

## Chief Justice of India on NJAC Revival Plea

### Why is it in News?

A new petition has been filed in the Supreme Court demanding restoration of the National Judicial Appointments Commission (NJAC) and scrapping of the Collegium system.

The petitioner has named the CJI, the Collegium, the Union government, and several other institutions as respondents.

The plea asserts that the 2015 judgment invalidating the NJAC was a “historic error,” arguing that Parliament’s decision was overridden by the opinion of a small group of judges.

CJI Surya Kant stated that the Court would consider the matter.

This comes amid renewed debate over transparency, “judicial primacy,” and charges of favouritism in appointments.

### Relevance – GS-II: Polity & Governance

- Separation of powers
- Independence of the judiciary
- Constitutional amendments (99th CAA)
- Parliament–Judiciary balance
- Appointment mechanisms
- Basic Structure Doctrine

### Relevance – GS-II: Parliament & Judiciary Relations

- Institutional tensions
- Checks and balances

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## Judicial Appointments in India

### Constitutional Framework

Articles 124 and 217 provide that the President appoints judges to the SC and HCs after consulting the CJI, Supreme Court judges, and the Governor/Chief Justice of the State. Initially, the executive held dominant authority while the judiciary had only a consultative role.

### Evolution of Judicial Primacy (Judges Cases)

- **1981 (First Judges Case):** Executive supremacy upheld.
- **1993 (Second Judges Case):** Judicial primacy established; Collegium emerges.
- **1998 (Third Judges Case):** Collegium enlarges to 5 judges for SC and 3 for HCs.

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## Collegium System

### Structure

- **SC Collegium:** CJI + four senior-most judges

- **HC Collegium:** Chief Justice + two senior-most judges

### Function

Responsible for recommending appointments, elevations, and transfers.

### Concerns

- Lack of transparency
- Claims of favouritism and kinship networks
- Friction with the executive
- Chronic vacancies in courts

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## NJAC and the 99th Constitutional Amendment

### NJAC Composition

- Chief Justice of India
- Two senior-most SC judges
- Law Minister
- Two eminent persons (chosen by PM–CJI–LoP committee)

### Goals of NJAC

- Democratise the process
- Bring in transparency
- Introduce checks on judicial monopoly
- Add accountability

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## Why NJAC Was Struck Down (2015)

### Key Reason: Threat to Judicial Independence

The Court ruled that including the Law Minister and eminent persons could enable executive influence.

Judicial independence — a Basic Structure component — would be compromised.

The eminent persons' veto was especially flagged.

### Chelameswar's Dissent

He criticised the Collegium as opaque and unaccountable and supported the NJAC framework for balancing institutional roles.

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## Arguments in the New Petition

- The 2015 judgment should be declared void from inception.

- Collegium system is characterised as nepotistic and arbitrary.
- Appointment decisions remain opaque and puzzling.
- Parliament's constituent power was undermined.
- Striking down NJAC "diminished the authority of Parliament."

### **CJI's Observations**

CJI Surya Kant said that the Court would "consider the plea," signalling willingness to examine the issue though reopening such judgments is rare.

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### **Constitutional and Jurisprudential Issues**

#### **A. Can a Constitution Bench Ruling Be Reopened?**

Possible under Article 137 (review) and curative jurisdiction, but the bar is extremely high.

#### **B. Parliament vs Judiciary**

- Parliament claims the Collegium is undemocratic.
- Judiciary argues executive participation could erode independence.

#### **C. Centrality of Basic Structure Doctrine**

Debate centres on whether NJAC undermines judicial autonomy.

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### **Why the Debate Has Reappeared**

- Persistent judicial vacancies
  - High pendency of cases
  - Public narrative of "overreach" vs "non-cooperation"
  - Collegium's limited transparency
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### **Critical Appraisal**

#### **Strengths of Collegium**

- Insulates judiciary from political pressure
- Maintains judicial primacy
- Protects constitutional review authority

#### **Weaknesses of Collegium**

- Nearly no transparency
- No objective criteria
- Alleged reliance on personal networks

### **Strengths of NJAC Concept**

- Adds democratic legitimacy
- Potential to institutionalise transparency
- Introduces broader oversight

### **Weaknesses of NJAC Framework**

- Risk of political influence
- Eminent persons' veto controversial
- Selection criteria unclear

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### **Possible Balanced Solutions**

- Maintain judicial dominance in final decisions
- Establish clear, public criteria for selection
- Create an independent appointments secretariat
- Provide written reasons for selections and rejections

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### **How to Navigate a Complex Global Paradigm**

#### **Why is it in News?**

The 6th CUSEF Forum in Hong Kong (Nov 2025), themed “Circles for Peace,” was held amid intensifying U.S.–China strategic rivalry, shrinking people-to-people exchanges, and rising technological competition.

