Today's Prelims Topics

Financial Action Task Force

Context

Recently India hosted the Financial Action Task Force (FATF) Private Sector Collaborative Forum (PSCF) 2025 in Mumbai. It was organised by the RBI & Finance Ministry.

About Financial Action Task Force (FATF)

- It is an inter-governmental body that has developed standards to prevent and combat money laundering and terror financing.
- **Headquarters:** Paris, France.
- **Background:** It was established in **1989** during the G7 Summit in Paris to develop policies against money laundering.
- **Objective:**
    - To establish international standards and to develop and promote policies, both at national and international levels for combating money laundering and terror financing.
- **Members: 40** (38 Countries + 2 Organisations - European Union and Gulf Cooperation Council)
    - Major countries: US, India, China, Saudi Arabia, UK, Germany, France, .
    - India became a member of FATF in **2010.**

FATF Lists

- **Black List:**
    - Includes countries considered safe havens for supporting money laundering and terror funding.
    - Presently **Iran, North Korea, and Myanmar** are currently on the FATF Black List.
- **Grey List:**
    - Includes countries that are considered to have weak anti-money laundering (AML) and counter-terrorism financing (CFT) regimes.
    - This inclusion serves as a warning to the country that it may enter the blacklist.
- **Effects of being on the FATF Blacklist:**
    - No financial help is given to those countries by the International Monetary Fund (IMF), World Bank, Asian Development Bank (ADB) and the European Union (EU).
    - They also face a number of international economic and financial restrictions & sanctions.

Source:

- The Hindu - FATF

PM Khanij Kshetra Kalyan Yojna

Context

Over the past decade, nearly **₹1-lakh crore** has been collected through the DMFs, but more than **50%** of this amount remains unspent.

About PM Khanij Kshetra Kalyan Yojna (PMKKKY)

- It was launched in 2015 by the Central Government to improve the living conditions of people in mining-affected regions.
- It is **implemented through the (District Mineral Foundation) DMF funds**, ensuring that mining revenue **directly benefits affected communities**.
- **Objectives of PMKKKY:**
    - Improve **health, education, and skill development** in mining areas.
    - Provide **better drinking water, sanitation, and welfare measures** for women and children.
    - Improve **housing and electrification** in affected districts.
    - Focus on **land restoration, reforestation, and pollution control**.
    - Implement **measures to mitigate environmental damage caused by mining**.
- **Fund Allocation Guidelines Under PMKKKY:** The government **mandates** a balanced allocation of DMF funds:
    - **60% of funds**: For high-priority areas such as **healthcare, education, skill development, and sanitation**.
    - **40% of funds**: For other projects like **physical infrastructure, irrigation, and environment protection**.

Challenges & Issues in DMF Fund Utilization

- **Bureaucratic Inefficiencies & Delayed Implementation:** Many districts **lack a proper mechanism** to identify **the most pressing needs** of mining-affected communities.
- **Diversion of Funds to Non-Priority Areas:** Funds are diverted to infrastructure projects that do not directly benefit mining-affected people, instead of focusing on skill development, healthcare and livelihood etc.
- **Lack of Transparency & Public Participation:** Limited public oversight on fund allocation, leading to misuse and mismanagement.
- **Underutilization of Funds for Livelihood & Skill Development:** More focus on short-term infrastructure projects has overshadowed long-term economic development initiatives.

Source:

- The Hindu - PMKKKY

Why Martian dust may pose health risks to astronauts

Context

A recent study has highlighted the health risks posed by Martian dust to astronauts, as NASA and Chinese Manned Space Agency (CMS) prepare for Mars missions in the next decade.

Martian Dust Characteristics and Risks

- **Size of Martian Dust Particles:**
  - Extremely fine, **only 4% the width of a human hair**.
  - Small enough to **penetrate deep into the lungs and enter the bloodstream**, making it **more hazardous** than larger particles.
  - Dust particles on Mars are **smaller than the minimum size that human lung mucus can expel**, increasing the risk of **lung diseases**.
- **Toxic Components in Martian Dust:**
  - **Silica Dust:** Known to cause **silicosis**, a lung disease common in coal miners.
  - **Iron Dust:** Can lead to oxidative stress and lung damage.
  - **Perchlorates:** Highly toxic chemicals that **affect thyroid function**.
  - **Gypsum:** A calcium sulfate mineral that can cause respiratory irritation.
  - **Heavy Metals:**
    - **Chromium (Cr):** Can lead to lung diseases and toxicity.
    - **Arsenic (As):** Known to cause poisoning and organ damage.
- **Radiation Exposure:** Mars has **no protective magnetic field**, increasing radiation exposure.
- **Frequent Dust Storms:** Mars experiences **regional dust storms every Martian year** (which lasts **686.98 Earth days**).

