

Supplementary notes:

Composition of high court

- President determines the strength of a high court from time to time depending upon its workload.
- The institution of high court originated in India in 1862 when the high courts were set up at Calcutta, Bombay and Madras.
- The Constitution of India provides for a high court for each state, but the Seventh Amendment Act of 1956 authorised the Parliament to establish a common high court for two or more states or for two or more states and a union territory.

Appointment of Judges

- The judges of a high court are appointed by the President.
- 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.

6. Correct Option: (d)

Explanation:

- All pairs are correctly matched

Supplementary notes:

Appointment of high court judges

- In the *Second Judges* case (1993), the Supreme Court ruled that no appointment of a judge of the high court can be made, unless it is in conformity with the opinion of the chief justice of India.
- In the *Third Judges* case (1998), the Supreme Court opined that in case of the appointment of high court judges, the chief justice of India should consult a collegium of two senior-most judges of the Supreme Court.
- Thus, the sole opinion of the chief justice of India alone does not constitute the 'consultation' process.
- The 99th Constitutional Amendment Act of 2014 and the National Judicial Appointments Commission Act of 2014 have replaced the Collegium System of appointing judges to the Supreme Court and High Courts with a new body called the National Judicial Appointments Commission (NJAC).

- However, in 2015, the Supreme Court has declared both the 99th Constitutional Amendment as well as the NJAC Act as unconstitutional and void.

7. Correct Option: (b)

Explanation:

- Statement 1 is incorrect: Constitution has not prescribed a minimum age for appointment as a judge of a high court.

Supplementary notes:

Qualification of judges of high courts

- 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
- From the above, it is clear that the Constitution has not prescribed a minimum age for appointment as a judge of a high court.
- Moreover, unlike in the case of the Supreme Court, the Constitution makes no provision for appointment of a distinguished jurist as a judge of a high court.

8. Correct Option: (b)

Explanation:

- Statement 1 is incorrect: The Speaker/Chairman may admit the motion or refuse to admit it.
- Statement 2 is incorrect: The constitution of India does not defines and gives details of what constitutes 'incapacity and proved misbehavior' of the judges of the High Court of India.

Supplementary notes:

Removal of judges of high court

- The Judges Enquiry Act (1968) regulates the procedure relating to the removal of a judge of a high court by the process of impeachment:
- A removal motion signed by 100 members (in the case of Lok Sabha) or 50 members (in the case of Rajya Sabha) is to be given to the Speaker/Chairman.
- The Speaker/Chairman may admit the motion or refuse to admit it.