

NV Ramana as Chief Justice of India

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In news : Chief Justice of India Sharad A. Bobde has recommended Justice N.V. Ramana, the senior most judge of the Supreme Court, as the 48th Chief Justice of India

About Chief Justice of India(CJI)

- CJI is the chief judge of the Supreme Court of India as well as the highest-ranking officer of the Indian federal judiciary.
- **Appointment:** The Constitution of India grants power to the President of India to nominate, and with the advice and consent of the Parliament of India, appoint a chief justice, who serves until they reach the age of sixty-five or until removed by impeachment
- **Article 124** of the Constitution empowers the President to appoint the **Chief Justice of India** and the Judges of the Supreme Court.
- **Removal:** Article 124(4) of Constitution of India lays down the procedure for removal of a judge of the Supreme Court which is applicable to chief justices as well.

Role & responsibilities

- As head of the Supreme Court, the chief justice is responsible for the allocation of cases and appointment of constitutional benches which deal with important matters of law
- In accordance with Article 145 of the Constitution of India and the Supreme Court Rules of Procedure of 1966, the chief justice allocates all work to the other judges who are bound to refer the matter back to him or her (for re-allocation) in any case where they require it to

be looked into by a larger bench of more judges.

- On the administrative side, the chief justice carries out the following functions: maintenance of the roster; appointment of court officials and general and miscellaneous matters relating to the supervision and functioning of the Supreme Court.
- The president (Discharge of Functions) Act, 1969 of India provides that the **chief justice of India shall act as the president of India** in the event of the offices of both the president and the vice president being vacant.

Process of Appointment

- Appointment to the office of the Chief Justice of India should be of the senior most Judge of the Supreme Court considered fit to hold the office.
- The Union Minister of Law, Justice and Company Affairs would, at the appropriate time, seek the recommendation of the outgoing Chief Justice of India for the appointment of the next Chief Justice of India.
- Whenever there is any doubt about the fitness of the senior most Judge to hold the office of the Chief Justice of India, consultation with other Judges as envisaged in Article 124 (2) of the Constitution would be made for appointment of the next Chief Justice of India.
- After receipt of the recommendation of the Chief Justice of India, the Union Minister of Law, Justice and Company Affairs will put up the recommendation to the Prime Minister who will advise the President in the matter of appointment.

Eligibility for Judges of Supreme Court

- According to article 124 (clause 2) of the Indian Constitution, Every Judge of the Supreme Court shall be appointed by the President by warrant under his hand and seal after consultation with such of the Judges of the

Supreme Court and of the High Courts in the States as the President may deem necessary for the purpose and shall hold office until he attains the age of sixty-five years:

- Provided that in the case of appointment of a Judge other than the Chief Justice, the Chief Justice of India shall always be consulted:

- **Provided further that-**

1. a Judge may, by writing under his hand addressed to the President, resign his office
2. a Judge may be removed from his office in the manner provided in clause (4).

- The age of a Judge of the Supreme Court shall be determined by such authority and in such manner as Parliament may by law provide.

- **A person shall not be qualified for appointment as a Judge of the Supreme Court** unless he is a citizen of India and –

1. has been for at least five years a Judge of a High Court or of two or more such Courts in succession; or
2. has been for at least ten years an advocate of a High Court or of two or more such Courts in succession; or
3. is, in the opinion of the President, a distinguished jurist.

Detailed procedure for appointment of Judges of Supreme Court & collegium system

- **Whenever a vacancy is expected to arise in the office of a Judge of the Supreme Court, the Chief Justice of India will initiate a proposal and forward his recommendation to the Union Minister of Law, Justice and Company Affairs to fill up the vacancy.**
- The opinion of the Chief Justice of India for appointment of a Judge of the Supreme Court **should**

be formed in consultation with a collegium of the four senior most puisne Judges of the Supreme Court.

- If the successor Chief Justice of India is not one of the four senior most puisne Judges, he would be made part of the collegium as he should have a hand in selection of Judges who will function during his term as Chief Justice of India
- **The Chief Justice of India would ascertain the views of the senior most Judge in the Supreme Court**, who hails from the High Court from where the person recommended comes, but if he does not have any knowledge of his merits and demerits, the next senior most Judge in the Supreme Court from that High Court should be consulted.
- The requirement of consultation with a Judge of the Supreme Court would not be confined to that Judge only who has that High Court as a parent High Court and, therefore, would not exclude Judges who have, on transfer, occupied the office of a Judge or Chief Justice of that High Court
- **The opinion of members of the collegium in respect of each of the recommendations** as well as the senior most Judge in the Supreme Court from the High Court, from which a prospective candidate comes, **would be made in writing** and the Chief Justice of India, in all cases, must transmit his opinion as also the opinion of all concerned to the Government of India as part of record.
- If the Chief Justice of India or the other members of the Collegium elicit views, particularly those from the non-Judges, the consultation need not be in writing but he, who elicits the opinion, should make a memorandum thereof and its substance in general terms which should be conveyed to the Government of India

- **After receipt of the final recommendation of the Chief Justice of India, the Union Minister of Law, Justice and Company Affairs will put up the recommendations to the Prime Minister who will advise the President in the matter of appointment.**
- As soon as the appointment is approved, the Secretary to the Government of India in the Department of Justice will inform the Chief Justice of India and obtain from the person selected a certificate of physical fitness signed by a Civil Surgeon or a District Medical Officer.
- The Medical Certificate is to be obtained from all persons selected for appointment whether they are at the time of appointment in the service of the State or not.
- **As soon as the warrant of appointment is signed by the President**, the Secretary to the Government of India in the Department of Justice will announce the appointment and issue the necessary notification in the Gazette of India

Removal of Judges

- A Judge of the Supreme Court shall not be removed from his office except **by an order of the President passed after an address by each House of Parliament supported by a majority of the total membership** of that House and by a majority of not less than two – thirds of the members of that House present and voting has been presented to the President in the same session for such removal on the ground of proved misbehaviour or incapacity.
- **Parliament may by law regulate the procedure for the presentation of an address** and for the investigation and proof of the misbehaviour or incapacity of a Judge under clause (4).