Source:

- Indian Express- Martian Dust

Places in News

Turkiye

- Large-scale protests have erupted in Turkey following the arrest of Istanbul Mayor **Ekrem İmamoglu,** a key rival to President **Recep Tayyip Erdogan.**

- **Location:** It lies partly in Asia and partly in Europe.
- **BorderingCountries:** Georgia, Armenia Greece, Bulgaria, Azerbaijan, Iran, Iraq and Syria.
- **Surrounded water bodies:** Black Sea, Mediterranean Sea and Aegean Sea.
- **Major Rivers:** Euphrates, Tigris and Kizilirmak.
- **Important Straits:** Bosphorus strait and Dardanelles strait.
- Turkey is a member of NATO. It has **2nd Largest Army in NATO** after the USA.

Source:

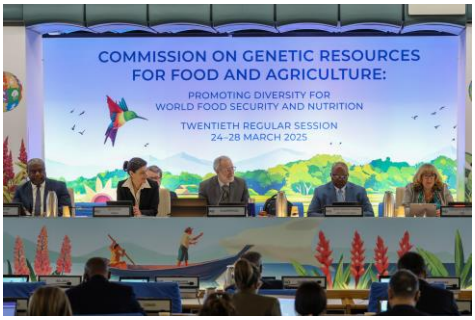
- **Alja zeera - Turkey**

News in Shorts

Commission on Genetic Resources for Food and Agriculture (CGFRA)

- 20th meeting of the Commission on Genetic Resources for Food and Agriculture (CGRFA-20) was recently held in Rome.

What is CGRFA?



- The **CGRFA** is the **only permanent intergovernmental body** addressing biodiversity for food and agriculture.
- It **promotes the sustainable use of biodiversity** to enhance **food security, human well-being and economic development**.
- It coordinates global policies on genetic resources and monitors their implementation.
- **Members:** 179 countries **(India is also a member).**
- **History:**
    - It was initially established by the Food and Agriculture Organization (FAO) in **1983** to address plant genetic resources (PGR).
    - In 1995, the commission's mandate was broadened to cover all components of biodiversity relevant to food and agriculture.

Source:

- Down to Earth - CGFRA

India's First Cooperative University

- The **Tribhuvan Sahkari University Bill, 2025**, was passed by the **Lok Sabha** to establish **India's first national cooperative university**.

About National Cooperative University

- It will be established at the **Institute of Rural Management Anand (IRMA), Gujarat**.
- The university is named after **Tribhuvan Kashibhai Patel**, the founder of **Amul** and a pioneer of India's cooperative movement.
- **Structure and Functioning:**
    - The university will function on a **hub-and-spoke model**.
    - **Cooperative training institutes in all states** will be registered as schools or colleges under the university.
    - It will offer **degree, diploma, and PhD courses** in cooperative studies.
    - An estimated **8 lakh people** are expected to receive certification annually.

About Institute of Rural Management Anand (IRMA):

- It was established in **1979**, by **Verghese Kurien** (Founder of India's White Revolution) in Anand, Gujarat.
- It aims to provide professional education in rural management and develop leaders for the cooperative sector.

Facts

- The UN General Assembly has declared **2025 as the International Year of Cooperatives (IYC2025). (Theme - Cooperatives Build a Better World).**
- The **Ministry of Cooperation** was created by the Union Government in **July, 2021** with the

mantra of **'Sahkar se Samriddhi'.**

Source:

- **The Hindu - 1st Cooperative University**

BHIM 3.0

- National Payments Corporation of India (NPCI) has recently launched the BHIM (Bharat Interface for Money) 3.0.