Participants agreed that Cold War–era engagement frameworks are no longer suitable.

#### **Relevance (GS-II)**

- U.S.–China power rivalry
- Strategic autonomy
- Taiwan issue
- Crisis-management mechanisms

#### **Relevance (GS-III)**

- AI governance
- Dual-use technologies
- Space governance

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### **U.S.–China Relations in 2025**

Strategic rivalry persists despite tight economic interlinkages.

Friction areas include:

- Semiconductors and AI
  - Trade barriers and supply chains
  - Maritime competition
  - Taiwan
  - Human rights
- Low trust heightens the risk of sudden crises.

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### **Key Themes from the Forum**

#### **A. Declining Space for Balanced Dialogue**

Domestic politics in both countries have hardened narratives. Younger generations have fewer academic or cultural ties.

#### **B. Technology as a Shared Global Resource**

AI is seen as too consequential for unilateral control. Forum emphasised fairness, transparency, and regulation of dual-use technologies.

#### **C. Taiwan: Potential for Miscalculation**

China argued that U.S. actions suggest a drift toward “one China, one Taiwan.” Region lacks crisis-prevention protocols insulated from public politics.

#### **D. Diplomatic Context**

Old frameworks like “managed competition” are insufficient. Experts urge development of new conceptual tools.

#### **E. Ng Eng Hen’s “Dialectic Moment”**

The global order is undergoing structural transformation. Middle powers must guard global commons and avoid dominance by any single power.

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### **Hong Kong as a Middle Ground**

#### **Why It Matters**

Despite political pressures, Hong Kong retains connectivity, cosmopolitan culture, and networks enabling cross-border conversations.

#### **Role of Middle Spaces**

They allow off-record engagement, idea exchange, and conflict de-escalation.

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### **Lessons for India**



### **A. Uphold Strategic Autonomy**

Avoid importing narratives from either the U.S. or China.

### **B. Build Internal Capabilities**

Economic resilience, technology, institutions, innovation.

### **C. Reject Binary Choices**

Engage flexibly with multiple power centres.

### **D. Strengthen People-to-People Exchanges**

Academic and research connections stabilise relations in periods of tension.

### **E. Develop Emerging-Domain Competence**

AI, minerals, cyber norms, space governance, supply chains.

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### **Emerging World Order: Key Takeaways**

- U.S.–China rivalry is long-term.
- Disorder grows when rivalry is unmanaged.
- Cooperative solutions in AI, climate, health are essential.
- Middle powers like India can strongly influence global outcomes.

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### **Supreme Court Panel Suggests Creation of a Goa Tiger Reserve**

#### **Why is it in News?**

A Supreme Court-appointed CEC has recommended establishing a tiger reserve in Goa in phases.

The matter stems from a Bombay HC decision that ordered the State to declare five protected areas as a tiger reserve.

SC will now evaluate the CEC's suggestions.

Dispute includes whether Goa hosts permanent tiger populations or only transient individuals.

CEC advises integrating Goa sanctuaries with Karnataka's Kali Tiger Reserve.

#### **Relevance**

- GS-III: Tiger conservation, habitat protection
- GS-I: Western Ghats ecology, physical geography

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### **Tiger Reserve: Basic Framework**

Established under WPA 1972 (Section 38V).

Includes core (inviolable) and buffer (regulated-use) zones.

Aims to ensure long-term survival of tigers, prey, and corridors.

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## Case Background

### High Court Direction

Ordered Goa to notify five protected zones as a tiger reserve.

### State's Objections

Initially cited 1 lakh people as affected; later revised to ~5,000.

Claimed no resident tigers.

Earlier affidavits contradicted this claim.

### CEC's Role

SC asked CEC to study ecological and social implications.

CEC proposed a phased reserve with minimal displacement.

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## CEC's Phased Recommendation

### Phase 1

Core areas:

- Netravali WLS
- Cotigao WLS  
Low habitation and high ecological value.  
Buffer areas drawn from Bhagwan Mahavir WLS and NP.

Total area: 468.6 sq km, fully connected to Kali TR.

### Phase 2

Mhadei WLS considered later due to higher habitation (612 households).

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## Rationale for Phased Plan

- Reduce displacement anxiety
- Secure crucial habitat first
- Allow gradual community participation
- Maintain tiger movement routes

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## Ecological Importance

- Goa-Karnataka belt is a major Western Ghats tiger corridor.
- Camera traps and scat confirm tiger presence.
- Supports biodiversity, water systems, and climate moderation.

