against transferring the corrupt judges.

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70% of the Present High courts and Supreme Court judges are unfit for profession and they are the puppets and agents of political parties and other vested interest lobby groups. They all got judge posts for their loyalty to these forces only, not for their academic capacity, efficiency or integrity.

Another Justice Chelameswar boycotted Collegium, questioning its transparency. The Chief Justice of India's attempts to mollify Justice Jastice Chelameswar, who had refused to attend a Supreme Court collegium meeting on the grounds that its functioning lacked transparency, have not yielded a positive result.

In a stinging attack on the Collegium system for appointment and transfer of judges, a former judge of the Supreme Court has described it as having degenerated into a "give and take" policy and thereby seriously in risk of compromising the quality of people presiding over the High Courts and the Supreme Court.

Justice A K Patnaik, who stepped down as a Supreme Court judge a couple of years ago after serving as a judge in various capacities for two decades, had this to say: "Many competent persons have often been ignored and those who were close to members of the SC Collegium were chosen because there was no objective assessment whatsoever while making the selections."

Why is Chief Justice of India so impatient of getting his list of Advocates/Bench prepared by him only to get appointed as Judges by hook or crook before he retires in February 2017, and why not recommend the names of Judges of High Courts in services for elevation. Is it that CJI T.S.Thakur just wants to appoint agents of Congress as judges to High Courts and Supreme Court which in any case is not going to succeed?

Degeneration of judiciary poses the greatest threat to democracy in India. Thanks to false ego and activism shown by courts, justice system has become a butt of jokes and everyone is making fun of courts. For decades, judiciary has remained the same as always — our legal system is outdated. Thus we are still slaves of British laid down legal system for their own benefits.

The Collegium system has to go and a very transparent method of selection has to come. The law system needs a surgical strike-like drastic bold change. Or, as many suggest, India has waited for 68 years for a good judiciary and India can wait for another 2 months more, for the CJI (who is opposing the move) is due to retire. Another 2 months delay may not do much major harm. By the way, rumours are rife that Chief Justice T.S Thakur, who is relinquishing his office on superannuation on January 4, 2017, is likely to be opposition's Vice Presidential candidate when post of the Vice President of India is falling vacant on August 11, 2017. (<http://news.statetimes.in/justice-t-s-thakur-likely-oppns-vice-presidential-candidate/#> )

## **THE WILL OF THE PEOPLE STANDS SUPREME IN A DEMOCRACY**

The present practice of judges to select judges is highly illogical and also adds up to a democracy- axing practice of colonial legacy in India. In this way, the judicial power, and also, through judicial power, the politicking power, are centralized only in hands of judges themselves who would pick their own and there is no check. There needs to be check in place to ensure that no nepotism and favoritism is allowed in selection process. There is

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huge wheeling and dealing that is happening in Delhi and it needs to stop. Certain judges are only shedding crocodile tears. Collegium is no more a worthy Institution.

Judiciary cannot appoint itself. That's highly unethical. Selection has to be by a different forum as in all forms of any service sector like jobs. Judiciary cannot be a retirement home for lawyers, paid from taxpayer's money. People demand transparency. If not, let there be a referendum, people will which will give a befitting reply to this corrupt judicial practice.

For more on colonial legacy and 'Collegium', please read: *COLONIAL JUDICIARY CALLING SHOTS OVER PEOPLE'S GOVERNMENT IN INDIA*:

<http://www.humanfirst.in/uncategorized/colonial-judiciary-calling-shots-over-peoples-government-in-india/>

## **DEMONETIZATION BY MODI GOVT AND THE JUDICIAL INTERFERENCE**

Demonetization has been a very bold and revolutionary move of the Modi govt supported by almost 95% Indians, and this radical move is even widely lauded abroad. However the judiciary's unwanted interference in this by cautioning it as subjecting it for constitutional review by the Supreme Court, apart from it joining the chorus of false criticism of opponents – like “long queues outside banks” – only shows the judiciary's arrogance and criminal overstepping of its legitimate role.

If justice delayed is justice denied, then aren't our courts denying justice to lakhs of litigants? It is good that Supreme Court cautioned government about long queues outside banks but their observation that riots could start due to these queues is, in a way, an invitation to people to start riots.

