

COLLEGIUM SYSTEM FOR JUDICIAL APPOINTMENT IN HIGH COURT AND SUPREME COURTS

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ABSTRACT

In this research study, a review of the collegium system and an analysis of the appointment of judges have been made. All key cases are also assessed in regard to the Judges' appointment to the Supreme Court and High Court. The National Judicial Appointments Commission (NJAC) was overturned by the Supreme Court, which also affirmed the Collegium System for appointing judges. The only nation in the world where judges are chosen by themselves is India. Reforms are required to increase the collegium System's openness and democracy.

I. INTRODUCTION

In every democracy, judges stand as a sentinel by protecting the sanctity of constitutional principles, upholding the rule of law, ensuring justice for all. It is clearly the most distinctive feature of the landscape. Stemming from the need to keep political pressure off the electorate to ensure judicial independence, the collegium system has seen a development that has stimulated debate, criticism and scholarly opinion. The Collegium system, introduced as a disciplinary mechanism, aimed at establishing a transparent, merit-based and accountable process for the selection of judges of the Supreme Court by a body of intellectuals, important in their a the candidates will be recommended. This process has ensured the independence of the judiciary and has led to discussions about its effectiveness, accountability and implications for the balance of power between the judiciary itself and other branches of government. This paper examines a comprehensive study of the collegium system of judicial appointments, focusing on its implementation and impact in the Supreme Court and the Supreme Court of India. By examining the historical development of the college system, examining its strengths and weaknesses, and examining its impact on the judicial system and the broader democratic system, the purpose of this review is to provide nuanced understanding of this unique mechanism. This study will draw on a wide range of resources including legal literature, judicial decisions, expert opinion and comparative studies, to shed light on the complexities of the collegium system and its importance in shaping the Indian judicial system.

II. BACKGROUND

The history of the collegiate system of appointment of judges to the Supreme Court and Supreme Court of India is deeply embedded in the country's constitutional framework, and the struggle to create a balance of power, ensure judicial independence and uphold the rule of law.

1.The legacy of colonialism and the need for reform: The establishment of British colonial rule in India introduced legal systems that gave greater powers to the executive, including the appointment of judges. This legacy continued after India gained independence in 1947, allowing for possible political influence and interference in the judiciary. The need to address this issue was highlighted by several incidents of bureaucracy in the judicial selection process.

2.Drafting of Indian Constitution: The framers of the Indian Constitution recognized the importance of judicial independence in upholding democratic principles and the rule of law. They aimed to create a system that would insulate the judiciary from political pressure and ensure impartiality. Article 124 of the Constitution established the Supreme Court, while Article 217 established the High Courts, and prescribed the procedure for the appointment of judges.

3.Basic strategies and challenges: In the early years after independence, recruitment retained a vestige of the colonial era. The executive, particularly the President in consultation with the Chief Justice of India, played an important role in the selection of judges. However, concerns about political considerations, lack of clarity and random sampling led to demands for change.

4.Judicial Service and College Perspective: The Indian judiciary, especially the Supreme Court, emerged as the guardian of constitutional norms and human rights. Important cases in the 1970s and 1980s, such as *Kesavananda Bharati v. Govt. State of Kerala* (1973)¹ confirmed the judicial review powers of the courts and the judiciary began to play a more active role in interpreting the Constitution and ensuring its implementation.

5.Road information: The change in the development of the collegium system was In the case of *S. P. Gupta v. Union of India* (1981)². In this case, the Supreme Court laid the groundwork for the college system by holding that judges can have a significant say in appointments to the Supreme Court.

¹ AIR 1973 SC 1461

² AIR 1982 SC 149

6. Configuration & Packaging: While the justices emphasized their role in the selection process, subsequent decisions provided greater clarity and direction. The collegium system gradually evolved from an informal process to a more established one. The idea of a working class decision involving the Chief Justice of India and a few senior judges gained prominence, reflecting a move towards shared responsibility.

