



## Collegium Assesses High Court Candidates

[Source: HT](#)

Recently, the [Supreme Court collegium](#) conducted interactions with candidates being considered for [high court](#) judgeship, going “over and above” the standard screening process.

- **The standard screening process** includes **assessing judicial work**, **IB inputs**, the **chief minister's views** via the [governor](#), and the **Department of Justice's observations**.
- The move came after **controversial remarks on religion** by a judge of **Allahabad high court** at an event that sparked widespread **criticism**.
  - It was alleged that his comments **breached** the [Restatement of Values of Judicial Life](#) **adopted by the Supreme Court in 1997**.
    - It is a [code of judicial ethics](#) that serves as a guide for an **independent and fair judiciary**, and **impartial administration** of justice.
  - It also violated the [Bangalore Principles of Judicial Conduct, 2002](#) that set **ethical standards for judges**, and regulates judicial behaviour.
    - It recognizes **six core values** i.e., independence, **impartiality**, **integrity**, **propriety**, equality, and competence and diligence.
- [Article 217](#) of the Constitution states that the **Judge of a High Court** shall be appointed by the [President](#) in consultation with the [Chief Justice of India \(CJI\)](#), and the **Governor** of the State.



# 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 **99<sup>th</sup> 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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**Read More:** [Restatement of Values of Judicial Life](#)

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