

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

**RAJYA SABHA  
UNSTARRED QUESTION NO. 483  
ANSWERED ON 04/12/2025**

**MECHANISM FOR ACCOUNTABILITY AND PERFORMANCE REVIEW**

**483 SHRI RAGHAV CHADHA:**

Will the Minister of *Law and Justice* be pleased to state:

- (a) whether Government is aware of concerns regarding the lack of formal mechanisms for accountability and performance review in the higher judiciary;
- (b) whether any steps have been taken to improve transparency in judicial appointments, especially in the functioning of the collegium system;
- (c) whether Government proposes to bring aspects of judicial administration, including collegium deliberations, under the purview of the Right to Information (RTI) Act; and
- (d) if so, the details thereof and if not, the reasons therefor?

**ANSWER**

**MINISTER OF STATE (INDEPENDENT CHARGE) OF THE MINISTRY OF  
LAW AND JUSTICE; AND MINISTER OF STATE IN THE MINISTRY OF  
PARLIAMENTARY AFFAIRS**

**(SHRI ARJUN RAM MEGHWAL)**

(a) to (d): The performance assessment of courts in India is within the domain of the Judiciary. The evaluation of judges in the Supreme Court and High Courts falls within the exclusive domain of their respective courts, while the administrative control over the District and Subordinate Judiciary is vested in the concerned High Courts, as per Article 235 of the Constitution of India. To enhance judicial efficiency and establish measurable performance standards, the Supreme Court has constituted the National Court Management System (NCMS) Committee. A Sub-Committee under the NCMS Committee has worked on developing the National Framework of Court Excellence

(NFCE), which aims to set objective performance benchmarks and establish a monitoring mechanism for courts. These reports and recommendations serve as guidelines for High Courts to consider and implement, as required.

The Supreme Court of India, in its full Court meeting on 7<sup>th</sup> May, 1997, adopted two Resolutions namely (i) "The Restatement of Values of Judicial Life" which lays down certain judicial standards and principles to be observed and followed by the Judges of the Supreme Court and High Courts and (ii) "In-house procedure" for taking suitable remedial measure against Judges who do not follow the universally accepted values of judicial life including those in the Restatement of Values of Judicial Life. A bill titled, "The Judicial Standards and Accountability Bill, 2010", was introduced in the Lok Sabha on 01.12.2010. The Bill lapsed consequent to the dissolution of the 15<sup>th</sup> Lok Sabha.

Appointment of Judges of the Supreme Court and High Courts is made under Articles 124, 217 and 224 of the Constitution of India and as per the procedure laid down in the Memorandum of Procedure (MoP) prepared in 1998 pursuant to the Supreme Court Judgment of October 6, 1993 (Second Judges case) read with their Advisory Opinion of October 28, 1998 (Third Judges case). The Supreme Court in its Judgment dated 06.10.1993 in Supreme Court Advocates on Record Vs. Union of India (Second Judges Case) inter-alia, observed that merit selection is the dominant method for judicial selections and the candidates to be selected must possess high integrity, honesty, skill, high order of emotional stability, firmness, serenity, legal soundness, ability and endurance. Besides the above, the hallmarks of the most important personal qualifications required are moral vigour, ethical firmness and imperviousness to corrupting or venal influences, humility and lack of affiliations, judicial temperament, zeal and capacity to work.

Appointment of Judges in the higher judiciary is a continuous, integrated and collaborative process between the executive and the judiciary. It requires consultation and approval from various Constitutional Authorities both at State and Central level. The Government, as an important stakeholder in the process of appointment of Judges in the High Courts and as laid down in the Memorandum of Procedure on appointment of High Court Judges provides inputs which mainly contain information on the

suitability, competence and integrity of the candidates under consideration for appointment to the high constitutional post in the judiciary. The recommendations along with inputs are then referred to the Supreme Court Collegium (SCC) for advice. Only those persons are appointed as Judges of the Supreme Court and High Courts whose names have been recommended by the Supreme Court Collegium. While it is of utmost importance that the appointments are made expeditiously, at the same time it is also important to ensure that only the most suitable candidates are appointed as Judges of the High Courts under the collaborative process.

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.

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 MoPs were sent to the Hon'ble Chief Justice of India vide letter dated 22.03.2016. Responses of Supreme Court Collegium (SCC) were received on 25.05.2016 and 01.07.2016. The comments of Government, in response to the views of SCC were conveyed to the Chief Justice of India on 03.08.2016. The SCC provided their comments on the views of the Government on draft MoP on 13.03.2017. The stand of Government with suggestions to resolve issues involved in appointment of Judges was conveyed to the Secretary General of the Supreme Court vide letter dated 11.07.2017 of Secretary (Justice). In order to ensure transparency in appointment procedure, the government emphasised on the need for a more robust evaluation process by setting up a search-cum-evaluation committee. In its recent communication dated 06.01.2023

to the Chief Justice of India, the Government has emphasized the need to finalize the MoP in view of various judicial pronouncements. In the letter dated 06.01.2023, the Government again requested the Supreme Court to consider various suggestions sent by the Government from time to time for making the system of appointment of judges to the Constitutional Courts more transparent, fair, representative and accountable.

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