7. Challenges and criticisms: The college system was intended to increase judicial independence, but it was also met with criticism. Critics said the process lacked transparency and accountability, and lacked specific nomination guidelines that allowed judges to make disproportionate comments on nominations that lacked checks and balances the right choice.

8. Improvement efforts: Responding to criticism, the Indian government tried to introduce the National Judicial Appointments Commission (NJAC) through a constitutional amendment in 2014. The purpose of the NJAC was to include the chief executive in the appointment process, however influence faced legal challenges due to potential political issues. The NJAC¹ was ultimately dissolved by the Supreme Court, reaffirming the primacy of the collegium system.

9. Today's Update: To date, the college system remains the dominant mechanism for judicial selection in India. Discussions were held on reforming the system to address its shortcomings while preserving the original goal of judicial independence.

The growth of the college system is a testament to India's commitment to ensure an independent judiciary that can uphold the Constitution and protect the rights of citizens.

III. EVOLUTION OF THE COLLEGIUM SYSTEM

The Collegium System in India is in charge of choosing new judges and reassigning departing justices. The collegium employs "judges selecting judges." The system's cornerstone are the decisions rendered in the "Three-Judges Cases" by the Supreme Court. A system or organization is formed in India either through a statute passed by the Parliament or by provisions included in the country's Constitution. The Collegium System, however, is unique in its field.

A series of decisions known as the "Judges Cases" served as the inspiration for the collegium system. The Supreme Court's interpretations of pertinent constitutional clauses in the Judges Cases gave rise to this arrangement. The collegium system was established in the following three instances:

1. First Judges Case, 1981²:

It said that the "primacy" of the Chief Justice of India's proposal for appointments to the judiciary and transfers might be overruled for "cogent reasons." For the ensuing 12 years, the Executive would have priority over the judiciary in making judicial nominations.

2. Second judges case, 1993³

In 1993, the Supreme Court Advocates on Record Association (SCARA) submitted a different petition. In this case, the Supreme Court reversed its prior decision and redefined concurrence as consultation. Therefore requiring the Chief Justice of India to speak with the President of India. The Collegium System was established as a result of this.

3. Third Judges Case, 1998⁴

In 1998, the president asked the Supreme Court to clarify the meaning of the phrase "consultation" as it appeared in Articles 124, 217, and 222 of the Constitution. The consultation process will involve more people than just the chief justice. A collegium comprising the four senior most Supreme Court judges will provide consultation. The CJI won't suggest the opinion to the government even if two judges disagree with it.

IV. INSTALLATION AND CONFIGURATION OF THE COLLEGIUM SYSTEM

Establishment and composition of collegium procedures for selection of judges for High Court and Supreme Court: The separate college system in the Indian judicial environment was instituted as a means of ensuring greater autonomy and transparency in the process of appointment of judges to the higher judiciary. This book explains the founding and organization of the college system and highlights its development from its inception to its present one.

1. Establishing the College System: The foundation of the college system was laid by the Supreme Court of India in a series of judgments. The earliest concepts of selective judicial counseling can be traced back to the 1970s, but it was only in the 1980s and 1990s that the concept gained significant traction.

2. Structure of college program: The collegial system consists of a collegial body of judges, which usually includes the Chief Justice of India and a few senior judges of the Supreme Court. This body is responsible for making recommendations on the selection and appointment of judges to the Supreme Court of the Supreme Court. The list may vary, but the Chief Justice always appears, reflecting the central role of the Chief Justice in the process⁵.

3. Progression of the playlist: Over time, the structure of the college system changed based on the development of the judiciary and interpretations of decisions. Initially, the system was informal and decisions were usually taken jointly by senior judges.

¹ The Constitution (Ninety-Nine Amendment) Act, 2014

² AIR 1982 SC 149

³ (1993)4 SCC 441

⁴ AIR 1999 SC 1

⁵ The third judges case 1998, In Re Presidential Reference No. 1 of 1998

headed by the Chief Justice. As the program evolved, the trend was to standardize the process and ensure a consistent approach.

