Polity & Governance · GS - II

Examine how the Collegium system seeks to balance judicial independence with transparency and accountability in the appointment and transfer of High Court judges.

EXAM YEAR	PAPER	SUBJECT
DAILY PRACTICE 25/11/2026	GS - II	Polity & Governance

MARKS	WORD LIMIT
15	~ 250 words

Answer Hint

Judicial independence, Articles 217 and 222, separation of powers, judicial primacy, transparency, accountability

Model Answer

The appointment and transfer of High Court judges are central to judicial independence and the institutional functioning of India's constitutional democracy. The Collegium system has evolved through judicial interpretation to limit executive dominance in judicial appointments.

Constitutional and institutional framework

1. **Article 217:** Provides for appointment of High Court judges by the President after consultation with the Chief Justice of India, the Governor and, in specified cases, the Chief Justice of the High Court.
2. **Article 222:** Empowers the President to transfer a High Court judge after consultation with the Chief Justice of India.
3. **Collegium system:** The Supreme Court Collegium recommends appointments and transfers, giving primacy to judicial opinion in the established framework.

Balancing independence and accountability

Judicial participation protects appointments from direct political influence and strengthens separation of powers. Transfers can also facilitate administrative continuity, address institutional requirements and promote national integration of the judiciary.

However, the system faces concerns regarding opaque selection criteria, limited public disclosure, perceived inconsistency and inadequate institutional accountability. Executive participation and constitutional consultation also make the process an area of continuing institutional interaction.

Reform priorities

1. Publish clearer selection criteria and provide reasoned institutional explanations, subject to legitimate confidentiality.
2. Strengthen diversity and representation in judicial appointments.
3. Establish transparent procedures for evaluating professional merit and integrity.
4. Ensure that transfers are guided by institutional necessity and established safeguards.

A credible appointments system must preserve judicial independence while demonstrating fairness, consistency and public accountability.

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