

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

**RAJYA SABHA
UNSTARRED QUESTION NO. 1873
ANSWERED ON 22.12.2022**

Requirement of NJAC for appointment of judges

1873. DR. JOHN BRITTAS:

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

- (a) whether National Judicial Appointments Commission is required for the purpose of appointment of judges in higher judiciary; and
- (b) if so, the details thereof and reasons therefor?

ANSWER

MINISTER OF LAW AND JUSTICE

(SHRI KIREN RIJJU)

- (a) & (b): In order to make the Collegium system of appointments of Judges of the Supreme Court and High Courts more broad-based, transparent, accountable and bringing objectivity in the system, the Government brought into force 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. Representations from diverse sources on lack of transparency, objectivity and social diversity in the collegium system of appointment of judges to the Constitutional Courts are received from time to time with the request to improve this system of appointment of judges.

Government has sent suggestions for supplementing the Memorandum of Procedure for appointment of Judges to the High Courts and Supreme Court.
