

**GOVERNMENT OF INDIA  
LAW AND JUSTICE  
LOK SABHA**

UNSTARRED QUESTION NO:910

ANSWERED ON:03.12.2015

National Judicial Appointment Commission Act, 2014

Antony Shri Anto ;Gautam Shri Satish Kumar;Mahendran Shri C.;Meghwal Shri Arjun Ram ;Pala Shri Vincent H;Premachandran Shri N.K.;Ranjan (Pappu Yadav) Shri Rajesh;Shanavas Shri M. I.;Singh Shri Sunil Kumar;Udhayakumar Shri M.

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

- (a) whether the Government proposes to review the National Judicial Appointment Commission Act, 2014 (NJAC) following the recent judgement of the Supreme Court thereby striking down the same;
- (b) if so, the details thereof along with the follow up action taken/proposed to be taken by the Government following the said judgement;
- (c) whether the erstwhile Collegium System is being revived/reviewed in order to make it more transparent and accountable;
- (d) if so, the details and the present status thereof; and
- (e) the present status of the proposal formulated in 2012 for creation of an All India Judicial Service (AIJS) and the steps taken/being taken by the Government in this regard?

**Answer**

Order dated 16.10.2015 has inter-alia declared the Constitution (Ninety-ninth Amendment) Act, 2014 and the National Judicial Appointments Commission Act, 2014 as unconstitutional and void. The system of appointment of Judges to the Supreme Court, and Chief Justices and Judges to the High Court; and transfer of Chief Justices and

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Judges of High Courts from one High Court, to another, as existing prior to the Constitution (Ninety-ninth Amendment) Act, 2014 called the "collegium system", has been declared to be operative. Supreme Court has simultaneously decided to consider introduction of appropriate measures, if any, for an improved working of the "Collegium System".

The Government of India submitted its suggestions to the Supreme Court for improving the "Collegium System" subject to its reservation about the correctness of the Judgment.

The Government has taken the stand that it reserves its liberty to take such action as it may decide fit and nothing in the suggestions made by the Government or participation in the proceedings ought to be construed as the Government being estopped from such action. Further, the Parliament shall have the power within the parameters of the Constitution to govern the criteria and process for appointment of Judges to the Supreme Court and High Courts.

The Supreme Court appointed two amicus curiae for compiling the suggestions received from the Advocates. It further directed that suggestions may also be invited from the Public by stipulated deadline.

Accordingly, Department of Justice issued a Public Notice on 6.11.2015 in all major National/Regional Dailies inviting suggestions from the public. All the suggestions received by the Department were forwarded to the two amicus curiae. The amici curiae in their report filed in the Supreme Court have stated that about 1450 suggestions were received within the deadline fixed by the Supreme Court.

(e) : A comprehensive proposal was formulated for the constitution of an All India Judicial service (AIJS) and the same was approved by the Committee of Secretaries in November, 2012.

The proposal was included as an agenda item in the Conference of Chief Ministers and Chief Justices of the High Courts held in April, 2013. It was decided in the Conference that the issue needs further deliberation and consideration. The views of the State Governments and High Courts were sought on the proposal.

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The views of the State Governments and High Courts received in this regard were included in the agenda notes for the Conference of Chief Ministers of States and Chief Justices of High Courts held on 5th April, 2015. No consensus was reached on the matter. The matter regarding uniform procedure for appointment of District Judges and creation of Judicial Service Commission for conducting a common written examination for recruitment to the post of District Judges was also included in the agenda of Chief Justices' Conference held on 3rd and 4th April, 2015. As per the decision taken in the Chief Justices' Conference, it has been left open to respective High Courts to evolve appropriate methods within the existing system to fill up the vacancies of District Judges expeditiously.