

JUDICIAL APPOINTMENTS WITH EMPHASIS ON INDIA'S NJAC MODEL

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Abstract

The judiciary of any country is the mirror of the country's political system. It is instrumental in giving a proper mould to the social structure of any country. Hence, the selection of the caretakers of justice is of paramount importance. In fact, the procedure as to how they are selected is also of equal importance. The main objective behind this research paper is how these appointments of judges are done and stress shall be laid upon the fact that their selection is of the same relevance as is their duty of upholding the true ideals of justice. Judicial appointments have always played a crucial role in any political scenario of every country, with India's case being the recent one. The Indian Constitution has been written keeping in mind the Doctrine of Separation of Powers which includes the Legislature, Executive and Judiciary. The Indian Judiciary has been relatively kept away from any influence of the other organs. The usual selection of the Judges of the High level Courts has been done by the Collegium system. The National Judicial Appointments Commission was said to be a model proposed in order to overthrow the present system of Collegium. But the recent hearing in the Honorable Supreme Court held NJAC to be unconstitutional. The basic flaw was pertaining to the invasion of the executive into the territory of the judiciary which shall result in the judiciary not being independent anymore. Hence, violating the Basic Structure Doctrine. The research paper shall divulge deeper into this contemporary issue of paramount relevance and shall look into the study of the NJAC with keen detail and results of its failure. It shall also throw light on the alternative strategies that can be adopted by the Government in case of inefficient judicial appointments. After all, the judicial appointments of any nation are a doorway to its progression and overall growth.

Keywords: Judiciary, Doctrine of Power, Collegium, Basic Structure Doctrine