



Delay in Judicial Appointments

Why in news?

\n\n

The Supreme Court recently questioned the centre on the delay in finalising a Memorandum of Procedure (MoP) for judicial appointments.

\n\n

What is the case?

\n\n

\n

- **Petition** - The court was hearing a petition which:

\n

\n\n

\n

- i. questions the delay in the finalisation of MoP for judicial appointments in the higher judiciary.

\n

- ii. raises the issue of delay in the appointment of regular Chief Justices in high courts despite the earlier recommendation of the Supreme Court.

\n

\n\n

\n

- Apparently, the delay in evolving a fresh procedure is being a cause for the delay in the appointment process.

\n

- **Collegium** - It is to be noted that the appointments process is not stopped but is only going on in a slow pace.

\n

- The collegium system is in place whereby the recommendations of the Collegium are being processed and cleared by the Centre.

\n

- The Collegium comprises of CJI and a forum of four senior-most judges of the SC.
\n
- It recommends on appointments and transfers of judges.
\n

\n\n

What was the court's directive?

\n\n

- \n
- Earlier in 2015, a constitution bench struck down the government's National Judicial Appointments Commission (NJAC) law.
\n

\n\n

- \n
- The court's rationale was that the NJAC law gave politicians an equal say in judicial appointments to constitutional courts.
\n
- But the court directed the government to supplement the existing MoP in consultation with the collegium.
\n
- This is to have a mechanism so that appointments of regular Chief Justices of high courts are not unduly delayed as in the current collegium system.
\n
- And also to ensure that the process of appointment started well in advance to prevent piling up of vacancies.
\n

\n\n

What is the recent concern?

\n\n

- \n
- Even though no time limit was fixed by the Court, the undue delay in finalising the MoP is getting to be a cause of concern.
\n
- The vacancies in the high courts have continued to increase while the pace of appointing new judges remains sluggish.
\n
- Also, nearly seven of the 24 high courts have been without regular Chief Justices for months.
\n

- The Court stressed that the timely arrangement of Acting Chief Justices in high courts should not continue for more than a month.
\n
- The delay is perceivably due to the lack of consensus between the Collegium and the government on some significant aspects of the new MoP.
\n
- Beyond all these, a fresh and transparent appointments process is vital to institutional reform.
\n
- A consensus on the procedure is essential in protecting the public interest.
\n

\n\n

\n\n

Source: The Hindu

\n



IAS PARLIAMENT
Information is Empowering
A Shankar IAS Academy Initiative