Polity & Governance · GS - II

Examine the challenges of ensuring transparency, accountability and social diversity in the appointment of judges to India's higher judiciary.

EXAM YEAR	PAPER	SUBJECT
DAILY PRACTICE 27/11/2026	GS - II	Polity & Governance

MARKS	WORD LIMIT
15	~250 words

Answer Hint

Judicial independence, collegium system, Second Judges Case, Third Judges Case, NJAC judgment, transparency, social representation, judicial accountability, institutional reforms

Model Answer

An independent judiciary is essential for constitutional governance and the protection of fundamental rights. However, the process of appointing judges to higher courts has generated debates concerning transparency, accountability and adequate social representation.

Major challenges

1. **Limited transparency:** The collegium system lacks a comprehensive, publicly defined framework explaining the criteria for selecting candidates.
2. **Social representation:** Concerns persist regarding the inadequate representation of Scheduled Castes, Scheduled Tribes, minorities and women in higher judicial appointments.
3. **Accountability deficit:** The absence of an independent institutional mechanism for evaluating selection decisions raises questions about accountability.
4. **Executive–judiciary relations:** Balancing judicial independence with legitimate executive participation remains a constitutional challenge.

5. **Institutional delays:** Delays in recommendations and appointments contribute to judicial vacancies and case pendency.

Constitutional and institutional framework

The collegium system evolved through the Second (1993) and Third (1998) Judges Cases. The Supreme Court invalidated the 99th Constitutional Amendment and NJAC Act in 2015, emphasising judicial independence.

Former CJI B.R. Gavai's reported concerns regarding representation and transparency have renewed discussions about reforming this system.

Way Forward

- Establish transparent and objective selection criteria.
- Encourage wider representation across social and gender groups.
- Publish reasoned explanations for appointment recommendations, subject to legitimate confidentiality.
- Strengthen institutional consultation without compromising judicial independence.

Conclusion

Judicial appointment reforms must reconcile independence with transparency, accountability and diversity to strengthen public confidence in the constitutional justice system.

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