Key Features of BHIM 3.0

- **Enhanced Payment Features:**
  - **Bill Splitting**: Users can **split bills with friends and family**, making shared expenses more manageable.
  - **Expense Tracking**: Users can **track shared expenses** and assign payments to specific individuals.
  - **Task Assistant**: A **built-in reminder system** to notify users about pending bills linked to the BHIM app.
  - **Optimised for low internet areas:** Ensures uninterrupted transactions even in regions with weak or unstable network connectivity.
- **Introduction of BHIM Vega:** BHIM Vega allows payments **directly within the app**, eliminating the need to switch to third-party apps.
- **Expanded language support:** Now available in **15+** Indian languages.

Source:

- **Mint - BHIM 3.0**

RRBs Achieve Record Profit in FY 2023-24

- Regional Rural Banks (RRBs) have posted their highest-ever consolidated net profit of **₹7,571 crore** in FY 2023-24.

About Regional Rural Banks (RRBs)

- **RRBs** are aimed at **providing banking services in rural areas**, particularly to small farmers, artisans, rural entrepreneurs and weaker sections of society.
- Established under the **RRB Act of 1976**, on recommendation of **Narasimham Committee on Rural Credit.**
- **Ownership structure:** Central Government (50%), State Government (15%), and Sponsor Bank (35%).
- **Regulation:** Regulated by Reserve Bank of India (RBI) and supervised by NABARD.
- **First RRB of India** - Pratham Grameen Bank. It was established on **October 2, 1975.**
- **Priority Sector Lending (PSL)Target of RRB - 75%**

Source:

- **PIB - RRB**

Section 44(3) of The Digital Personal Data Protection (DPDP) Act, 2023

- The DPDP Act **modifies Section 8(1)(j) of the RTI Act, 2005**, which deals with the **exemption of personal information from disclosure**.
- Previously, **Section 8(1)(j)** stated that information **related to personal matters could be disclosed if it served a larger public interest** and did not constitute an "unwarranted invasion of privacy."
- The DPDP Act **replaces this clause with a broader exemption** that **simply states that any "personal information" is exempt from disclosure**, **removing the "larger public interest"**

test.

Concerns Raised by Activists

- **Restriction on Public Information Access:** The previous provision allowed disclosure of personal information if it was in public interest **(E.g**. government officers' assets and liabilities).
- **Impact on RTI Decisions and Precedents:** Over the years, several decisions of the Central Information Commission (CIC) and state Information Commissions have been **based on the "public interest" clause** in **Section 8(1)(j)**.
    - The new provision **removes the discretion to allow access to such data**, affecting these past rulings.

Source:

- **Indian Express - Section 44(3)**

Editorial Summary

India's Scientific Publication

Context

On National Science Day, the Union Minister for Science and Technology said that "India will overtake the U.S. in the number of scientific publications by 2029".

More in News

- India ranks third in the number of scientific publications (2,07,390), behind China (8,98,949) and the U.S. (4,57,335).
- Despite higher output, China's research is marked by both quantity and quality, backed by heavy investments in education and science and technology.

Challenges in India Overtaking Scientific Research Publications

- **Low Investment in Research and Development (R&D):** India spends only **0.67% of its GDP** on R&D, which is significantly lower than other leading countries:
    - Israel – 6.30%, South Korea – 4.9%, U.S. – 3.46%, China – 2.4%, etc.
    - Lack of funding limits the availability of resources, infrastructure, and incentives for researchers.
- **Poor Quality of Research Output:** India's CNCI (Category Normalised Citation Impact) value is **0.879** compared to 1.12 for China and 1.25 for the U.S.
- **Low representation in top-tier journals:** Indian researchers publish more in low-impact journals rather than high-impact international journals.
    - Lack of high-quality, innovative research reduces the global impact of Indian publications.
- **Weak Research Ecosystem:** Inadequate collaboration between academia, industry, and government institutions.
    - Lack of competitive research culture and minimal industry funding for applied research.
    - Overemphasis on quantity over quality to meet publication mandates.
- **Limited International Collaboration:** Fewer joint research projects with global institutions compared to China and the U.S.
    - Limited opportunities for Indian researchers to access global funding and infrastructure.
- **Ethical Issues and Fraudulent Practices:** High incidence of plagiarism, paid publications, and publications in predatory journals.
    - The Omics case (Hyderabad-based group fined $50 million) exposed the scale of fraudulent research practices.
    - Clientelism and political interference weaken research integrity and accountability.

