



D.Y. Chandrachud: 50th Chief Justice of India

Why in News?

Justice Dhanajaya Yeshwant Chandrachud was appointed as the 50th [Chief Justice of India \(CJI\)](#) succeeding the 49th CJI Uday Umesh Lalit.

- Justice Chandrachud will have a **relatively longer tenure of two years** and is **due to retire on 10th November, 2024.**

What are the Key Facts about Chief Justice of India (CJI)?

▪ Qualifications:

- The CJI should be a **citizen of India.**
- He/She should:
 - Have been for at least **five years a Judge of a High Court or of two or more such Courts in succession or**
 - Have been for at least **ten years an advocate of a High Court or of two or more such Courts in succession, or**
 - Be, in the opinion of the President, **a distinguished jurist.**

▪ Appointment of the CJI:

- The CJI and the Judges of the [Supreme Court \(SC\)](#) are appointed by the President under **clause (2) of Article 124** of the Constitution.
- As far as the CJI is concerned, the **outgoing CJI recommends his successor.**
 - The Union Law Minister forwards the recommendation to the Prime Minister who, in turn, advises the President.
- SC in the **Second Judges Case (1993)**, ruled that the senior most judge of the Supreme Court should alone be appointed to the office of the CJI.
- The [SC collegium is headed by CJI](#) and comprises four other senior most judges of the court.
 - The collegium system is the **system of appointment and transfer of judges** that has evolved through judgments of the SC (Judges Cases), and not by an Act of Parliament or by a provision of the Constitution.

▪ Administrative Powers of CJI (Master of Roster):

- It is common to refer to the office as primus inter pares – **first amongst equals.**
- Besides his **adjudicatory role**, the CJI also plays the role of the **administrative head of the Court.**
- In his administrative capacity, the Chief Justice **exercises the prerogative of allocating cases to particular benches.**
- CJI **also decides the number of judges that will hear a case.**
 - Thus, he can influence the result by simply choosing judges that he thinks may favour a particular outcome.
- Such administrative powers **can be exercised without collegial consensus**, and without any stated reasons.

▪ Removal:

- He/She can be removed **by an order of the President** only after an address by Parliament has been presented to President.
 - This should be **supported by a special majority of each House of Parliament**

(i.e., 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).

- **Grounds of Removal:** Proved misbehaviour or Incapacity (Article 124(4)).

▪ **Recent Development:**

- In 2019, the SC ruled that the [office of Chief Justice of India \(CJI\) comes under the purview of the Right to Information \(RTI\) Act, 2005.](#)

UPSC Civil Services Examination, Previous Year Question (PYQ)

Q. With reference to the Indian judiciary, consider the following statements: (2021)

1. Any retired judge of the Supreme Court of India can be called back to sit and act as a Supreme Court judge by the Chief Justice of India with the prior permission of the President of India.
2. A High Court in India has the power to review its own judgement as the Supreme Court does.

Which of the statements given above is/are correct?

- (a) 1 only
- (b) 2 only
- (c) Both 1 and 2
- (d) Neither 1 nor 2

Ans: (c)

Exp:

- As per Article 128 of Indian Constitution, the Chief Justice of India may at any time, with the previous consent of the President, request any person to sit and act as a Judge of the Supreme Court with the following qualifications:
 - Who has held the office of a Judge of the Supreme Court. **Hence, statement 1 is correct.**
 - Who has held the office of a Judge of a High Court and is duly qualified for appointment as a Judge of the Supreme Court.
- Being a Court of Record, the High Court can review its own judgments under Article 226 of the Constitution of India. Similarly, under Article 137, the Supreme Court shall have the power to review any judgment pronounced or order made by it. **Hence, statement 2 is correct.**
- **Therefore, option C is the correct answer.**

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