



# Appointment of Chief Justice of India

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## Why in News?

Recently, the [President of India](#) administered the oath of office to **Justice Sanjiv Khanna** as the [Chief Justice of India \(CJI\)](#).

- He succeeded Justice D.Y. Chandrachud, becoming the **51st CJI**.

## Justice Sanjiv Khanna Key Judicial Rulings

- He was part of several **Constitution Bench rulings**, including the one upholding the abrogation of [Article 370](#) of the Constitution and striking down the [2018 electoral bonds scheme](#), among others.
- He was also part of the recent majority ruling in the [Aligarh Muslim University \(AMU\) minority status](#) determination case.
- He supported the use of [Electronic Voting Machines \(EVMs\)](#) in elections, rejecting calls to revert to paper ballots.

## What are Key Provisions Related to CJI?

- **Appointment:** A Supreme Court judge is appointed by the [President](#) under **Article 124 (2)** of the Constitution. As per the convention, the **senior-most judge** of the Supreme Court is designated as the CJI.
  - **The seniority is measured by the length of service on the Supreme Court.**
- **Qualification:** A person to be appointed as a Supreme Court judge, should have the following qualifications:
  - He should be a **citizen of India**.
  - He should have been a judge of a [High Court \(or high courts in succession\) for five years](#); or
    - He should have been an **advocate of a High Court (or High Courts in succession) for ten years**; or
    - He should be a **distinguished jurist** in the opinion of the president.
- **Role of CJI:** As the "**Master of the Roster**," the CJI holds the authority to assign specific cases to particular benches and determine the schedule for their hearings in the Supreme Court.
  - **CJI (along with collegium of four senior most judges of SC)** is consulted by the **President** for the appointment of judges in the **SC and the High Court**.
  - CJI appoints **ad-hoc SC judges** under **Article 127** of the Constitution.
  - With the **approval of the President**, the CJI can **change the seat of the SC** from Delhi to **any other place**.
- **Removal:** The CJI can **be removed by the President only after Parliament presents an address, supported by a special majority in both Houses** (a majority of total members and **at least two-thirds of those present and voting**).

## Appointment of CJI in Other Democratic Countries

- **United States:** The Chief Justice has a **life tenure** i.e., Chief Justice can serve until he/she is **impeached**.
- **United Kingdom:** The **Judicial Appointments Commission** appoints the **Lord Chief Justice** through a **special panel** from the Appeal Court Judges or from the Supreme Court.
  - The **tenure** for the Lord Chief Justice is **life**, with a **mandatory retirement age of 75**.

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# Chief Justice of India

(Head of the Supreme Court)



## Justice Sanjiv Khanna 51st Chief Justice of India

### Qualification



A citizen of India

He should have been:

A judge of a High Court (or high courts in succession) for five years or

An advocate of a High Court (or High Courts in succession) for ten years or

A distinguished jurist in the opinion of the President

The Constitution has **not prescribed a minimum age** for appointment as a judge of the SC

SC judges **retire on attaining the age of 65**



### Appointment

CJI is **appointed by the President under Article 124 (2) of the Constitution**

As per the protocol, the senior-most judge of the SC is designated as the CJI.

The recommendation of the senior-most judge of the SC is officially communicated by the incumbent CJI to the Ministry of Law and Justice, which, then, relays the communication to the Prime Minister

The Prime Minister advises the President on the recommendation and the President subsequently makes the appointment

### Role



Swearing in of the President and Governors.

**"Master of the Roster"**, CJI has the power to constitute benches to hear cases in the SC. CJI decides which judge will hear which case and when

CJI (**along with collegium of four senior most judges of SC**) is consulted by the President for the appointment of judges in the SC and the HC

CJI appoints **ad-hoc SC judges** under Article 127 of the Constitution

With the approval of the President, the CJI can **change the seat of the SC** from Delhi to any other place

CJI can **appoint an arbitrator to resolve a financial dispute** between the Centre and the states



### Removal

By **an order of the President**

Only after an address by Parliament has been presented to President 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))



The SC, in 2019, ruled that the office of CJI comes under the purview of the RTI Act, 2005

## UPSC Civil Services Examination, Previous Year Question (PYQ)

### Prelims

**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)**

**Q. With reference to National Legal Services Authority, consider the following statements: (2013)**

1. Its objective is to provide free and competent legal services to the weaker sections of the society on the basis of equal opportunity.
2. It issues guidelines for the State Legal Services Authorities to implement the legal programmes and schemes throughout the country.

**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)**

**Q. What is the provision to safeguard the autonomy of the Supreme Court of India? (2012)**

1. While appointing the Supreme Court Judges, the President of India has to consult the Chief Justice of India.
2. The Supreme Court Judges can be removed by the Chief Justice of India only.
3. The salaries of the Judges are charged on the Consolidated Fund of India to which the legislature does not have to vote.
4. All appointment of officers and staffs of the Supreme Court of India are made by the Government only after consulting the Chief Justice of India.

**Which of the statements given above is/are correct?**

- (a) 1 and 3 only
- (b) 3 and 4 only
- (c) 4 only
- (d) 1, 2, 3 and 4

**Ans: (a)**

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