



## APPOINTMENT OF SUPREME COURT JUDGES - POLITY

### WHY IN NEWS?

With two new judge, supreme court back its full judicial strength

**Justice N.Kotiswar Singh** from Manipur & **R.Mahadevan** from Tamil Nadu were appointed.

	QUALIFICATION	APPOINTMENT	TENURE
<b>SUPREME COURT JUDGES</b>	<ol style="list-style-type: none"><li>1) Citizen of india.</li><li>2) He should be judge of HC for 5 years or advocate of HC for 10 years</li><li>3) He should be distinguished jurist in the opinion of president</li></ol>	<b>Article 124(2)</b> President after consulting chief justice of India with his 4 member collegium.	<ol style="list-style-type: none"><li>1) Until age 65</li><li>2) Resign by writing to president</li><li>3) Removed by president on recommendation of parliament</li></ol>

### Key Points on Judges Cases in India (collegium system)

#### First Judges Case (S.P. Gupta vs. Union of India, 1981)

- A seven-judge Constitution Bench ruled that the President of India has the final authority in appointing judges.
- The President is not obliged to follow the advice of the judges he consults.
- Established the principle that 'consultation is not concurrence'.

#### Second Judges Case (Supreme Court Advocates-on-Record Association vs. Union of India, 1993)

- A nine-judge Constitution Bench overruled the 1981 decision.
- Introduced the Collegium System for appointing and transferring judges in the higher judiciary. (Chief justice of India + 2 senior judges as collegium)
- Accorded primacy to the Chief Justice of India (CJI) in these matters.
- 'consultation is concurrence'. (president should follow the advice of CJI)

#### Third Judges Case (1998):



- Reaffirmed the 1993 decision with minor modifications.
- Expanded the Collegium to include the CJI and the four senior-most judges, instead of the earlier two.
- Both the 1993 and 1998 rulings established that the senior-most judge of the Supreme Court should be appointed as the CJI.

## The 99th Constitutional Amendment Act and NJAC Act

### 99th Constitutional Amendment Act, 2014:

- Introduced to replace the Collegium System.
- Established the National Judicial Appointments Commission (NJAC).

### National Judicial Appointments Commission (NJAC) Act, 2014:

- Created a new body for appointing judges to the Supreme Court and High Courts.
- Aimed to bring transparency and accountability in judicial appointments.

### Fourth Judges Case (2015)

- The Supreme Court declared the 99th Constitutional Amendment and NJAC Act **unconstitutional and void**.
- The decision was made by a five-judge Constitution Bench with a 4:1 majority.
- The ruling emphasized that NJAC threatened the independence of the judiciary.

### Aftermath:

The Collegium System for judicial appointments and transfers was reinstated.

**Source:** <https://www.thehindu.com/news/national/justices-kotiswar-singh-r-mahadevan-appointed-to-supreme-court-top-court-to-regain-full-strength/article68409589.ece>