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Supreme Court Grants Centre Four Weeks to Respond to Plea on CAG Appointment Process

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The Supreme Court has given the Union government four weeks to respond to a Public Interest Litigation (PIL) challenging the current system of appointing the Comptroller and Auditor General of India (CAG) solely by the executive. The petition, filed by the Centre for

Public Interest Litigation (CPIL), contends that the existing process is arbitrary and undermines institutional integrity.

A Bench led by Justice Surya Kant issued the directive on Friday after the petitioner's counsel, advocate Prashant Bhushan, informed the court that the government had yet to file its counter-affidavit. The CAG is a constitutional authority responsible for auditing the accounts of the Union and state governments, making its independence a critical aspect of governance.

Solicitor General Tushar Mehta, representing the government, acknowledged the delay and requested four additional weeks to submit the Centre's reply. The petition seeks to amend the Constitution. But anyway, I would request four weeks to file my counter (affidavit), Mehta told the Bench. The court granted the request and also allowed the petitioner NGO two weeks thereafter to file its rejoinder.

The Supreme Court had first addressed the matter on March 17, when it instructed the government to respond and remarked, "We have to trust our institutions." At that time, the Bench indicated that the current petition should be heard along with another case pending on the same issue.

In its plea, CPIL has argued that the sole discretion of the government in appointing the CAG is "manifestly arbitrary, detrimental to institutional integrity, and violates several basic features of the Constitution." The NGO has sought reforms to make the selection process more transparent, suggesting a collegium-style system involving multiple stakeholders to ensure independence from the executive.

The CAG plays a pivotal role in maintaining financial accountability by auditing government expenditures and ensuring adherence to fiscal norms. The outcome of this case could have significant implications for how top constitutional positions are filled in India, particularly regarding the balance between executive authority and institutional autonomy. The next hearing will take place after the government submits its reply and the petitioner files its rejoinder, with both matters expected to be taken up together in the interest of procedural efficiency.