4. Chief Justice of India Role: The Chief Justice of India is an integral part of the college system. The Chief Judge's leadership and influence play an important role in the recommendations for hiring and transfer. The right of the Chief Justice to preside over collegiate sessions reflects the emphasis on judicial leadership and collective decision-making.

5. Collegial decision: The theory of college decision-making emphasizes the collaborative nature of the college system. Suggestions are usually made after a thorough discussion among the members, ensuring that different points of view are considered. The goal is to reach a consensus that captures the principles of competence, seniority, integrity and judicial independence.

6. Transparency and Statistics: While the college system has faced criticism for its lack of transparency¹ and accountability, given that its decisions are often made behind closed doors, it is important if the system's operations have improved in response to those issues it disturbs this mind. Attempts have been made to strike a balance between maintaining confidentiality and ensuring some accountability by increasing documentation of the reasons behind recommendations

7. Challenges and progress: The design of the college system has been one of challenge and controversy. Critics say the policy could lead to insular decisions and a lack of diversity in hiring. The call for reform prompted discussions about ways to ensure broader dialogue and increase policy transparency.

8. Ongoing Discourse: To this day, discussions continue on reforming the college system to address its shortcomings and improve the overall quality and transparency of judicial appointments. A variety of stakeholders, including legal scholars, professionals, and the public, engage in ongoing debate to shape the future of the college system.

The establishment and composition of the college system represents a significant departure from the historical approach to professional selection in India. Although controversial and controversial, it is an important means of protecting judicial independence and maintaining the integrity of the Supreme Court

V. THE ROLE OF THE COLLEGIUM SYSTEM OF APPOINTMENT OF JUDGES TO THE SUPREME COURT AND SUPREME COURT

The college system functions as a unique instrument in the Indian judiciary, designed to ensure that judges are appointed and referred to the Supreme Court on the basis of their merit, integrity and independence from political influence Its effectiveness has been confirmed

1. Recommended Selection: One of the major functions of the college system is to recommend qualified candidates for appointment as judges of the Supreme Court and Supreme Court. The College assesses the qualifications, experience and skills of all potential applicants to ensure that only persons with strong legal knowledge and impeccable character are considered.

2. Review of the transfer: In addition to appointments, the college system seeks and recommends the transfer of judges between different high courts or from high courts to the Supreme Court Case transfers are often considered based on factors such as administrative needs , knowledge, needed to ensure diverse and balanced judicial representation in courts.

3. Protecting judicial independence: One of the principal functions of the college system is to protect judicial independence from outside influences, especially executive political pressures. By giving judges a central role in the appointment process, the policy aims to prevent politically motivated appointments

4. Merit based selection: The college system operates on the principle of selecting judges based on merit, legal expertise and integrity. This ensures that individuals with the necessary qualifications and a deep understanding of the law are appointed to judicial positions. The system's focus on merit-based appointments helps to retain high-performing and effective judges.

5. Collegial decision: The collegium process works on the principle of collegiality decision-making, with dialogue and deliberation between the Chief Justice of India and the senior judges of the Supreme Court This collaborative approach ensures that different perspectives are considered before recommendations are made on appointments and on their transfer.

6. Balanced seniority and qualifications: While seniority is an important criterion for selecting judges, the college system also seeks to balance seniority with merit The system takes experience and support in the legal profession includes the age of a candidate he is a leader to serve it, to ensure that the highest judges choose the most capable individuals.

7. Accounting and Disclosure: While the college system has faced criticism for its lack of transparency, efforts have been made to improve accountability by documenting the reasons for recommendations and the decision-making process The aim is to maintain some confidentiality and deal with cases.

8. Regional Representatives Speaking: Another function of the college system is the concept of community representation, which ensures that judges from different parts of the country are appointed to different high courts This promotes diversity in the judiciary and helps to raise awareness of local issues and issues breed.

