



Chief Justice Appointed for Jharkhand High Court

Why in News?

Justice Tarlok Singh Chauhan took the oath of **office as Chief Justice of the Jharkhand High Court** in a ceremony held at the Raj Bhavan in Ranchi, following the recommendation of the Supreme Court Collegium.

- Justice Chauhan was administered the oath by **Governor Santosh Kumar Gangwar** (as per **Article 219**).

High Courts in India

- Position:** High Court operates below the Supreme Court and above subordinate courts in India's judicial system.
 - The High Court is the highest judicial body in the state (**total 25 High Courts in India**).
- Establishment:**
 - 1862: High Courts were established in Calcutta, Bombay, and Madras.
 - 1866: A fourth High Court was established at Allahabad.
 - Over time, each province in British India had its own High Court.
- Post-Independence:** After 1950, the existing High Court for a province became the High Court for the corresponding state.
- Constitutional Provisions:**
 - High Court for each State:** The Constitution of India provides for a High Court for each state (Article 214).
 - Article 231 provides** that the **Parliament may by law establish a common High Court for two or more States** or for two or more States and a Union Territory.
 - Jurisdiction:** Territorial jurisdiction is co-terminus with the state's territory (or a common High Court's jurisdiction is co-terminus with the territories of the concerned states and Union Territories).
 - Articles 214 to 231:** These deal with the organization, independence, jurisdiction, powers, and procedures of High Courts.

Composition & Appointment of Judges

- Composition:** Each High Court consists of a Chief Justice and other judges as determined by the President.
 - The President decides the strength of a High Court based on its workload.
- Appointment of High Court Judges:** A **High Court (HC)** judge is appointed by the President under **Article 217 of the Constitution**.
 - The **chief justice is appointed by the President** after consultation with the **Chief Justice of India and the Governor of the state concerned**.
 - For appointment of **other judges, the chief justice of the concerned high court is also consulted**.
 - In case of a common high court for two or more states, the governors of all the states concerned are consulted by the President.

- **Qualifications of Judges:** A person to be appointed as a judge of a High Court should have the following qualifications:
 - He should be a citizen of India.
 - He should have held a judicial office in the territory of India for ten years, or
 - He should have been an advocate of a High Court (or High Courts in succession) for ten years.
- **Minimum Age:** The Constitution does not prescribe a minimum age for appointment as a judge of a High Court.
- **Tenure of Judges:** A judge of a High Court can hold office until he attains the age of 62 years.





Collegium System



- System of appointment and transfer of judges
- Evolved through judgments of the Supreme Court, and not by an Act of Parliament

Constitutional Provisions Related to Appointment of Judges

- **Articles 124 (2) and 217**- Appointment of judges to the Supreme Court and High Courts
 - **President makes appointments after consulting with "such judges of the Supreme Court and of the High Courts" as s/he may deem necessary.**
- But the Constitution **does not lay down any process** for making these appointments.

Evolution of the System

First Judges Case (1981)

- SC held that in the appointment of a judge of the SC or the HC, the word **"consultation"** in Article **124 (2)** and in Article **217** of the Constitution does not mean "concurrence"
- Gave the **executive primacy** over the judiciary in judicial appointments

Second Judges Case (1993)

- SC overruled the First Judges Case
- Gave birth to the **Collegium System (Primacy to the Judiciary)**
- Collegium included the Chief Justice of India and the **2** most senior judges of the SC

Third Judges Case (1998)

- SC expanded the Collegium to include the CJI and the **4** most-senior judges of the court after the CJI

Current Structure



Supreme Court Collegium: CJI and the **4** senior-most judges of the SC



High Court Collegium: CJI and **2** senior most judges of the SC

Criticism

- Opaqueness
- Scope for Nepotism
- Exclusion of Executive
- No Predetermined Procedure of Appointment

National Judicial Appointments Commission (NJAC)

- It was an **attempt to replace the Collegium System**. It prescribed the procedure to be followed by the Commission to appoint judges
- NJAC was established by the **99th Constitutional Amendment Act, 2014**
- But the **NJAC Act was termed unconstitutional** and was struck down, citing it as having affected the independence of the judiciary



Drishti IAS



Information about Jharkhand



- **Creation of the State:** Jharkhand, which means "The Land of Forests," was carved out of the southern part of Bihar on **15th November 2000**, by separating the Bihar divisions of Chota Nagpur and Santhal Parganas.
- **Borders of the State:** Jharkhand shares borders with the **states of Bihar to the north, Uttar Pradesh and Chhattisgarh to the west, Odisha to the south, and West Bengal to the east.**
- **Capital:** The **industrial city of Ranchi is the capital of Jharkhand (Dumka its sub capital)**, while Jamshedpur is the largest city in the state.
 - Other major cities and industrial centers include Dhanbad, Bokaro, and Hazaribagh.
- **Minerals in the State:** Jharkhand accounts nearly **40% of India's mineral resources**. It ranks first in the production of coal, mica, Kyanite and copper in India.
 - **The State occupies 1st position in coal reserves, 2nd position in Iron, 3rd position in Copper ore reserve, 7th position in Bauxite reserve and is the sole producer of prime coking coal.**
- **Uniqueness of the State:** The State is known for its waterfalls, hills and holy places. **Baidyanath Dham, Parasnath and Rajrappa** are major religious sites.