What Needs to Be Done

- **Increase R&D Investment:** Raise R&D spending to at least **2% of GDP** to match global standards.
    - Encourage private sector participation and industry-academia partnerships in research funding.
- **Focus on Quality Over Quantity:** Establish strict peer-review and publication standards to improve the quality of research output.
    - Incentivize researchers for publishing in high-impact journals rather than focusing on the number of publications.
- **Strengthen Research Ecosystem:** Develop research infrastructure and world-class laboratories in universities and institutions.
    - Promote a culture of research excellence through competitive grants and fellowships.

    - Encourage cross-disciplinary research and international collaborations.
- **International Collaboration and Exchange:** Sign more bilateral agreements for joint research with leading research nations.
    - Facilitate researcher exchange programs and access to global research platforms.
- **Address Ethical and Systemic Issues:** Establish a national-level regulatory body to monitor research integrity.
    - Penalize predatory journals and fraudulent practices through strict enforcement.
    - Encourage ethical research practices through training and awareness programs.

Source: **The Hindu: The issue is about the 'quality' of India's publications**

The Role Of Communities In Conserving Water

Context

On **World Water Day (March 22)**, Prime Minister Narendra Modi stressed the need for collective action to conserve water for both present and future generations.

More in News

The **Ministry of Jal Shakti** launched the **Jal Shakti Abhiyan: Catch the Rain 2025** on the same day, highlighting the role of community participation in water conservation.

Role of Local Communities in Conserving Water

- **Traditional Knowledge and Practices**: Indigenous communities possess deep ecological knowledge and traditional practices, such as rainwater harvesting, groundwater recharge, and watershed management, which help conserve water.
- **Participatory Management**: Local communities, through institutions like **Water User Associations (WUAs)**, are involved in managing irrigation and water sources, ensuring better resource allocation and use.
- **Ecological Conservation**: Practices like establishing **orans** (sacred forests) in western India promote water conservation by enhancing vegetation cover, reducing runoff, and improving groundwater recharge.
- **Monitoring and Maintenance**: Communities play a vital role in maintaining water infrastructure (e.g., wells, ponds, tanks) and ensuring efficient use of resources.
- **Adaptation to Climate Change**: Local communities are often the first to experience climate-related water challenges and adapt by modifying their agricultural and water usage patterns.
- **Promoting Sustainable Use**: Through collective action and social norms, communities can prevent over-extraction and wastage of water resources.

Challenges in Involving Local Communities in Water Conservation

- **Limited Decision-Making Power**: While communities are involved in managing water resources, decision-making authority remains with state authorities, reducing their influence on key policies.
- **Fragmented Governance**: Different parts of the ecosystem (water, land, forests, biodiversity) are regulated by separate policies and authorities, leading to poor coordination and ineffective outcomes.
- **Lack of Recognition for Traditional Knowledge**: Indigenous and local ecological practices are often overlooked or replaced by standardized water management approaches, reducing their effectiveness.
- **Weak Institutional Frameworks**: Bodies like **Water User Associations (WUAs)** lack financial and technical support, limiting their ability to manage water resources effectively.
- **Social and Economic Marginalization**: Vulnerable groups, including marginalized castes and women, face barriers to participating in water governance due to social inequalities and economic dependence.
- **Climate Change Impact**: Rising global temperatures and unpredictable rainfall patterns increase water scarcity and stress on existing systems, making it harder for local communities to adapt.

How Policymakers Can Enhance Their Role

- **Empower Decision-Making**: Transfer decision-making powers from state authorities to local communities, ensuring they have a say in water governance.
- **Integrate Traditional Knowledge**: Recognize and formalize indigenous water conservation practices in national and state-level water policies.

- **Strengthen Water User Associations (WUAs)**: Provide technical training, financial support, and greater autonomy to WUAs for better management of irrigation systems.
- **Promote Integrated Ecosystem Approach**: Develop water policies that consider the interdependence of water, land, forests, and biodiversity.
- **Support Vulnerable Groups**: Design policies that address the needs of socially and economically marginalized communities, ensuring their inclusion in decision-making.
- **Capacity Building and Awareness**: Provide training and awareness programs to enhance the knowledge and technical capacity of local communities in water conservation.

