

53rd Chief Justice of India

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Context

- Justice Surya Kant is set to take oath as the 53rd Chief Justice of India (CJI) on 24 November 2025, succeeding CJI B. R. Gavai.
- His tenure will run till 9 February 2027, making it one of the longer tenures among recent CJIs

About the Office of the Chief Justice of India

Constitutional Basis

- Article 124(1): Establishes the **Supreme Court of India**, consisting of a Chief Justice of India and other judges.
- Article 124(2): Judges (including CJI) are appointed by the **President** by warrant under his hand and seal, after consultation.
- Article 126: Provides for appointment of an Acting CJI when the office is vacant or the CJI is unable to perform duties.
- Article 127: Appointment of ad hoc judges of the Supreme Court.
- Article 128: Retired SC judges may be requested to sit and act as judges.

Procedure for Appointment of the CJI

1Seniority Principle (Convention)

- The **senior-most judge** of the Supreme Court (based on tenure in SC) is appointed as the next CJI, if considered fit.
- This is a long-standing convention reinforcing **judicial independence**.

2Recommendation by Outgoing CJI: About one month before retirement, the outgoing CJI recommends the name of the next CJI to the Union Minister of Law & Justice.

3Executive Processing: Law Minister? forwards the file to the Prime Minister? PM advises the President.

4Presidential Appointment: The President issues the warrant of appointment under Article 124(2).

5Oath of Office: The incoming CJI takes oath before the **President of India**.

6Memorandum of Procedure (1999): Codifies the convention: "The appointment to the office of the Chief Justice of India should be of the seniormost Judge of the Supreme Court considered fit to hold the office."

Key Features of the CJI Appointment System

- Seniority-based, convention-driven? limits executive discretion and ensures continuity.
- Consultative system? judiciary-led recommendation, executive formalisation.
- CJI heads the Collegium? hence the appointment influences the entire judicial appointments ecosystem.

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Significance of the CJI's Role

1Judicial Head & Master of the Roster: Allocates benches, lists cases, and decides which matters receive priority.

2Head of the Collegium: Plays a crucial role in appointments and transfers of High Court and Supreme Court judges.

3Constitutional Guardian

- Chairs benches that decide matters relating to:
- Fundamental rights
- Federal disputes
- Electoral issues
- Constitutional amendments
- Separation of powers
- 4. Administrative Leader: Supervises the entire administration of the Supreme Court.

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