9. It was done by judicial declaration: The functions of the college system have evolved through judicial announcements, and the Supreme Court has reviewed its functions and guidelines in the light of emerging challenges and criticism.

¹ See a recounting of these criticisms in the opinion of Justice Kurian (concurring) and Justice Chelameshwar (dissenting) in *Supreme Court Advocates on Record Association v. Union of India*, 2016 (5) SCC 1

The functions of the college system reflect a commitment to preserving judicial independence, promoting judicial excellence, and maintaining the integrity of selection and transfer procedures. Although controversy and discussion about how it flies effectiveness and possible reforms continue though the system remains central to the Indian judicial housing system.

VI. SEPARATION OF POWERS IN THE COLLEGIUM SYSTEM FOR JUDICIAL APPOINTMENTS AND ITS IMPORTANCE

The concept of separation of powers¹ is a fundamental principle in democratic governance, aimed at preventing the concentration of power in one power and ensuring checks and balances. The distribution of powers in the college system for judicial appointments in India is an important consideration Significance Examined.

1. Preventing Employee Involvement: The separation of powers is a safeguard against undue influence and interference by the chief executive in the appointment process. In traditional systems where the chief executive played a dominant role in selection, there was a risk that political considerations would influence selection, potentially undermining judicial impartiality. The college system seeks to limit such meddling and ensure that appointments are made on the basis of merit and integrity.

2. Support for judicial independence: An important aspect of separation of powers is the autonomy of each branch of government. Judicially, this independence is essential for the judiciary to interpret and apply the law without fear of political retribution. The principle of separation of powers is reinforced by giving judges a central role in the selection of judges through the college system, as it prevents the administration from exercising undue influence over the selection process.

3. Checks and the rest are guaranteed : Separation of powers is an essential part of a system of checks and balances, preventing any one branch from becoming too powerful. The involvement of the judiciary in the selection process in the college brings with it a degree of scrutiny and scrutiny in the work of the chief executive. This prevents the executive from predicting the judiciary and may influence his or her decisions.

4. Protecting the rule of law: The separation of powers is closely linked to the rule of law, which ensures the fair and equitable application of law. An independent judiciary is essential to support the rule of law, as it provides a forum in which individuals and organizations can seek redress without fear of undue interference from political hierarchy. The College system emphasizes selection-based practically contributes to the maintenance of the rule of law.

5. Balancing the Branches of Government: The collegiate system, which incorporates separation of powers, ensures that the judiciary is balanced with the government and the legislature. This balance of power is essential to a functioning democracy, preventing any one branch from winning and maintaining order controlling and securing the actions of each branch.

6. Handling Political Pressure: By establishing a process that includes the judiciary in the selection process, the collegium system reduces the potential for political pressure in the selection process, helping to ensure that the judiciary is impartial appointments are made on the basis of legal qualifications rather than political affiliation. In summary, the fundamental principle underlying the collegium system in judicial appointments in India is the separation of powers. By giving the judiciary a central role in the appointment process, this provision helps to curb executive domination, safeguard judicial independence and ensure that the principles of competence, integrity and the rule of law are upheld in the Supreme Court.

In summary, the separation of powers is a fundamental tenet underlying the Collegium System for judicial appointments in India. By giving the judiciary a significant role in appointments, this system helps prevent executive dominance, safeguards judicial independence, and ensures that the principles of merit, integrity, and the rule of law are upheld in the higher judiciary.

VII. MERITS OF THE COLLEGIUM SYSTEM

The primary advantage that this system brings to our nation is that it protects and upholds the constitutionally required division of powers between the three branches of our government. It makes guarantee that the judiciary's independence is not compromised by the Legislative or executive branch. According to Justice Sathasivam, the Collegium System would be ideal for the nomination of judges since it has become a little more open and the consultation has been designed to be broad-based². Additionally, he stated that "as judges, we are aware of the qualifications and morals of those being considered for appointment as judges to the Supreme Court and high courts." He makes it plain in this remark that it would be challenging for those not involved in the day-to-day operations of the courts to choose the top candidates for the needed post. The present Collegium System examines the selected applicants more thoroughly for the traits anticipated of a judge in the Supreme Court or the High Court as compared to the Judicial Appointment Commission (JAC).

