



# **SUPREME COURT ADVOCATES-ON-RECORD ASSOCIATION V. UNION OF INDIA (2015)**

*Constitutional Interpretation & Basic Structure*

## **PRELIMS SNAPSHOT**

- ♦ 1. Prelims Snapshot (Fact Box)
- 📅 Year: 2015
- ⚖️ Case: Supreme Court Advocates-on-Record Association v. Union of India
- 👤 Bench Strength: 5 Judges (Constitution Bench)
- 📖 Key Articles Involved: Article 124, Article 217, Article 50; 99th Constitutional Amendment Act
- 🧠 Doctrine Evolved: Independence of judiciary is part of Basic Structure; NJAC struck down
- 💬 Famous Line: "Independence of the judiciary is sacrosanct and inviolable."

## **CONTEXT & BACKGROUND**

In 2014, Parliament passed the 99th Constitutional Amendment Act and the National Judicial Appointments Commission (NJAC) Act, seeking to replace the Collegium System



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with a more transparent and broad-based method for appointing judges. The NJAC proposed inclusion of the Law Minister and two “eminent persons” in the judicial appointment process. Legal professionals and civil society groups challenged the new law, arguing that it compromised the independence of the judiciary by allowing executive interference.

### **CONSTITUTIONAL ISSUES RAISED**

- Does the NJAC Act violate the Basic Structure of the Constitution, especially judicial independence?
- Can the executive have a significant role in appointing judges to High Courts and the Supreme Court?
- Is the Collegium system flawed yet constitutionally entrenched?

### **VERDICT & RATIO DECIDENDI**

The Court, by a 4:1 majority, struck down the NJAC as unconstitutional, holding that:

- The independence of the judiciary is a part of the Basic Structure and cannot be compromised



- Inclusion of the executive and external members in judicial appointments undermines this independence
- Though the Collegium system needs reform, the solution cannot violate constitutional essentials
- Justice Chelameswar dissented, supporting NJAC and criticising lack of transparency in the Collegium

## **DOCTRINE / PRINCIPLE EVOLVED**

- Judicial appointments must be insulated from executive control
- Basic Structure Doctrine prohibits dilution of separation of powers and independence of judiciary
- Constitutional reform must not destroy constitutional identity





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## IMPACT & LEGACY

- Reinstated the Collegium system for appointing judges
- Sparked nationwide debate on judicial transparency and accountability
- Led to procedural changes like the Memorandum of Procedure (MoP) for appointments
- Reaffirmed the supremacy of Basic Structure over even constitutional amendments



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## RELEVANCE FOR UPSC

- GS Paper 2:
  - Judicial independence, separation of powers, NJAC vs. Collegium
  - Role of judiciary in protecting constitutional integrity
- GS Paper 4 (Ethics):
  - Institutional autonomy, ethics in appointments, public trust
- Essay Paper:
  - Apt for essays on Judicial Reforms, Balance of Power, Strengthening Institutions in a Democracy
- UPSC Interview:
- Useful in debates on Collegium transparency, judicial reforms, and balancing autonomy with accountability

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