Judicial Appointments in India

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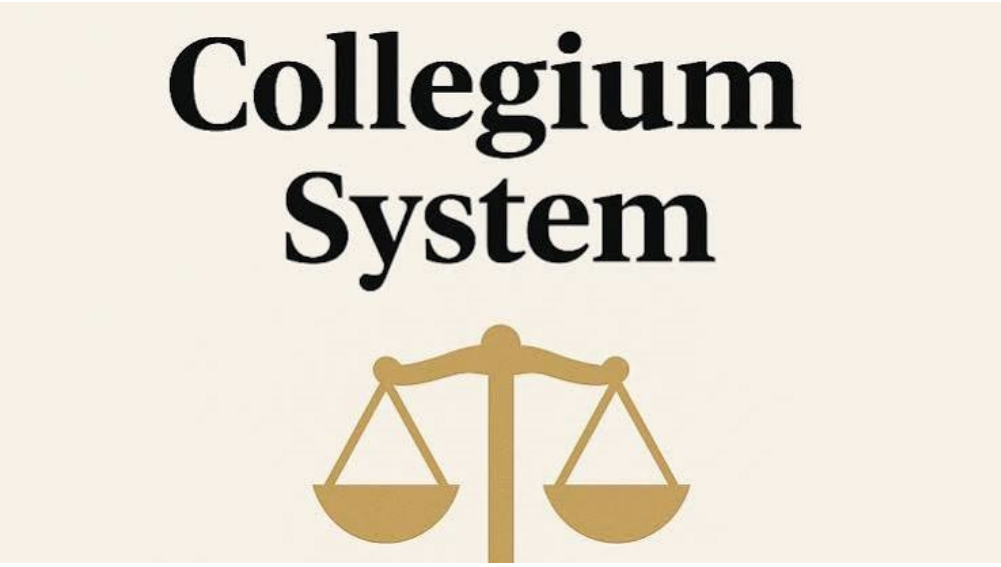
Why in news?

The Supreme Court Justice Dipankar Datta criticised Union government critics who describe the Collegium system as an insular "judges appointing judges" mechanism.

- **Supreme Court** – According to Article 124, Supreme Court judges are appointed by the President of India in consultation with the Chief Justice of India (CJI) and other judges whom he deems fit.
- **High Court** – According to Article 217, High Court judges are appointed by the President in consultation with the CJI, the Governor of the State and the Chief Justice of that court.
- **Collegium System** – In practice, appointments and transfers are recommended through the judicial Collegium.
- The Collegium system is ***not mentioned in the original Constitution***; it evolved through landmark Supreme Court rulings.
- **Collegium Structure**
- **Supreme Court Collegium** – Headed by the Chief Justice of India (CJI) and includes the 4 other senior-most judges of the Supreme Court.
- **High Court Collegium** – Headed by the Chief Justice of the respective High Court and its two senior-most judges.



- The HC collegium only sends the recommendation to the Supreme Court collegium on judicial appointments.

- The final decisions are taken by a collegium of the CJI and two senior-most judges of the SC.
- **Memorandum of Procedure (MoP) for appointment of judges** – It is an agreement between the judiciary and the government, which contains a set of guidelines for making appointments to the Supreme Court and High Court.
- **Appointment Process**
- **Initiation** – The respective Collegium initiates names (usually based on seniority for the CJI, or a mix of merit, seniority, and regional representation for other judges).
- **Selection** – The recommendations are forwarded to the Union Law Minister, who forwards them to the Prime Minister.
- The government utilises intelligence agencies (like the Intelligence Bureau) to perform strict background and credential checks.
- **Executive Feedback** – The executive can either accept the names or return them to the Collegium with specific objections or parameters for reconsideration.
- **Reiteration** – If the Collegium unanimously reiterates its original recommendations, the government is constitutionally bound to appoint those individuals.

Reference

The Hindu | Defending Collegium, SC says government's remarks 'disquieting'