

# Collegium Recommends Chief Justices Of 3 High Courts For Appointment To Supreme Court

## Why In The News?

- Conscious Of The Mounting Pendency In The Supreme Court And The Need To Function At Its Full Sanctioned **Judicial Strength Of 34 Judges**, The Collegium Headed By Chief Justice Of India D.Y. Chandrachud On Monday Recommended The **Chief Justices Of Three High Courts** For Appointment To The Apex Court.
- If Appointed, **Delhi High Court Chief Justice Satish Chandra Sharma, Rajasthan Chief Justice Augustine George Masih And Gauhati High Court Chief Justice Sandeep Mehta** Would Fill Up The Three Vacancies In The Supreme Court. Currently, **The Court Is Functioning With 31 Judges.**



THE HINDU

## Collegium recommends Chief Justices of 3 High Courts for appointment to SC

Against its full sanctioned strength of 34 judges, the apex court is functioning with 31 judges

## What Constitution Says About SC Appointment?

- **Article 124 (2)** Of The Constitution Lays Down The Process To Appoint Judges To The Higher Judiciary: “Every Judge Of The Supreme Court Shall Be **Appointed By The President After Consultation** With Such Of The Judges Of The Supreme Court And Of The High Courts In The States As The **President May Deem Necessary** For The Purpose And Shall Hold Office Until He Attains The Age Of 65 Years: Provided That In The Case Of Appointment Of A Judge Other Than The Chief Justice, **The Chief Justice Of India Shall Always Be Consulted.**”

### 3 Judges Cases

- In The **First Judges Case (1981)**, The Apex Court Held That In The Appointment Of A Judge Of The Supreme Court Or The High Court, The Word “**Consultation**” Does Not Mean “**Concurrence**”. Ultimate Power Would Rest With The **Union Government** And Not The CJI, The SC Ruled.
- In The **Second Judges Case (1993)**, The Court Overruled The First Judges Case, Holding That In The Event Of **Conflict Between The President And The CJI** With Regard To Appointments Of Judges, It Was The **Chief Justice Of India Whose Opinion Would Not Only Have Primacy But Would Be Determinative**.
- The **1993 Verdict** Also **Gave Birth To The Collegium System**. Finally, In The **Third Judges Case (1998)**, The SC Reaffirmed Its 1993 Judgement And Expanded The **Collegium To Include The CJI And The Four Senior Most Judges Of The Court** After The CJI.



### Supreme Court Collegium System

- Under The Collegium System, The **Chief Justice Of India And His 4 Senior Most Colleagues** Make Recommendations For The Candidates To Be Appointed As SC And HC Judges To The President.
- The **Collegium Right Now Has Six Judges Instead Of Five**. This Is Because None Of The 4 Senior Most Judges Will Become The Next CJI, And It Is Mandatory For The Next CJI To Be A Part Of The Collegium.
- **Justice Sanjiv Khanna** Is Therefore The 6<sup>th</sup> Member Of The Collegium Right Now Who Will Succeed Chief Justice DY Chandrachud As The Next CJI.
- The Recommendations By The Collegium For The Supreme Court Can Be Of Two Types: One, **When High Court Judges Are To Be Elevated** To The Supreme Court; And Two, **When Senior Lawyers Are Directly Appointed** As Supreme Court Judges.

- For Appointments To The High Courts, The Supreme Court Collegium Consists Of **Only 3 Judges** The Chief Justice Of India And Two Senior-Most Judges. For Appointments To The Supreme Court, The **Collegium Consists Of Five Judges** (Right Now, 6).
- Like The Supreme Court, The **High Courts, Too, Have A Collegium**, Headed By The Chief Justice Of The High Court And Two Senior-most Judges As Members. The High Court Collegium Sends Its Judicial Appointments Recommendation Only To The Supreme Court Collegium.

