

2. Justice Surya Kant Becomes 53rd CJI – Polity

Recently, Justice Surya Kant was sworn in as the 53rd Chief Justice of India (CJI), succeeding Justice BR Gavai. The oath of office was administered by the President of India at Rashtrapati Bhavan
Origins in Colonial Judiciary (Historical Foundations)

Supreme Court of Judicature at Fort William (1774) – Created under the Regulating Act of 1773, marking the establishment of the first ‘Supreme Court’ in British India. It had a Chief Justice and three puisne judges; Sir Elijah Impey served as the first Chief Justice.

High Courts under the Indian High Courts Act, 1861 – High Courts established in Calcutta, Bombay, and Madras in 1862, replacing Supreme Courts and Sadar Adalat’s. Each was headed by a Chief Justice, institutionalizing the office across Presidencies.

Federal Court of India (1937–1950) – Established under the Government of India Act, 1935. Acted as the highest court in British India before 1950. Its jurisdiction was limited compared to the post-1950 Supreme Court.

Post-Independence Constitutional Framework

Constitution of India (1950) established the Supreme Court of India as the apex judicial authority under Article 124.

First Chief Justice of India – Justice *Harilal Jekisundas Kania*, sworn in on 26 January 1950. The CJI is part of the constitutional architecture under Part V, Chapter IV (Articles 124–147).

Constitutional Mandates of the CJI

Structure & Appointment (Article 124) – Supreme Court consists of a CJI + other judges (currently sanctioned strength 34). Judges appointed by the President, following the collegium’s recommendation. Judges remain in office till 65 years of age.

Rule-Making & Administrative Power (Article 145 & 146) – CJI leads the Court in framing rules for practice and procedure. Controls appointment, service conditions, and functioning of Supreme Court registry staff.

Definition Clause (Article 147) – Includes the Chief Justice and other judges for interpreting constitutional provisions.

Judicial Independence & Safeguards

Security of Tenure – Removal only via impeachment (special majority in both Houses) under Article 124(4), (5). Grounds – proved *misbehaviour* or *incapacity*.

Financial Autonomy – Salaries, allowances, and pensions are charged on the Consolidated Fund of India, not subject to parliamentary vote.

Post-Retirement Restrictions – Retired CJI cannot practice before any court or authority in India, maintaining impartiality and avoiding conflicts of interest.

Key Roles & Responsibilities of the CJI

a. Constitutional & Ceremonial Roles – Administers oath to the President of India (or senior-most judge in CJI’s absence). Represents the judiciary in constitutional, ceremonial, and administrative capacities.

b. Master of the Roster

Exclusive authority to

1. Constitute benches
2. Allocate cases
3. Decide listing priorities

Reaffirmed in 2018 SC pronouncement declaring CJI as the “spokesperson of the Court.”

C. Judicial Leadership – Heads Constitution Benches for important constitutional matters. Ensures doctrinal coherence and jurisprudential consistency.



D. Administrative Head of the Judiciary

Supervises

1. Court registry
2. Judicial infrastructure
3. Judicial officers' appointments under Article 146
4. Policy decisions relating to digitisation, e-courts, and hearing procedures.

E. Collegium System Head

Leads the 5-member SC collegium for

1. Appointments to Supreme Court
 2. Appointments and transfers of High Court judges
- Plays a key role in shaping the higher judiciary.

F. Final Court of Appeal – Under Article 136, Supreme Court can grant special leave to appeal against any judgment/order from any court or tribunal (except armed forces tribunals in some cases).

G. Enforcement of Fundamental Rights

Under Article 32, Supreme Court can issue writs

1. *Habeas corpus*
2. *Mandamus*
3. *Prohibition*
4. *Quo warranto*
5. *Certiorari*

