

Who are puisne judges?

February 2, 2023

In news-While recommending two names for appointment as judges of the Supreme Court, the Collegium headed by Chief Justice of India D Y Chandrachud mentioned about senior puisne Judges.

What does puisne mean, and who are puisne judges?

- According to the dictionary, the **word puisne has French origins, which means “later born” or younger.** It is pronounced /'pju:ni/, like “puny”, the English word that means small or undersized.
- **Puisne is almost always used in the context of judges,** and essentially denotes seniority of rank. **The term puisne judge is used in common law countries** to refer to **judges who are ranked lower in seniority, i.e., any judge other than the Chief Justice of that court.**
- Common law is the body of law that is created by judges through their written opinions, rather than through statutes or constitutions (statutory law). Common law, which is used interchangeably with ‘case law’, is based on judicial precedent. The United Kingdom (UK) and the Commonwealth countries, including India, are common law countries.

Difference of “puisne judge” in India & the UK-

- **In the UK, puisne judges are judges other than those holding distinct titles.**
- The Supreme Court of Judicature Act, 1877 defined a “puisne judge” as any judge of the High Court besides the Lord Chancellor, the Lord Chief Justice of England, and the Master of the Rolls.
- **In India, all judges have the same judicial powers.** As the seniormost judge of a court, the Chief Justice has an additional administrative role.
- **In India, there is a reference to a puisne judge only**

while considering the order of seniority for appointments, elevations to High Courts, etc., but it does not have a bearing on the exercise of a judge's judicial power.

What did the collegium say about puisne judges?

- The Supreme Court collegium recommended Justice Rajesh Bindal and Justice Aravind Kumar, the current Chief Justices of the Allahabad and Gujarat High Courts respectively, for appointment as judges of the Supreme Court.
- While giving reasons for its recommendation, the collegium said that the decision was made taking “into consideration the seniority of Chief Justices and senior puisne Judges in their respective parent High Courts as well as the overall seniority of the High Court Judges”.
- This was done because seniority is one of the several criteria that are considered while making appointments to the higher judiciary.
- In the Third Judges Case ruling in 1998, one of the two cases that led to the evolution of the collegium system, the Supreme Court clarified that “The Chief Justice of India must make a recommendation to appoint a Judge of the Supreme Court and to transfer a Chief Justice or puisne Judge of a High Court in consultation with the four seniormost puisne Judges of the Supreme Court.”