

Delay in Judicial Appointments

Why in news?

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

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What is the case?

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

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i. questions the <u>delay in the finalisation of MoP</u> for judicial appointments in the higher judiciary.

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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

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

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

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• It recommends on appointments and transfers of judges.

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What was the court's directive?

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

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- The court's rationale was that the NJAC law gave politicians an equal say in judicial appointments to constitutional courts.
- But the court directed the government to supplement the existing MoP in consultation with the collegium.
- 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. $\gamman \gamman$

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What is the recent concern?

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- 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.
- Also, nearly seven of the 24 high courts have been without regular Chief Justices for months.
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- 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. $\ensuremath{\sc n}$

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Source: The Hindu

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