### **Governance Concerns**

- Contradictory affidavits from Goa
  - Possible vested interests (mining, construction)
  - Coordination needed across State borders
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### **Implications**

#### **Positive**

- Stronger protection
- Eco-tourism expansion
- Reduced encroachment

#### **Challenges**

- Rehabilitation of families
  - Managing conflict
  - Adequate funding and monitoring
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### **Safran LEAP Engine MRO Facility in Hyderabad**

#### **Why is it in News?**

The Prime Minister inaugurated Safran's largest global MRO centre for LEAP engines in Hyderabad — a major leap for India's aerospace ecosystem.

#### **Relevance**

- GS3: Aviation economy, industrial ecosystem
  - GS3: High-tech propulsion systems
  - GS2: India–France strategic ties
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### **What is an MRO?**

MRO = Maintenance, Repair, Overhaul.

Crucial for safety, operational reliability, and cost reduction.

India traditionally relied on foreign hubs like Singapore and UAE.

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### **LEAP Engine**



Used in A320neo, 737 MAX, C919.

Developed by Safran–GE joint venture (CFM).

Notable for fuel efficiency, CMCs, 3D-printed parts, low emissions and noise.

### **Importance to India**

With most Indian narrow-body jets using LEAP engines, the domestic MRO will reduce costs and turnaround time.

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### **India's Engine Design Goals**

Very few nations have full jet-engine capability.

Engines form roughly 25–30% of an aircraft's cost.

India needs indigenous engines for AMCA, Tejas Mk2.

MRO ecosystem strengthens supply chains for future design efforts.

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### **Policy Support**

- Liberal FDI norms
- PLI schemes for components
- Space and aviation reforms promoting private participation

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### **Strategic Significance**

#### **Economic**

Saves foreign exchange and positions India as a regional hub.

#### **Geopolitical**

Strengthens India–France cooperation and reduces dependence on other hubs.

#### **Technological**

Enables localised supply chains and potential joint R&D.

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### **Challenges**

- Lack of indigenous turbine expertise
- Skilled workforce shortages
- Global regulatory certification needed

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### **Aravalli Hills and the Supreme Court's New Definition**

#### **Why is it in News?**

SC accepted a MoEFCC committee's proposal that only landforms **100 m or higher with equivalent local relief** qualify as Aravalli Hills.

This excludes more than 90% of Aravalli formations, enabling mining and construction.

FSI had warned that such criteria would cause serious ecological harm, but its warning was overlooked.

### Relevance

- GS1: Landforms, mountain systems
- GS2: Environmental regulation
- GS3: Pollution, desertification, mining impacts

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### Aravalli Overview

Ancient fold mountains running 700 km from Gujarat to Delhi.

Serve as barrier against dust storms entering NCR.

Support wildlife corridors and groundwater recharge.

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### 100m Cut-Off

Only peaks  $\geq 100$  m with matching local relief count as Aravalli.

Lower ridges, though geologically part of the range, lose protection.

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### FSI Warning

- Only 1,048 of 12,081 hills in Rajasthan meet the new threshold.
- Smaller hills essential for dust blocking and preventing desert spread.
- Critical for ecological connectivity.

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### Impact on NCR Pollution

Removing protections allows dust inflow and raises PM<sub>2.5</sub> and PM<sub>10</sub> levels.

Leads to increased heat-islands and aquifer decline.

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### Earlier Identification Method

FSI earlier used slope-based criteria ( $\geq 3^\circ$ , later  $4.57^\circ + 30$  m height), covering ~40% of Aravallis.

The new definition drastically narrows coverage.

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### Government Submission

MoEFCC argued only hills  $\geq 100$  m should be counted, confusing slope and height concepts. This contradicted scientific warnings but was accepted by SC.

### Environmental Implications

- Expansion of mining operations
- Real-estate projects in Gurgaon–Faridabad belt
- Faster desertification
- Groundwater depletion
- Loss of wildlife corridors
- More dust entering NCR

28<sup>th</sup> November 2025: Daily MCQs

**1. With reference to the National Judicial Appointments Commission (NJAC), consider the following statements:**

1. The NJAC included representation from both the judiciary and the executive in the appointment process of judges.
2. The Supreme Court struck down the NJAC primarily because it was found to violate the Basic Structure doctrine.
3. The NJAC judgment can be reopened only through a constitutional amendment passed by Parliament with a special majority.

Which of the statements given above are correct?

