

India's Collegium System: Judiciary Independence and Accountability in Balance

The appointment and transfer of judges in India's higher courts are governed by the Collegium system, which was created by Supreme Court rulings. It guarantees a judiciary free from government meddling, which is essential for democracy, and is composed of the Chief Justice of India (CJI) and senior judges.

The Collegium System's Structure:

Justices are appointed to the Supreme Court and transfers of High Court justices are governed by the Supreme Court Collegium, which consists of the Chief Justice of India and four of the most senior judges. Within its authority, appointments are handled by the High Court Collegium, which consists of the Chief Justice and the two most senior justices. Although judicial nominations are outlined in Articles 124 and 217 of the Constitution, the Collegium system developed via judicial interpretation.

The Collegium System's Advantages:

- 1. Judicial Independence:** Prevents political influence on the court.
- 2. Expertise-Driven Selection:** Guarantees appointments based on merit.
- 3. Populist Insulation:** Facilitates impartial, equitable decision-making.

Key Challenges:

- 1. Lack of Transparency: Decisions** are made without supporting documentation, which raises questions about accountability.
- 2. Favouritism and nepotism:** Claims of collegial and family prejudice.

3. Executive Delays: Extended approval periods interfere with operations.

4. Lack of Diversity: Women and underprivileged groups continue to be underrepresented.

5. Judicial Backlog: The administration of justice is hampered by vacancies that prolong case pending.

Proposed Changes:

1. Codify Collegium processes to increase openness.
2. Implement stringent deadlines for official clearances.
3. Encourage a diverse range of appointments.
4. Make information about the selecting process more widely available to the public.