

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

**LOK SABHA  
UNSTARRED QUESTION NO. 1413**

**TO BE ANSWERED ON FRIDAY, THE 28.07.2023**

**Transparency in Appointment of Judges**

**1413. SHRI D.K. SURESH:  
SHRI S. JAGATHRAKSHAKAN:**

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

- (a) whether the issue of transparency has been raised strongly in the constitution of collegium system;
- (b) if so, the details thereof;
- (c) whether the Government proposes to re-evaluate the collegium system and addressed its flaws to ensure that it truly reflects the will of the people and serves the best interest of the nation;
- (d) if so, the details of the steps proposed to be taken by the Government in this regard and if not, the reasons therefor; and
- (e) whether the Government has taken any measures to ensure transparency in the appointment or elevation of judges by the collegium system and if so, the details thereof?

**ANSWER**

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

**(SHRI ARJUN RAM MEGHWAL)**

(a) to (e): 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 6.01.2023, 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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