



Justice B.R. Gavai Set to Become the 52nd CJI

[Source: TH](#)

[Chief Justice of India \(CJI\) Sanjiv Khanna](#) has recommended **Justice Bhushan Ramkrishna Gavai** to be appointed as the 52nd CJI.

- Justice B.R. Gavai, currently is the second-most senior Supreme Court judge and will become the **2nd Dalit CJI** after **Justice K.G. Balakrishnan (2007)**.
- **Key Judgments by Justice B.R. Gavai:** Upheld 2016 [demonetisation](#) and he is a part of the Bench that **upheld abrogation of Article 370**.
 - He was part of the Constitution Bench that struck down the [Electoral Bonds Scheme](#) (*Association for Democratic Reforms v. Union of India*).
 - In the [State of Punjab v Davinder Singh \(2024\)](#), he advocated applying the **creamy layer principle to SCs/STs** to ensure "real equality" in affirmative action.

Chief Justice of India

- A [Supreme Court](#) judge, including the CJI, is appointed by the [President](#) under Article 124 (2).
 - The senior-most judge is designated as CJI based on length of service (it is customary practice, not a legal requirement).
 - To qualify as CJI, one must be a citizen of India, have served as a **High Court judge for 5 years** or as an **advocate for 10 years**, or be a distinguished jurist in the President's opinion.
 - The CJI can only be removed by the **President** after an address by **Parliament**, supported by a special majority in both Houses.

Chief Justice of India

(Head of the Supreme Court)

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

Read more: [Appointment of Chief Justice of India](#)

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