

What is Supreme Court Collegium?

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About Supreme Court Collegium

- It is a system under which appointments and transfers of judges are decided by a forum of the Chief Justice of India and the four senior-most judges of the Supreme Court (SC).
- It has no place in the Indian Constitution.
- What does the Constitution actually prescribe?
 - Article 124 deals with the appointment of SC judges. It says the appointment should be made by the President after consultation with such judges of the High Courts and the Supreme Court as the President may deem necessary. The CJI is to be consulted in all appointments, except his or her own.
 - Article 217 deals with the appointment of High Court judges. It says a judge should be appointed by the President after consultation with the CJI and the Governor of the state. The Chief Justice of the High Court concerned too should be consulted.
- Evolution of the Collegium System:
 - Since the Constitution mandates consultation with the CJI is necessary for appointments to the judiciary, the collegium model evolved.
 - It has its genesis in a series of three judgments that are now clubbed together as the Three Judges Cases.
 - First Judges Case (1982):
- The SC held that “consultation” of judges does not mean concurrence.
- Hence, it gave primacy in the appointment of judges to the Executive.
 - Second Judges Case (1993):

- The court reversed its earlier ruling by changing the meaning of “consultation” to concurrence.
 - With this, the advice tendered by CJI became binding. However, the CJI would have to take into account the views of two of his senior most colleagues.
 - Third Judges Case (1998):
 - The court gave primacy to the opinion of CJI in the matter of the appointment of Judges.
 - However, the CJI must consult four seniormost judges of SC.
 - Opinion of all members of the collegium should be in writing.
 - In case of difference of opinion, the majority view will prevail.
 - Even if two judges in the collegium give an adverse opinion of a person for appointment as the SC judge, the CJI should not send the recommendation to the government.
 - These three cases established that the collegium headed by the Chief Justice of India will have primacy in the appointment of judges to the higher judiciary.
 - This collegium makes recommendations to the government for appointment of judges to the SC and of Chief Justices of High Courts, and the transfers of HC judges.
 - Executive role:
 - Judges of the higher judiciary are thus appointed only through the collegium system, and the government has a role only after names have been decided by the collegiums.
 - The government’s role is limited to getting an inquiry conducted by the Intelligence Bureau (IB) if a lawyer is to be elevated as a judge in a High Court or the Supreme Court.
 - The government can also raise objections and seek clarifications regarding the collegium’s choices, but if the collegium reiterates the same names, the government is bound to appoint them.
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Q1) What is the Intelligence Bureau (IB)?

IB is an internal intelligence agency of India which is used to gather intelligence from within India and also execute counter-intelligence and counter-terrorism tasks. In addition to domestic intelligence responsibilities, the IB is particularly tasked with intelligence collection in border areas, following the 1951 recommendations of the Himmatsinhji Committee (also known as the North and North-East Border Committee), a task entrusted to military intelligence organizations, prior to independence in 1947. It comes under the administrative control of the Ministry of Home Affairs.

Source: [Supreme Court quashes Andhra HC order expressing disapproval of Collegium and castigating Jagan](#)

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