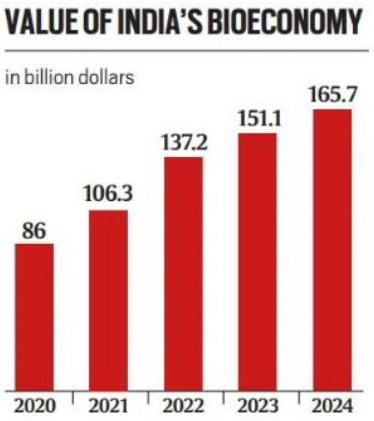
Source: **The Hindu: The role of communities in conserving water**

Status of India's bioeconomy

Context

The **India BioEconomy Report**, released by the **Department of Biotechnology**, highlights the status of India's bioeconomy.

Status of India's Biotechnology Sector



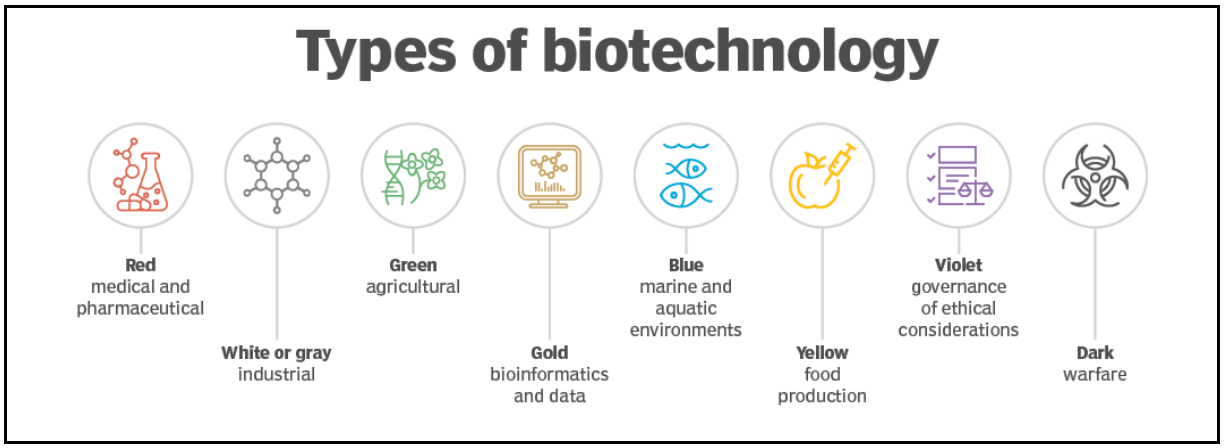
- **Current Value and Growth:** India's bioeconomy was valued at $165 billion in 2024, contributing **4.2% to the GDP.**
    - The sector has nearly **doubled** from $86 billion in 2020**.**
    - It is projected to **grow to $300 billion by 2030 and reach $1 trillion by 2047.**
- **Major Contributors**
    - **Industrial Sector**: Accounts for nearly half of the bioeconomy's value ($78 billion) through biofuels, bioplastics, and bio-based chemicals.
    - **Pharmaceutical Sector:** Contributes 35%, mainly from vaccine production.
    - **Research and IT:** Fastest-growing segment in 2024, including biotech software development, clinical trials, and bioinformatics.

What is Bioeconomy?

- It refers to the economic activity derived from the use of **biological resources** (such as plants, animals, and microorganisms) and **biological processes** to produce goods and services.
- It involves the sustainable use of bioresources for industrial, agricultural, and healthcare applications, contributing to economic growth while reducing environmental impact.
- **Key Features:**
    - Utilizes renewable biological resources.
    - Focuses on sustainable and eco-friendly production processes.
    - Encourages circular economy principles by minimizing waste and maximizing resource efficiency.
    - Drives innovation in areas like biofuels, bioplastics, and biopharmaceuticals.
- **Components:**
    - **Industrial Bioeconomy:** Involves the use of biological processes and bioresources for manufacturing and industrial applications.
        - **Examples**: Biofuels, bioplastics, biodegradable chemicals, and industrial enzymes.
    - **Agricultural Bioeconomy:** Focuses on enhancing agricultural productivity and sustainability using biotechnology and natural processes.
        - **Examples**: Genetically modified (GM) crops, bio-fertilizers, and bio-pesticides.
    - **Healthcare and Pharmaceutical Bioeconomy:** Utilizes biological resources for drug development, medical treatments, and healthcare innovations.
        - **Examples**: Vaccines, biomedicines, gene therapy, and diagnostics.
    - **Marine and Aquatic Bioeconomy:** Involves the use of marine and aquatic organisms for developing bio-based products.
        - **Examples**: Marine-derived pharmaceuticals, biofuels from algae, and marine enzymes.
    - **Environmental Bioeconomy:** Focuses on improving environmental sustainability using biological solutions.