H. Judicial Review

Strikes down

1. Unconstitutional laws
2. Ultra vires executive actions

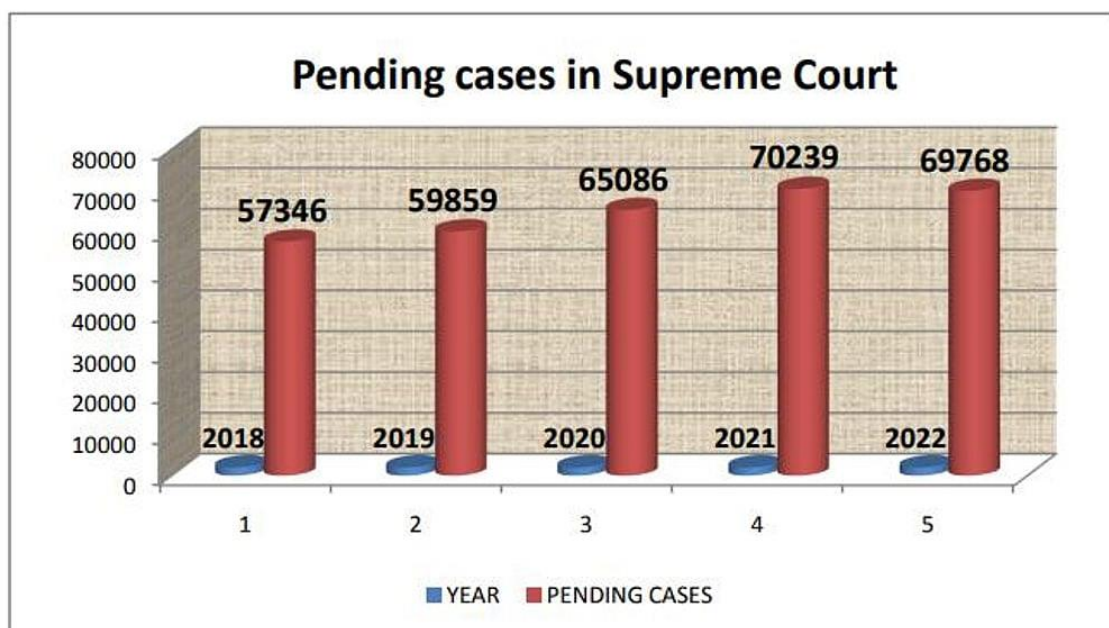
Upholds constitutional morality, rule of law, and separation of powers.

Advisory & Consultative Role

Participates in collegium-based consultations for appointments such as

1. Election Commissioners (post-*Anoop Baranwal* judgment)
2. Lokpal Chairperson & members

Under Article 143, the President may seek SC's advisory opinion (though this is Court-led, CJI plays a key role).



B. Digitisation & Modernisation

Enhance digital filing, e-sealed orders, hybrid hearings. Strengthen Phase III of e-Courts (AI-driven tools, smart scheduling, automated transcription). Improve accessibility for differently-abled litigants and remote regions.

C. Alternative Dispute Resolution (ADR)

Promote

1. Mediation
2. Arbitration
3. Lok Adalat

Aim – Reduce burden on courts and speed up justice delivery.



D. Federal & Constitutional Challenges

The CJI must handle rising Centre–State friction cases, including –

1. Governor–State disputes
2. Federal taxation disputes
3. Issues of legislative competence
4. Constitutional amendments challenges

E. “SIR Case” (Sovereign Infrastructure Reallocation)

Concerns

1. Centre–State fiscal federalism
2. Appropriation of certain sovereign infrastructure assets
3. Powers under Articles 246A, 266, 268–270

Expected to be a benchmark judgment on **federal fiscal autonomy**.

F. Judicial Appointments Transparency

Increasing demand for

1. Collegium transparency
2. Diversity in judicial appointments
3. Merit–based selection

CJI expected to continue publishing resolutions with reasons.

G. Protection of Civil Liberties

Rising cases on

1. Preventive detention

2. Surveillance and privacy
3. Internet shutdowns
4. Freedom of speech

CJI plays a central role in constitution benches adjudicating these issues.

Future Direction of the Supreme Court Under the CJI

A. Greater Constitutionalism– Restore primacy of Constitution Bench matters over routine litigation. Strengthen harmonised constitutional interpretation.

B. Institutional Reforms

1. Data-driven judicial management
2. Timelines for delivery of reserved judgments
3. Improved judicial infrastructure and AI tools

C. Enhancing Public Trust

1. Transparency in functioning
2. Ethical conduct standards
3. Improved accessibility and public communication

Source - [https - //www.thehindu.com/news/national/justice-surya-kant-sworn-in-as-53rd-chief-justice-of-india/article70316338.ece](https://www.thehindu.com/news/national/justice-surya-kant-sworn-in-as-53rd-chief-justice-of-india/article70316338.ece)

