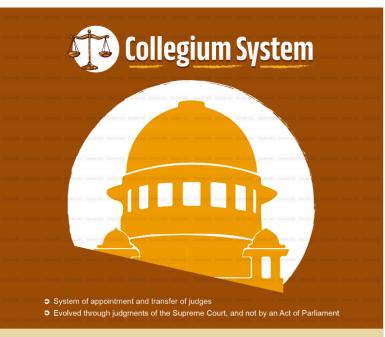
Collegium Assesses High Court Candidates

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, <u>IB</u> inputs, the chief minister's views via the <u>governor</u>, 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 <u>Restatement of Values of Judicial Life</u> adopted by the <u>Supreme Court</u> in 1997.
 - It is a <u>code of judicial ethics</u> 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 <u>President</u> in consultation with the <u>Chief Justice of India (CJI)</u>, and the Governor of the State.

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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
- SC overruled the First Judges Case

Second Judges Case (1993)

The Vision

- 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
- does not mean "concurrence"
 Gave the executive primacy over the judiciary in judicial appointments

Third Judges Case (1998)

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



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



Read More: Restatement of Values of Judicial Life

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