- **Examples**: Bioremediation (using microbes to clean pollution), waste-to-energy conversion, and carbon capture.

- **Research and Bioinformatics:** Supports bioeconomy through research in biotechnology, synthetic biology, and data-driven biological solutions.
  - **Examples**: Genetic engineering, synthetic biology, and clinical trials using bioinformatics.



Reasons for the Growth of Bioeconomy

- **Rising Demand for Sustainable Solutions:** Growing concerns over **climate change**, **environmental degradation**, and **resource depletion** have increased the need for eco-friendly alternatives.
  - Bio-based products like **bioplastics** and **biofuels** offer sustainable replacements for fossil-based products.
- **Technological Advancements in Biotechnology:** Rapid progress in fields like **genetic engineering**, **synthetic biology**, and **bioinformatics** has expanded the scope of bio-based solutions.
  - Innovations in **CRISPR gene editing** and **microbial fermentation** have improved the efficiency of bio-manufacturing.
- **Increased Investment and Government Support:** Governments are promoting bioeconomy through **policies** and **financial incentives**.
  - India's **BioE3 policy** (2024) aims to establish India as a global bio-manufacturing hub.
  - **Biotechnology Industry Research Assistance Council (BIRAC)** provides funding and infrastructure support.
- **Expansion of Bio-based Industries:** Growth in industries like **biofuels**, **bioplastics**, and **biopharmaceuticals** has boosted bioeconomy value.
  - Example: India's ethanol production for biofuel has increased due to the **Ethanol Blending Programme**.
  - Increased production of **vaccines** and **biomedicines** has also driven growth.
- **Cost-effectiveness and Local Availability of Bioresources:** Bioresources such as **plants** and **microorganisms** are **renewable**, **relatively cheap**, and **locally available**.
  - Bio-based production processes are often more **energy-efficient** and **less polluting** than conventional methods.
- **Global Shift Toward a Circular Economy:** Focus on reducing waste and reusing resources has aligned with the principles of bioeconomy.
  - Bio-based industries contribute to circular economy goals by converting waste into valuable products (e.g., **waste-to-energy** projects).

Challenges Facing India's Bioeconomy

- **Regulatory Uncertainty:** Lack of a clear and consistent regulatory framework for biotechnology innovations.
    - Continued **reluctance to approve genetically modified (GM) crops** limits agricultural productivity.
    - Complex approval processes and delays hinder the commercialization of biotech products.
- **Regional Imbalance:** Bioeconomy growth is concentrated in a few states like **Maharashtra**, **Karnataka**, **Telangana**, **Gujarat**, and **Andhra Pradesh** — contributing **over two-thirds of the sector's value**.
    - **Eastern and Northeastern India** generate **less than 6%** of the total bioeconomy value.
- **Limited R&D Investment**: Inadequate funding for biotech research and innovation compared to global leaders like the US, China, and the EU.
- **Shortage of Skilled Workforce**: Lack of trained professionals in bioinformatics, synthetic biology, and biomanufacturing.

TOP CONTRIBUTING STATES (IN 2024)

State	Value*	Share of total value
Maharashtra	35.45	21.4%
Karnataka	32.4	19.5%
Telangana	19.9	12%
Gujarat	12.9	7.8%
Andhra Pradesh	11.1	6.7%
Tamil Nadu	9.9	6%
Uttar Pradesh	7.7	4.6%

*in billion $. Source: India BioEconomy Report

Way Ahead

By **addressing policy gaps (e.g.**, establishing a **National BioEconomy Mission,** creating a **single-window clearance system for biotech products) , improving infrastructure, promoting R&D, and reducing regional imbalance**, India can sustain high growth rates in the bioeconomy sector.

Source: **Indian Express: Status of India's bioeconomy, how to sustain further growth**

Court Must Revisit NJAC

Context

The discovery of bundles of currency notes at the residence of Delhi High Court judge Justice Yashwant Varma has reignited the debate on judicial appointments.

Constitutional Framework for Judicial Appointments

- **Article 124**: Supreme Court judges are appointed by the President, who must consult other judges, including the Chief Justice of India (CJI).
- **Article 217**: High Court judges are appointed by the President after consulting the CJI, the state Governor, and the Chief Justice of the High Court.

