Polity & Governance · GS - II

Critically examine the Supreme Court’s judgement on ‘National Judicial Appointments Commission Act, 2014’ with reference to appointment of judges of higher judiciary in India.

EXAM YEAR	PAPER	SUBJECT
2017	GS - II	Polity & Governance

MARKS	WORD LIMIT
10	~150 words

Answer Hint

Judicial independence; collegium system; NJAC judgment; separation of powers; executive accountability; judicial transparency

Model Answer

Introduction

The Constitution (Ninety-ninth Amendment) Act, 2014, and the National Judicial Appointments Commission (NJAC) Act, 2014, sought to replace the collegium system with a commission for appointing higher-court judges. In 2015, the Supreme Court struck them down.

Key Features of the Judgment

- The Court held that judicial independence is part of the Constitution's basic structure.
- It found that the NJAC framework could compromise judicial primacy in appointments.
- The commission included the Chief Justice of India, two senior Supreme Court judges, the Union Law Minister and two eminent persons.
- The provision allowing any two members to veto a recommendation raised concerns about potential deadlock and external influence.
- The judgment restored the collegium system, under which senior judges recommend appointments.

Arguments Supporting the Judgment

- It protected judicial independence from undue political influence.
- It upheld the basic-structure doctrine and constitutional checks and balances.

Criticisms and Concerns

- The collegium system has faced criticism for opacity, inadequate diversity and limited accountability.
- Judicial primacy does not eliminate the need for objective criteria and transparent procedures.
- Excessive secrecy can undermine public confidence.

Way Forward

Publish clear appointment criteria, provide reasoned recommendations where appropriate, strengthen diversity and establish transparent procedures without compromising judicial independence.

Conclusion

The judgment safeguarded judicial independence but did not resolve the collegium's institutional weaknesses. Reforms should balance judicial autonomy with transparency, merit and accountability.

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