

**GOVERNMENT OF INDIA
MINISTRY OF LAW AND JUSTICE
DEPARTMENT OF JUSTICE**

RAJYA SABHA

UNSTARRED QUESTION NO. 1872

TO BE ANSWERED ON THURSDAY, THE 17.03.2022

Stand of Government on appointment of judges

1872. Dr. Sasmit Patra:

Will the Minister of **LAW AND JUSTICE** be pleased to state:

- (a) details on the stand of Government on National Judicial Appointments Commission (NJAC) vis-à-vis Collegium for appointment of judges;
- (b) whether Government is contemplating against legislating NJAC and if so, the present status thereof; and
- (c) the demerits in the Collegium due to which NJAC was considered?

ANSWER

**MINISTER OF LAW AND JUSTICE
(SHRI KIREN RIJJU)**

(a) to (c): In order to replace the Collegium system of appointments of Judges of the Supreme Court and High Courts with a more broad-based, transparent, accountable appointment mechanism and to bring greater objectivity in the system, the Government brought into operation the Constitution (Ninety-Ninth Amendment) Act, 2014 and the National Judicial Appointments Commission Act, 2014 w.e.f. 13.04.2015. However, both the Acts were challenged in the Supreme Court. The Supreme Court vide Judgment dated 16.10.2015 declared

both the Acts as unconstitutional and void. The Collegium system as existing prior to the enforcement of the Constitution (Ninety-Ninth Amendment) Act, 2014 was declared to be operative.

Subsequently, the Supreme Court vide order dated 16.12.2015 directed the Government to finalize the existing MoP by supplementing it in consultation with the Supreme Court Collegium taking into consideration eligibility criteria, transparency, establishment of secretariat and mechanism to deal with complaints.

The Government of India after due deliberations, proposed changes in the existing MoP and the draft MoP were sent to the Hon'ble Chief Justice of India vide letter dated 22.03.2016. The response of the Chief Justice of India thereon was received on 25.05.2016 and 01.07.2016. The views of the Government were conveyed to the Chief Justice of India on 03.08.2016. The inputs on the MoP of the Supreme Court Collegium was received from Chief Justice of India vide letter dated 13.03.2017. The Department of Justice has conveyed the stand of the Government vide letter dated 11.07.2017 of Secretary (Justice) to Secretary General, Supreme Court of India. The MoP is under finalization by the Government in consultation with the Supreme Court Collegium.