Evolution of the Collegium System

- **1950:** Initially, the President appointed the Chief Justice of India (CJI) and other Supreme Court judges after consulting the CJI.
- **Early Practice:** Senior-most Supreme Court justices were typically chosen as the next CJI, although notable exceptions, such as Justice AN Ray's appointment in 1973 led to conflicts.

JUDGEMENT

- **First Judges Case (1981)- S.P. Gupta vs. Union of India:** Defined "consultation" as not requiring the government's concurrence making CJI's advice non-binding.
- **Second Judges Case (1993)- Advocates-on-Record Association vs. Union of India:** Changed the interpretation to "concurrence" making the CJI's advice binding, with the advice formulated through a collegium of senior judges.
- **Third Judges Case (1998):** Established the collegium structure for SC and HCs
  - Supreme Court: CJI and 4 senior-most judges
  - High Court: CJI and 2 senior-most judges with consultation from other senior Supreme Court judges experienced in the High Court.
- **Fourth Judges Case (2015)- Supreme Court Advocates on Record Association Case:** Declared NJAC unconstitutional emphasising the judiciary's primacy in appointments.
  - The 99th Constitutional Amendment aimed to replace the Collegium with the NJAC including the Union Law Minister, eminent individuals, the CJI and two senior Supreme Court judges.

National Judicial Appointments Commission (NJAC)

- **Background:**
  - The **collegium system** for judicial appointments in India evolved through three significant Supreme Court judgments (First, Second, and Third Judges Cases).
  - The collegium, led by the **Chief Justice of India (CJI)** and consisting of senior-most judges, was given primacy in appointing judges to the higher judiciary (Supreme Court and High Courts).
  - Over time, the collegium system was criticized for being **opaque, unaccountable**, and lacking transparency.
- **Creation of NJAC:** To reform the judicial appointment process, the **Constitution (99th Amendment) Act, 2014** and the **National Judicial Appointments Commission (NJAC) Act, 2014** were passed by Parliament in **August 2014**.
  - The NJAC aimed to **replace the collegium system** with a more balanced and transparent mechanism involving the government and civil society.
- **Composition of NJAC:** The NJAC was designed as a **constitutional body** consisting of:
  - **Chief Justice of India** – Chairperson (ex officio)
  - **Two senior-most Supreme Court judges** – Members (ex officio)
  - **Union Minister of Law and Justice** – Member (ex officio)
  - **Two eminent persons** from civil society – Nominated by a panel consisting of the CJI, Prime Minister, and Leader of the Opposition in Lok Sabha (one to be from SC/ST/OBC/minorities or women)
- **Powers and Functions:**
  - NJAC would recommend appointments and transfers of judges to the **Supreme Court** and **High Courts**.
  - Any **two members** of the NJAC could **veto a recommendation** if they disagreed with it.
  - The criteria for appointments included **seniority, merit**, and **regional representation**.

Recommendations for the Composition of a Proposed Appointments Body

2nd Administrative Reforms Commission (2007)

- **Judiciary:** Chief Justice of India (CJI) and, for High Court judges, the Chief Justice of the relevant High Court.
- **Executive:** Vice-President (serving as Chairperson), Prime Minister, Law Minister, and for High Court judges, the Chief Minister of the respective state.
- **Legislature:** Speaker of the Lok Sabha and the Leaders of Opposition from both Houses of Parliament.
- **Additional Representatives:** None.

National Advisory Council (2005)

- **Judiciary:** Chief Justice of India (CJI) and, for High Court judges, the Chief Justice of the relevant High Court.
- **Executive:** Vice-President (serving as Chairperson), Prime Minister (or a designated nominee), Law Minister, and for High Court judges, the Chief Minister of the respective state.
- **Legislature:** Speaker of the Lok Sabha and the Leaders of Opposition from both Houses of Parliament.
- **Additional Representatives:** None.

National Commission to Review the Working of the Constitution (NCRWC) (2002)

- **Judiciary:** Chief Justice of India (CJI) as Chairman, along with the two senior-most Supreme Court judges.
- **Executive:** Union Law Minister.
- **Legislature:** No representation.
- **Additional Representatives:** One eminent individual.