It's idiotic for the judiciary to judge the present scenario. An elected government made a drastic move on its financial obligations. What it is going to bring about is something one has to wait and see. Here SC is surprisingly echoing the opposition voice, a common Indian is happy with the decision but opposition is hell-bent to topple this bold move of Govt by their misleading false propaganda. But SC is supposed to be neutral, but alas it's becoming a party in this matter which is not a good sign for democracy. It seems judiciary is behaving like a spokesperson of few petty political parties and the vested interest black money holders.

Judiciary does not understand the fact that common people are supporting govt move, in spite of all their inconvenience, but colonial media and colonial judiciary (both are today tools of the globalists and other black money corporate forces), in complicity with the opposition, are misleading the country. We are living in this country and at this moment we see and hear about corruption at JUDICIARY.

Courts should clear their mess first. Cases are pending since Independence. Why don't SC say to judiciary system like High Courts, Lower courts to move cases faster and not keep them pending for years and years, and that they should stop putting their nose in everything.

I, as an independent observer, just don't know why our judiciary is poking its nose in this noble cause of demonetization. Who/what has authorized Supreme Court to evaluate Modi govt, as to declare him right or wrong. Leave that task to the people and the opposition. SC is a non-political institution and must remain so, and it has no business interfering in the



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policy of the govt

Modi govt has done in two years what other governments has not happened in twenty years. The judiciary should not overstep the political executive that people-chosen.

Today this demonetization move against corruption and black money is widely lauded abroad. HSBC India's chief executive Stuart Milne lauded Prime Minister Narendra Modi's move to demonetize the pre-existing stock of Rs 500 and Rs 1000 currency notes as a BOLD STEP. "This move will bankrupt terrorists, blackmoney holders & corrupt officers", wrote one commentator about this revolutionary move announced and implemented earlier this month.

World Economic Forum Has called it a "bold and decisive step".

Chinese media is all praises for PM Modi's 'startling' move on black money. Terming Prime Minister Narendra Modi's decision to demonetize high value currency notes as "startling and bold", Chinese official media has said it is "far from enough". "Modi means well and his decision was made based on the reality in India, since most illegal business in the underground economy is cash-only, and Rs500 and Rs1,000 notes constitute over 80% of all cash circulation in India. Nevertheless, we can hardly count on the new rule to fully root out corruption," stated the article titled 'Beijing offers clues for Modi's new anti-corruption moves'.

Since Modi assumed office, he has carried out a number of measures to crack down on black money, corruption and tax evasion. However, many of them are believed to be "without teeth and can't begin to scratch the surface of the problems he faces", it said.

India's new policy to scrap high value notes is considered a "risky, but a bold and decisive step", it said. "And yet, delivering a corruption-free country requires more than banning currency notes. The key should be reforming systems. In this regard, New Delhi might need to look for ideas from Beijing," it said, referring to the massive anti- graft campaign carried out by President Xi Jinping in which over a million officials at different levels were punished. <http://www.livemint.com/Politics/OzKpQP6Zlarht4c9fotrqL/Narendra-Modis-demonetization-move-bold-but-far-from-enough.html>

Prime Minister Narendra Modi announced that the demonetization is only the first step in the war against country's black money. He said that the high denomination notes being demonetized is the start of a continuous struggle against black money.

A day after Prime Minister Narendra Modi reached out to people directly for feedback via his App on denomination, about two weeks after this crucial revolutionary move, more than 90% of the respondents said that government's move to tackle black mone – More than 90% of the respondents feel the government's move to tackle black money is above four-star rating. 73% of them give it five-star rating of brilliant — was above four-star rating.

This indeed is a WAR on black money. Life may be in chaos at the present moment but let us bear this inconvenience. It is all for a good humanist cause. We are bound support this in whatever small way we can.

Today Narendra Modi is no longer a national leader alone. Modi is a formidable global leader today. Report from New York on 29 November suggests that Indian Prime Minister Narendra Modi is leading an online poll of readers' choice for Time magazine's 'Person of the Year' in 2016 honour, which has contenders like US President-elect Donald Trump, the



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## outgoing US leader Barack Obama and Russian President Vladimir Putin.

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