- (a) 1 and 2 only
- (b) 2 and 3 only
- (c) 1 and 3 only
- (d) 1, 2 and 3

**Answer:** (a) 1 and 2 only

**Explanation:**

- NJAC had **judicial (CJI + 2 senior judges)** and **executive (Law Minister + eminent persons chosen through a panel involving PM)** elements → **Statement 1 is correct.**
- It was invalidated as violating **judicial independence**, held to be part of the **Basic Structure** → **Statement 2 is correct.**
- A past Constitution Bench judgment can be revisited via **review/curative jurisdiction of the SC**, not by a mere constitutional amendment alone. Parliament's amendment can again be tested against Basic Structure → **Statement 3 is incorrect.**

**2. With reference to the recent debates on the Collegium system, consider the following statements:**

1. The Collegium system evolved entirely from judicial interpretation and is not mentioned in the Constitution of India.
2. One of the key criticisms of the Collegium is the lack of clearly codified criteria for selection and elevation of judges.
3. Under the original constitutional scheme, the judiciary had primacy and the executive was only consulted in the appointment of judges.

How many of the above statements are correct?

- (a) Only one
- (b) Only two
- (c) All three
- (d) None

**Answer:** (b) Only two

**Explanation:**

- **Statement 1:** The Collegium is a **judicial creation** through the Second and Third Judges Cases, not expressly in the Constitution → **Correct.**
- **Statement 2:** Criticism includes **opacity, absence of formal criteria, and alleged nepotism** → **Correct.**
- **Statement 3:** Originally, the **executive had primacy** and the judiciary was consulted, not the other way round → **Incorrect.**  
So, **two statements** (1 and 2) are correct.

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**3. Consider the following statements regarding the proposed Goa Tiger Reserve:**

1. The Supreme Court-appointed CEC has recommended creating the tiger reserve in phases to minimise displacement.
2. The first phase focuses on Netravali and Cotigao Wildlife Sanctuaries, which have relatively lower human habitation.
3. Mhadei Wildlife Sanctuary has been recommended for immediate inclusion in the core area due to its low human population.

Which of the statements given above are correct?

- (a) 1 and 2 only
- (b) 2 only
- (c) 1 and 3 only
- (d) 1, 2 and 3

**Answer:** (a) 1 and 2 only

**Explanation:**

- The **CEC recommended a phased approach** specifically to reduce social disruption → **Statement 1 is correct.**

- **Phase 1** core focus is on **Netravali and Cotigao**, identified as having **fewer households** and direct contiguity with Kali Tiger Reserve → **Statement 2 is correct.**
- **Mhadei** has **significantly higher habitation (600+ households)** and is recommended **for later consideration**, not immediate inclusion in the core → **Statement 3 is incorrect.**

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**4. With reference to Safran's LEAP engine MRO facility in Hyderabad, consider the following statements:**

1. The LEAP engine primarily powers wide-body, long-haul aircraft such as A350 and Boeing 787.
2. The facility is expected to help India save foreign exchange currently spent on sending engines abroad for maintenance.
3. Development of such MRO facilities contributes to India's long-term goal of achieving indigenous aero-engine design capability.

Which of the statements given above are correct?

- (a) 2 only
- (b) 2 and 3 only
- (c) 1 and 3 only
- (d) 1, 2 and 3

**Answer:** (b) 2 and 3 only

**Explanation:**

- The **LEAP engine** powers **narrow-body aircraft** like A320neo, 737 MAX, C919, not wide-body A350/787 → **Statement 1 is incorrect.**
- Domestic MRO will **reduce dependence on foreign centres** (Singapore, UAE, France), saving foreign exchange → **Statement 2 is correct.**
- While MRO ≠ full design capability, it helps build **ecosystems, skills, and supply chains**, which are stepping stones toward **indigenous engine design** → **Statement 3 is correct.**

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**5. With reference to the Supreme Court-accepted definition of the Aravalli Hills, consider the following statements:**

1. Under the new criteria, only landforms with a minimum height of 100 metres and equivalent local relief are recognised as part of the Aravalli range.
2. The Forest Survey of India had supported this definition, stating it would better protect ecologically important hill features.
3. One major environmental concern is that many lower Aravalli ridges that act as dust barriers for NCR may lose protection under the new definition.

Which of the statements given above are correct?



- (a) 1 and 2 only
- (b) 2 and 3 only
- (c) 1 and 3 only
- (d) 1, 2 and 3

**Answer:** (c) 1 and 3 only

**Explanation:**

- **Statement 1:** The new definition counts only hills  $\geq 100$  m with local relief of 100 m as Aravallis → **Correct.**
- **Statement 2:** FSI actually **warned against** this definition, saying it would exclude >90% of Aravalli landforms and be ecologically harmful → **Incorrect.**
- **Statement 3:** FSI stressed that **lower ridges** are critical dust and desertification barriers for NCR; losing protection increases pollution and land degradation → **Correct.**

Mains: The petition seeking revival of the NJAC has reopened debates on judicial independence, parliamentary supremacy, and the limits of the Basic Structure doctrine. Critically analyse the constitutional and institutional issues involved. 15 Marks.