Law Commission (1987)

- **Judiciary:** Chief Justice of India (CJI) as Chairman, the three senior-most Supreme Court judges, the immediate predecessor of the CJI, the three senior-most Chief Justices of High Courts, and for High Court judges, the Chief Justice of the relevant High Court.
- **Executive:** Law Minister, Attorney General of India, and for High Court judges, the Chief Minister of the respective state.
- **Legislature:** No representation.
- **Additional Representatives:** One academic expert in law.

Why NJAC Was Struck Down

The NJAC was struck down by the Supreme Court in **October 2015** (4:1 majority) on the grounds that it violated the **basic structure of the Constitution**.

- **Judicial Independence:** The court ruled that judicial independence is a part of the basic structure of the Constitution.
    - Giving the government and non-judicial members a say in appointments would compromise judicial independence.
- **Veto Power Issue**: The provision allowing **two NJAC members** (including the Law Minister or non-judges) to veto appointments raised concerns about potential executive overreach.
    - This would have allowed the government to block appointments supported by the Chief Justice and senior judges, undermining judicial primacy.
- **Potential Deadlock:** A possible **3-3 deadlock** in the NJAC (three judges vs. three non-judges) could have stalled the appointment process.
    - Former SC judge Justice Sanjay Kishan Kaul suggested that giving the **Chief Justice a casting vote** could have resolved this issue.
- **Violation of Judicial Primacy:** The collegium system gave the judiciary **the final say** in appointing judges.
    - NJAC diluted this primacy by introducing non-judicial members and the Law Minister into the decision-making process.

- **Threat to Separation of Powers:** By giving the executive a significant role in judicial appointments, NJAC was seen as undermining the principle of **separation of powers**.
-

Global Practices for Judges' Appointment

- **Canada**: Federal Minister of Justice initiates appointments, evaluated by the Canadian Bar Association.
- **Germany**: Collaborative appointment process between executive and legislative branches.
- **USA**: Presidential nominations confirmed by the Senate.
- **France**: Judicial appointments involve the High Council of the Judiciary and the Minister of Justice.
- **UK**: Appointments made by a commission including Supreme Court representatives.

Why the Supreme Court Must Revisit NJAC

- **Issue of Judicial Independence vs Executive Oversight:** Article 124 originally vested the power of appointing Supreme Court judges in the **President**, acting on the advice of the **Council of Ministers** after consultation with the **Chief Justice of India (CJI)**.
    - The shift from "consultation" to **"concurrence"** (through the Second and Third Judges Cases) gave the **judiciary dominance over judicial appointments**, sidelining the executive.
    - NJAC was an attempt to restore balance by introducing a multi-stakeholder mechanism involving the government and eminent persons.
    - The Supreme Court struck down NJAC on the grounds that it compromised judicial independence, but this conclusion remains contested.
- **Lack of Transparency and Accountability in Collegium System:** The collegium system has been widely criticized for:
    - **Opaque decision-making** – No clear criteria for selection or rejection of judges.
    - **Lack of public accountability** – No formal records of deliberations or reasons for appointments/rejections are published.
    - **Allegations of favoritism** – Judges being appointed based on personal connections rather than merit.
- **Parliamentary Consensus on NJAC:** NJAC was passed with overwhelming support:
    - Unanimous approval in **Parliament** with only one dissenting vote (Ram Jethmalani).
    - Ratified by **16 state legislatures**.
    - Striking down such a widely supported constitutional amendment raised concerns about the judiciary overstepping its authority.
- **NJAC Provided a Balanced Approach:** NJAC included a mix of stakeholders:
        - Chief Justice of India + two senior-most Supreme Court judges → ensured judicial independence.
        - Union Law Minister → represented the government's role in appointments.
        - Two eminent persons → brought in external, non-political perspectives.
    - The system aimed to balance the independence of the judiciary with democratic accountability — a more holistic and transparent process.
- **Dissatisfaction Within The Judiciary:** Justice Kurian Joseph later regretted his role in striking down NJAC, acknowledging that the collegium system's continued failings justified revisiting the decision.
- **Need for a More Transparent and Accountable Appointment System:** Judicial independence should not mean isolation from public accountability.
    - A reformed NJAC-like structure could ensure:
        - Transparent criteria for selection.
        - Public disclosure of appointment reasons.
        - Greater involvement of the executive and civil society without compromising judicial independence.

Sources:

- **Indian Express: Why NJAC was struck down by the Supreme Court, can it be brought back?**
- **Indian Express: Court Must Revisit NJAC**