VIII. DEMERITS OF THE COLLEGIUM SYSTEM

Other than fully excluding the Executive from the cooperation and consulting exercise for the appointment of judges to the Bench of higher judiciary, the existing procedure established by the collegium of judges is plagued with its own set of problems involving non-transparency³ and non-accountability. As many as 275 judgeships in various High Courts remain empty due to the collegium's ingrained weaknesses, which have an ongoing impact on the delivery of justice and, consequently, undermine the institution's reputation. The inter-institutional framework outlined in Articles 124 and 217 of the Indian Constitution has completely collapsed as a result of the collegium's operation. In this system, appointments are made with de facto judicial authority. The executive must officially authorize the nomination, but even so, the collegium's decision is final in effect,

¹ COLLEGIUM SYSTEM IN INDIA (<https://www.legalserviceindia.com/legal/article-3681-collegium-system-in-india.html>) (20 AUG ,2023).

²Collegium system for judges appointment best option chief justice p sathasivam <https://timesofindia.indiatimes.com/india/collegium-system-for-judges-appointment-best-option-chief-justice-p-sathasivam/articleshow/34169844.cms?from=mdr> (20 august , 2023)

³ Collegium system has its flaws but is there a better way forward www.outlookindia.com/culture/society/sc-collegium-system-has-its-flaws-but-is-there-a-better-way-forward (20 august ,2023)

therefore the executive's participation is restricted since its objections may be overruled¹. The executive's little position eliminates the prospect of an organizational checks and balances on the legal system and makes it fruitless to question the executive in public over judicial nominations since the executive will always claim helplessness. The collegium system has drawn criticism for a number of reasons. The fact that about 30% of the seats in the nation's High Courts are vacant as a result of the collegium's ineffective operation is one more significant drawback of the collegium system that has been noticed in recent years.

IX. CRITICISM OF THE COLLEGIUM SYSTEM

It has been noted that India's collegium system exhibits a number of abnormalities. The honesty of the process used to appoint, transfer, and replace judges in the judiciary's highest has always been called into question². Even the Supreme Court, who were collegium members, has harshly attacked the 20-year-old collegium system. The primary complaint is that there is absolutely no transparency. Additionally, Supreme Court collegium members have been charged with using their influence to designate their close family members or certain attorneys as High Judges in court. Due to proximity and personal hostility, there has been a delay or refusal of Selections for the Supreme Court.

The President first turned back the file for Justice Kannadasan's³ appointment as a judge of the Madras High Court, but when the collegium reiterated it, he was named a judge.³⁷ The cited instance's collegium Justice S.H. Kapadia and Chief Justice K.G. Balakrishnan served as the panel's leaders. Justice P.D. Dinakaran, the chief justice of the Karnataka High Court, was elevated to the position of judge of the Indian Supreme Court in 2009 on the advice of Tarun Chatterjee and Justice R.V. Raveendran. The suggestion includes the names of four more judges who should be elevated to the Supreme Court: Justices A.K. Patnaik, Tirath Singh Thakur, S.S. Nijjar, and K.S. Radhakrishna. In this context, Mr. Subhash Chandra Aggarwal⁴, a well-known RTI activist, submitted an RTI request to the CPIO (hereinafter CPIO). Supreme Court of India, for becoming aware of the collegium's file notation on the appointment of a few Chief Justices of High Courts to the highest court in the land of India. However, in a letter dated October 10, 2009, the Central Public Information Officer declined to give the requested details, claiming that doing so would violate their confidentiality. Collegium members' lack of training in the role of choosing judges is another issue. Without rules, there may be potential for favoritism, communalism, and nepotism. Judges are excluded from the selection procedure. Judges are not chosen by other judges who are brothers everywhere in the globe. The constitutional chapter must now adopt a new code, A desirable is an appointment. Justice J. Chamleshwar, the lone judge who disagreed with the NJAC ruling, claimed that the Collegium system had failed and criticized the opaque process of selecting judges for the Supreme Court and High Court. The appointment procedure and its secrecy surrounding the appointment and elevation, in which it occasionally appears that a small number were elevated and a smaller number were rejected without explanation, disturb me. The debate above has demonstrated the Collegium's abject failure, and there are countless instances when we have observed people losing trust in the courts, which is a significant subject of worry.

