

All About Collegium

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Abstract

The process of appointing judges to the higher judiciary has become a matter of unparalleled debate and confrontation between the judiciary and the Executive. Institutions are at each other's throats to get hold of this power. The glaring irony is that both claim this power on the same texts of the Constitution but with a different interpretation altogether. The judicial appointment's edifice is founded on supporting the force of the Rule of Law by delivering justice to all and injustice meted out to none. A fearless and independent justice is the Constitution's vision; therefore, the people manning the system become critical in determining the contours of judicial independence. The constant frictions between the two constitutional functionaries don't augur well for the country's constitutional development. Due to their confrontation, Collegium hasn't been able to live up to the purpose for which it was conjured out of thin air. In this paper, the author is trying to delineate the vices attached to the Collegium brought to operation by the judiciary to cleanse the judiciary of malicious political interference. The paper attempts to put forth the issues that cropped up with the working of the Collegium and also to build up a narrative as to how it has become an insignia of judiciary sanctified installation of carcinogenic cells in many ways into the constitutional soul of India.

The Constitution of India – Article 124: Establishment and constitution of Supreme Court say that:

There shall be a Supreme Court of India consisting of a Chief Justice of India and, until Parliament by law prescribes a larger number, of not more than seven other Judges.

Every Judge of the Supreme Court shall be appointed by the President by warrant under his/her hand and seal after consultation with such of the Judges of the Supreme

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