



Justice KR Shriram Sworn in as Chief Justice of Rajasthan HC

Why in News?

Justice Kalpathi Rajendran Shriram was sworn in as the new [Chief Justice](#) of Rajasthan High Court by Governor Haribhau Bagde at a ceremony held at Raj Bhavan.

Key Points

About Justice Kalpathi Rajendran Shriram

- His tenure at Rajasthan HC is likely to be 69 days, as 27 Sept 2025 is his retirement date.
- Justice Shriram succeeds **Chief Justice MM Srivastava**, who has been transferred to the Madras High Court.
 - Justice Shriram served on the Bombay High Court bench from 2013 until 26 September 2024, before becoming the Chief Justice of the Madras High Court on 27 September 2024, until his **transfer to the Rajasthan High Court**.



About Appointment of High Court Judges

- **Article 217 of the Constitution:** It states that the Judge of a **High Court** shall be appointed by the President in consultation with the **Chief Justice of India (CJI)**, the **Governor of the State**.
 - In the case of appointment of a Judge other than the Chief Justice, the Chief Justice of the High Court is consulted.
- **Consultation Process:** High Court judges are recommended by a **Collegium** comprising the CJI and two senior-most judges.
 - The proposal, however, is initiated by the Chief Justice of the High Court concerned in consultation with **two senior-most colleagues**.
 - The recommendation is sent to the Chief Minister, who advises the **Governor** to send the proposal to the **Union Law Minister**.
 - The Chief Justice of the High Court is appointed as per the policy of having Chief Justices from outside the respective States.
 - The Collegium takes the call on the elevation.



Collegium System



- System of appointment and transfer of judges
- Evolved through judgments of the Supreme Court, and not by an Act of Parliament

Constitutional Provisions Related to Appointment of Judges

- **Articles 124 (2) and 217**: Appointment of judges to the Supreme Court and High Courts
 - **President makes appointments after consulting with "such judges of the Supreme Court and of the High Courts"** as s/he may deem necessary.
- But the Constitution **does not lay down any process** for making these appointments.

Evolution of the System

First Judges Case (1981)

- SC held that in the appointment of a judge of the SC or the HC, the word **"consultation"** in Article **124 (2)** and in Article **217** of the Constitution does not mean "concurrence"
- Gave the **executive primacy** over the judiciary in judicial appointments

Second Judges Case (1993)

- SC overruled the First Judges Case
- Gave birth to the **Collegium System (Primacy to the Judiciary)**
- Collegium included the Chief Justice of India and the **2** most senior judges of the SC

Third Judges Case (1998)

- SC expanded the Collegium to include the CJI and the **4** most-senior judges of the court after the CJI

Current Structure



Supreme Court Collegium: CJI and the **4** senior-most judges of the SC



High Court Collegium: CJI and **2** senior most judges of the SC

Criticism

- Opaqueness
- Scope for Nepotism
- Exclusion of Executive
- No Predetermined Procedure of Appointment

National Judicial Appointments Commission (NJAC)

- It was an **attempt to replace the Collegium System**. It prescribed the procedure to be followed by the Commission to appoint judges
- NJAC was established by the **99th Constitutional Amendment Act, 2014**
- But the **NJAC Act was termed unconstitutional** and was struck down, citing it as having affected the independence of the judiciary



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