

An alternative mechanism is the need of time for creating better collegium system. Explain.

The constant tussle between the executive and judiciary in making judicial appointments has started the debate reform of the collegium system. The collegium system was evolved by the three cases as it is not mentioned in the constitution.

Appointment of judges

under Article 124 - Supreme court judges are appointed by chief justice and 4 senior most judges. High court judges are appointed under Article 217 by Chief Justice and two other senior most judges.

The collegium system remains opaque and there is lesser transparency in the selection and qualifications of judges.

Judicial reforms

Efforts were made in the form of National Judicial Appointment Committee

to select and appoint judges of Supreme court and high court. The Supreme court struck down the 9th constitutional amendment citing transgressing judiciary autonomy.

The ~~first~~ effort of moving towards transparency of collegium was dissolved.

Alternative mechanisms

Adopting commission system similar to UK and South African which consist of members from judiciary, executive, the bar council and civil society. It would be a better balanced in appointments.

Nepal practises judicial council to appoint judges which is similar to our national judicial appointments committee.

Future Doing away collegium system will have greater say of executives in judicial appointment alternatives to Article 50. A balanced approach is needed and can be felt by revival of NSC.