X. SUGGESTIONS TO ENHANCE THE MECHANISM OF COLLEGIUM SYSTEM

In a democratic nation like India, the selection of judges is a crucial procedure that requires the utmost attention and consideration. After the fourth Judges case, executive involvement ended, leaving the collegiums as the sole remaining option. But at the moment, the collegium is also the subject of various accusations, and its operational procedures are frequently questioned. Charges of corruption have been brought against the Collegium because it has been accused of lacking transparency and accountability. In order to enhance the current collegium system and make it more effective and efficient, we have attempted to identify some of its faults and have provided some ideas in response.

- 1.A judge who is interested in being chosen or promoted to a higher position must submit a formal application to the collegiums together with their complete, official bio and curriculum vitae.
- 2.Collegium meetings should be videotaped at all times with high-quality audio. Collegium decisions must demonstrate meticulous adherence to due process and industry standards.
- 3.The central government is in favor of this change, which would make the collegium consist of the current senior High Court judges, senior attorneys, the Attorney General of India, and the Advocate General of the States (for HC appointments).
- 4.Individual collegium members may suggest or support qualified candidates for appointment, promotion, transfer to a different High Court, etc., but they must do so in writing to the collegium's chief justice and their suggestions must be recorded.
- 5.The collegium chairman may also suggest qualified candidates, but in order to prevent him from exploiting his privileged position, the candidates he suggests must be independently examined by other collegium judges, and their judgments (whether positive or unfavorable) must be recorded.
- 6.The collegium secretariat shall shortlist the suggested candidates based on publicly verifiable criteria such as case disposition rate, tenure in current and prior posts, complaints, etc.
- 7.The Comptroller and Auditor General (CAG) shall routinely evaluate the revenue and assets of High Court and Supreme Court judges and their immediate families to make sure that (a) correct accounts are being delivered and (b) asset growth is within the parameters of official income sources. Judge regarding whose CAG expresses concerns must wait until all of CAG's inquiries have been successfully addressed and the Inquiry is finished before they can be suitable for any advancement.

¹ Collegium system in India www.legalserviceindia.com/legal/article-3681-collegium-system-in-india.html (20 august, 2023)

² Collegium system and its criticism www.legalbites.in/amp/topics/articles/collegium-system-and-its-criticism-897582 (20 august,2023)

³Centre cites Justice Kannadasan case to question collegium system www.thehindu.com/news/national/centre-cites-Justice-Kannadasan-case-to-question-collegium-system (20 august ,2023)

⁴ CPIO Supreme Court of India vs Subhash Chandra Aggarwal, 2019 SCC OnLine SC 1459, 2019 (16) SCALE 40

8. Judges about whom the CAG expresses concerns must be moved as soon as possible to another High Court in order to break any existing link and to allow for independent investigations that are unrestricted by the judge's position of power.

9. The chief of the collegium must issue a stern warning letter to judges who are found to be advocacy, engaging in backroom politics, and/or trading favors with powerful individuals (such as senior counsel, judges, ministers, officials, party leaders, business magnates, etc.) in order to obtain preferential treatment from the collegium. If a second offense occurs, judges are permanently barred from applying to the collegium.

