**Judges**

* **Have judges played an active role in safeguarding democracy and upholding fundamental democratic rights in your country?**

From year 2014, judges in India have been aligning with executive and legislature, giving latter absolute free hand in governance and decision-making process. There is no judicial interference and all challenges by the citizens are dismissed and even fined by the Supreme Court. In period between 2014-2019, there still was some semblance of judicial independence. But post-election of 2019, when the right-wing government came to power with almost full majority and the political opposition was reduced to inconsequential number, the judiciary right from the trial court to the highest court of the land, changed its colour. Today, situation is that almost every opposition member is being prosecuted by “Enforcement Directorate” (spy weapon of the government). Government has jailed so many activists, liberal thinkers, constitutional scholars and many of them have even died as undertrials as the courts refused to grant them bail. The government is taking away the right to think independently. And the highest court of the land is silent on dilution of constitutional guarantees. The Supreme Court judges continuously party with ministers and invite prime minister and presidents to all its functions. In a period of just one week, the Supreme Court judges meet the Prime Minister, the President and the law minister at last 4 time. The newspapers carry out full page pictures of their close relationship. The closeness and personal relationships keep genuine litigants away from the courts and common citizens have understood that there is no use in going to one wing against the decision taken by another wing. They all have joined hands. There are lot of reasons for this close relationship. One important reason that stands out is the post-retirement jobs that judges are looking for. Every supreme court judge after his/her retirement at age of 65 is looking out desperately for employment and for all the perks (house, car, domestic servants, free petrol, free travel throughout India and abroad). The government holds all the power in distributing these post-retirement benefits in the shape of appointing the governor of the state, vice-chancellor of university, member of upper house of parliament, arbitration centre head, any local inquiry head, head of human right commission, head of countless tribunals and other commissions. Further, by staying close to the government and crushing any citizen’s movements, judiciary gets opportunity to advance its personal agenda of making appointment of its friends and relatives as next batch of judges to the 24 high courts and the Supreme Court.

* **Are judges facing any obstacles, risks, or challenges in your country when fulfilling this role? If so, provide examples, and highlight if judges face particular obstacles, risks, or challenges based on their gender, racial identity, or other characteristics protected by human rights law.**

Presently, judges are facing no obstacles, risks, or challenges as they favour the government. There is no fear. There is positive and willing favour to the executive.

* **Is there a specific role played by the judiciary in democratic elections?**

No. Judges turn down any practice questioned before them in relation to democratic election, be it appointment of election commissioner, funding of elections, malpractices during election, hate speech during election campaign, counting of election votes and so on. Judges in order to be in good books of the ruling government are dismissing all the questions raised before it and even chiding the petitioners for approaching it by imposing the heavy costs.

* **Are there any policies or institutional arrangements in place to limit the role of judges in safeguarding democracy?**

Institutional arrangements for appointing judges, for post-retirement jobs are exploited to the fullest potential and now we have the judiciary committed to the cause of the executive and legislature.

* **Are there any additional issues you wish to raise with the Special Rapporteur in this context?**

One finds that recently judges are clamoring in India to get media attention. Every judge wants to be interviewed and, in this interview, all that they do is self-praise and positive self-appraisal. The Supreme Court judges from past 3 years want their front-page picture on newspapers, on magazines, on social media platforms. They are competing with cinema stars to be clicked and published. Citizens are confused with this wannabe celebrities and wonder when do these judges read the file and the law and when will they get time to give justice? There is also a trend to accept the gifts and judges in India have never shied away from the gift culture. In fact, encouraged it by rewarding the gift giver.

* **What are the approaches taken to protect judges in this role?**

Judges are very powerful and need no protection. On the judicial side and administrative side they continuously pass the order gifting more power to themselves, more amenities to themselves, not only during their tenure but even post-retirement. The government complies with these orders in order to not disturb the friendship and close bonds.

* **Are there any additional issues you wish to raise with the Special Rapporteur in this context?**

As judges in India are vindictive and revengeful, please do not disclose the names of people who are giving inputs as their life would be in danger as they would be targeted.

**Prosecutors**

* **Have prosecutors played an active role in safeguarding democracy and upholding fundamental democratic rights in your country?**

Not at all. India does not have independent prosecuting wing.

* **Are prosecutors facing any risks, obstacles, or challenges in your country when fulfilling this role? If so, provide examples, and highlight if prosecutors face particular obstacles, risks, or challenges based on their gender, racial identity, or other characteristics protected by human rights law.**

As prosecutors are not independent, they treat themselves as eye, ear, mouth of the government. Their mental framework is that of government servant who is more than willing to further the agenda of the government. Hence they face no risks, obstacles or challenges. In India, selection procedure makes sure to select the right kind of candidates who will be willing to adhere and confirm and not the ones who will exercise their independent mind.

* **Is there a specific role played by the prosecutor’s office in democratic elections?**

No.

* **Are there any policies or institutional arrangements in place to limit the role of prosecutors in safeguarding democracy?**

No.

* **Are there any additional issues you wish to raise with the Special Rapporteur in this context?**

No.

* **What are the approaches taken to protect prosecutors in this role?**

No government is keen to establish independent prosecution wing in India.

* **Are there any additional issues you wish to raise with the Special Rapporteur in this context?**

No.

**Lawyers**

* **Have lawyers played an active role in safeguarding democracy and upholding fundamental democratic rights in your country?**

Very few lawyers are performing this role. They could be counted and their number does not exceed two figure number.

* **Are lawyers facing any risks, obstacles, or challenges in your country when fulfilling this role? If so, provide examples, and highlight if lawyers face particular obstacles, risks, or challenges based on their gender, racial identity, or other characteristics protected by human rights law.**

The contempt power of Supreme Court and even 24 high courts is the biggest challenge faced by lawyers. Further, face value practice is another challenge. In this practice, judges favour their own children, children of their relatives, children of their friends, children of their judicial colleague to practice before them. Others who do not fall in this bracket are treated very harshly and even with very good causes turned away, discouraged and punished by imposing cost or by sending away to jails.

* **Is there a specific role played by the Bar association in democratic elections?**

No. They are mouth piece of the government and judges who are with the government.

* **Are there any policies or institutional arrangements in place to limit the role of lawyers or the bar association in safeguarding democracy?**

No. This is self-declared and voluntary on part of the bar members.

* **Are there any additional issues you wish to raise with the Special Rapporteur in this context?**

Nothing can be done to improve the situation. It will remain as it is. Presently people are under some bubble of impression that they are leading the world.

* **What are the approaches taken to protect lawyers in this role?**

Lawyers are divided house in India. They lack fraternity and unity in cause.

* **Are there any additional issues you wish to raise with the Special Rapporteur in this context?**

No.

**Community justice workers**

* **Have community justice workers played an active role in safeguarding democracy and upholding fundamental democratic rights in your country?**

There are some organizations but their number does not exceed one number figure in India.

* **Are community justice workers facing any obstacles, risks, or challenges in your country? If so, provide examples, and highlight if community justice workers face particular obstacles, risks, or challenges based on their gender, racial identity, or other characteristics protected by human rights law.**

Yes, they are deprived of funding. They face prosecution for sedition. They are nicknamed as traitors.

* **Are there any policies or institutional arrangements in place to limit the role of community justice workers in safeguarding democracy?**

Funding and prosecution policies.

* **What are the approaches taken to protect community justice workers in this role?**

No such approach exists.

* **Are there any additional issues you wish to raise with the Special Rapporteur in this context?**

No.