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

