Collegium Recommendations for Supreme Court Judges

Why in news?

For the first time ever, the Supreme Court Collegium led by the Chief Justice of India (CJI) has recommended as many as 9 persons at one go to be appointed as Supreme Court judges.

What is the collegium?

- Currently, the Supreme Court of India comprises the CJIand 30 other Judges (totally 31).
- The Constitution mandated consultation by President with the CJI for appointments and transfers of judges.

  Article 124 - Appointment of SC judges should be made by the President after consultation with such judges of the HCs and the SC as the President may deem necessary (*optional*). The CJI is to be consulted (*mandatory*) in all appointments, except his or her own.

  Article 217 - HC judges should be appointed by the President after consultation with the CJI and the Governor of the state. The Chief Justice of the HC concerned too should be consulted.

- The collegium is an evolved model in this "consultation" process, brought in after various Supreme Court judgements in three 'Judges Cases'. Click here to know more on the appointment system.
- The collegium consists of the CJI who heads it and 4 senior-most judges of the Supreme Court.
- In case of difference of opinion, the majority view will prevail.

Why is the current selections laudable?

- If the 9 judges are appointed, barring one vacancy (which arose after the Collegium met), all the vacancies in the Supreme Court will be filled up.
- The selections break the 22-month-long impasse, as no consensus could emerge within the Collegium even as vacancies remained unfilled
- Significantly, the recommendations of the collegium include -
  1. three women judges, with one of them having a chance to get to be the CJI
  2. a judge belonging to the Scheduled Caste
  3. a judge from a backward community
- Also, the 9 selected persons belong to 9 different States (Kerala, TN, Karnataka, Andhra Pradesh, Maharashtra, MP, UP, Delhi and Gujarat)
- Notably, many of those selected have distinguished records of upholding citizens' freedoms and public interest.
- Reportedly, the selection process, a complex one, was concluded in the first ever formal meeting of the Collegium.

- The current CJI, Justice N.V. Ramana, being the first among the equals, deserves credit for taking along the members and building consensus for selecting as many as 9 judges.

What are the parameters to be considered?

- India is perhaps the only country where the judges themselves select judges to the higher judiciary.
- So, members of the Collegium have to take extra care to ensure that -

    1. the process of selection remains transparent
    2. the suitability of the persons selected gets the highest level of approbation (approval/acceptance)

- The essence of the norms to be followed in judicial appointments is a judicious blend of –

    1. Merit /the ability to deliver complete justice
    2. Seniority
    3. Equal opportunities to all classes of people to preserve the interests of the marginalised and deprived sections of society, women, religions, regions and communities

Article 142 (1) allows the Supreme Court to pass any order necessary to do **"complete justice"** in any case.

What lies ahead?

- The names decided are forwarded to the government, which can either accept the suggestions or return them to the collegium oncebut not the second time.
- [Second time, the government has to go with the Collegium's list only.]
- The final appointments are made by the President.
- So, it is now time for the Government/executive to take the process of judges'appointments to its logical conclusion at the earliest and fill the vacancies.

Source: The Hindu

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