

Q-0 How does the supreme court's collegium system plays a crucial role in protecting values of democracy in country? Discuss

A-0 Collegium system for appointment of judges at higher judiciary was, a judicial innovation evolved in second judges case in which SC used Article 50 that states separation of judiciary from executive. It's validity was upheld in Third Judges case as well as it also established the fact that Independence of Judiciary as part of Basic Structure of constitution.

further, 99<sup>th</sup> Amendment act which favored the creation of NJAC was held unconstitutional by 5-judges bench as it violated independence of judiciary by giving executive a role in the commission & Independence of Judiciary is a crucial feature of any democracy.

Even though SC formed collegium system but over the years its major flaws has been exposed such as.

- Dilutes principle of checks & balances.  
As the removal process of any judge of HC or SC is extremely difficult so no proper check in appointment

- Opaque & Unaccountable system as it favors practising lawyers rather than judges of subordinate judiciary. Most of the judges are upper caste male thus undermining diversity.
- High vacancies & non-promotion or alleviation of meritorious judges e.g- Justice AP Shah was not alleviated

Results → Over 4 Cr pending cases, & around 85000 cases which are more than 3 decades old clearly indicate the inefficient status of Indian judiciary.

Hence, while independence of judiciary is crucial for democracy & rule of law but even judiciary can't itself be put over the law by choosing a non-transparent, inefficient system of appointment.