

The Judiciary

The Supreme Court

Part V from Articles 124 to 147.

Chief Justice of India

1. The Chief Justice of India (CJI) is the highest judicial officer of the country
2. Acting Chief Justice of India According to Article 126, when the office of Chief Justice of India is vacant or when the Chief Justice is, by reason of absence or otherwise, unable to perform the duties of his office, the duties of the office shall be performed by such one of the other Judges of the Court as the President may appoint for the purpose

Qualifications for Supreme Court Judges

A person shall not be qualified for appointment as a Judge of the Supreme Court unless he/she —

1. is a citizen of India, and
 2. has been for at least five years a judge of a High Court or a two such Courts in succession; or has been for at least ten years an advocate of a High Court or of two or more such Courts in succession;
 3. is, in the opinion of the President, a distinguished jurist
- Every person appointed to be a Judge of the Supreme Court shall, before he/she enters upon his/her office, make and subscribe before the President an oath of affirmation according to the form set out in the Third Schedule of the Constitution.
 - The Constitution does not prescribe minimum age limit for a judge to occupy his/her office. A Judge of the Supreme Court continues to hold the office till he/she attains the age of 65 years.

Appointment of Supreme Court Judges

1. The Judges of the Supreme Court are appointed by the President.
2. The Chief Justice is appointed by the President after consultation with such Judges of the Supreme Court and High Court as he/she deems necessary
3. The other judges are appointed by the President after consultation with the Chief Justice and such other judges of the Supreme Court, and High Courts as he/she deems necessary.
4. The consultation with the Chief Justice is obligatory in the case of appointment of a judge other than Chief Justice

Removal of a Supreme Court Judge

1. According to Article 124 (4), A Judge of the Supreme Court shall not be removed from his/her office except by an order of the President passed after an address by each House of Parliament supported 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 has been presented to the President in the same session for such removal on the ground of proved misbehaviour or incapacity.
2. No case of removal of SC judge has happened so far. **The case of Justice V. Ramaswamy in (1991-93)** was not passed because of absence of majority in Lok Sabha when Congress MPs abstained from voting
3. Article 127 says that if at any time there may not be a quorum of the Judges of the Supreme Court available to hold or continue any session of the Court, the Chief Justice of India can appoint a Judge of a High Court as an adhoc Judge of the Supreme Court for a temporary period.

1. Article 128 says that the Chief Justice of India may at any time, with the previous consent of the President, request a retired judge of the Supreme Court or a Retired Judge of High Court who is duly qualified for appointment as a judge of the Supreme Court, to act as a Judge of the Supreme Court for a temporary period