10. To reduce the possibility of subjective factors like favoritism, nepotism, political appointments, etc., all promotions and choices must be done through an independently verifiable method.

11. Any collegium judge who exhibits a propensity for overturning or circumventing the due process shall be excluded from membership in the collegium in the future.

12. Under the Right To Information Act, the Collegium Secretariat is required to make all of the aforementioned documentation and recordings of sound of the collegiums and applicants available to the public. Such records should ideally be regularly published to the website of the relevant High Court or Supreme Court and made easily searchable online.

13. The Collegium Secretariat need to be a solitary, centrally located entity with a New Delhi headquarters and offices in each High Court. Each state's secretariat should be led by a group of high-ranking officials who are adequately shielded from the demands and pressures of courts, attorneys, ministers, and other decision-makers. It must provide the Collegium with all the background information on applicants, as well as an unbiased analysis and comparison of the data along numerous aspects, to aid in its decision-making. Each and every judge of the judiciary's highest as well as judges, senior attorneys, and those who seek for judgeship in the higher judiciary, must have their eligibility records kept up to date by the Secretariat.

14. The Supreme Court Collegium must put forward appropriate standards, which must then be meticulously executed by the Collegium Secretary and Ministry of Justice after becoming an enactment and being approved by both houses of Parliament. Making the criterion a legal requirement would stop candidates from "moving the goal-posts" to favor them.

15. In order to prevent biased parties from making unfounded complaints against judges, as well as to make it easier for independent investigations of complaints that are found to have merit, appropriate rules, laws, and formats may be developed for receiving grievances against specific judges and incorporating them into the eligibility criteria.

XI. CONCLUSION

Both the Constitutional (121st Amendment) Act and the National Judicial Appointments Commission (NJAC) Act have been enacted by the Parliament with a majority vote. This Act has now been accepted by the majority of the states, making it a law that will shortly go into effect. Lack of accountability and transparency were two issues that plagued the Collegium System, but more than anything else, it was unclear how judges were selected. The NJAC's inclusion of the Law Minister and two distinguished individuals would be helpful in strengthening the openness in judge nominations. A number of aspects of the appointment process are still open to manipulation by the Commission and Union Government thanks to the Act's heavy reliance on words and phrases like "other criteria," "Commission can, by rules, specify such other procedure," and "any other matter." Although the Collegium System, which is used in India, guarantees the complete independence of the court, it is a secretive or opaque method of choosing judges. The middle ground for appointing judges, between a commission and a collegium, can provide the judiciary more authority while simultaneously increasing their level of accountability and responsibility. Only if the system is transparent can one gain the Indian people's trust. I discovered via the comparative research that India is the only nation to use the collegium system and that the administration has no real influence on who is appointed to the higher courts. Higher judges must be appointed on the basis of knowledge and aptitude, not just one person's view. The Chief Justice of India must be a jurist with the capacity for knowledge. The whole public is impacted by the Supreme Court and High Court's ruling. The source of justice is the Supreme Court. The system must be open and the judiciary must become increasingly effective for this crucial government duty. Participating in discussions on the law and the Court's decisions, such as the collegium system, with the aim of seeking future reforms is acceptable and compatible with judicial decorum. While participating in these talks, it is essential to adopt a legal and impartial viewpoint rather than allowing political or ideological preconceptions to stifle the conversation. Despite its flaws, the collegium system plays a crucial role in sustaining the independence and moral standards of the court. The procedure minimizes the influence of political influences by ensuring that judges are selected and reassigned exclusively on the foundation of their competence and credentials. Nevertheless, there is a requirement for continual changes that try to address problems with transparency, diversity, and accountability. A fair plan that incorporates suggestions from all sides may strengthen the collegium system and uphold the values of impartiality, justice, and constitutional administration. Therefore, it is necessary to reevaluate the Act's commission composition, method, and appointment criteria. However, this new system's benefits and weaknesses won't be clear-cutly shown until it is put into use. Although this move might not be enough in the near future, it is an action in the right path.