

**GOVERNMENT OF INDIA
MINISTRY OF LAW AND JUSTICE
DEPARTMENT OF JUSTICE**

RAJYA SABHA

UNSTARRED QUESTION NO. 2183

TO BE ANSWERED ON THURSDAY, THE 04.08.2022

Appointment of Judges in Supreme Court and High Courts

2183#DR. ASHOK BAJPAI:

Will the Minister of **LAW AND JUSTICE** be pleased to state:

- (a) the details of the policy and initiatives, if any, of Government to appoint the retired judges of the High Courts as ad hoc judges to address the mounting problem of backlog of cases;
- (b) the details of the proposal, if any, for increasing the superannuation age of the High Court judges;
- (c) whether any proposal to increase the sanctioned strength of the Supreme Court and High Courts is pending consideration; and
- (d) if so, the details thereof?

ANSWER

MINISTER OF LAW AND JUSTICE

(SHRI KIREN RIJJU)

(a) Backlog of cases/pendency in courts arises due to several factors which include availability of adequate number of judges, complexity of the facts involved, nature of evidence, co-operation of stake-holders viz. Bar, investigation agencies, witnesses and litigants besides the availability of physical infrastructure, supporting court staff and proper application of rules and procedures to monitor, track and bunch hearing of cases. Furthermore, pendency of cases and vacancy position of judges in High Courts are not necessarily directly related. Presently, Ad-hoc judges/retired judges are not

being appointed. The Government is committed to filling up of the existing vacancies in higher judiciary on priority.

(b) No, Sir. There is no proposal to increase the retirement age of High Court Judges.

(c) & (d): The sanctioned strength of Supreme Court of India was increased from 30 to 33 (excluding Chief Justice of India) w.e.f. 9.8.2019 vide Government of India Notification dated 9.8.2019. Also the sanctioned strength of High Courts has been increased by 202 i.e. from 906 in 2014 to 1108 in 2022.

To increase the judge strength of a High Court, the concurrence of the Chief Justice of the concerned High Court as well as the State Government is required since the Chief Justice of that High Court is responsible for day to day administration of the court and the State Government has to provide for infrastructural facilities, salaries of Judges etc.

A proposal for increase in judge strength of High Court of Jammu & Kashmir and Ladakh from 17 to 25 judges was received from the Chief Justice, High Court of Jammu & Kashmir and Ladakh on 31.01.2022, which was forwarded to the Ministry of Home Affairs (MHA) on 15.02.2022. MHA vide its letter dated 3rd March, 2022 and a subsequent reminder dated 2nd June, 2022, has requested the Government of Jammu & Kashmir to provide their views in the matter. At present the proposal is incomplete.

A similar proposal for increasing the judge strength of High Court of Andhra Pradesh was received from the Chief Justice of Andhra Pradesh High Court on 26.04.2022. The Chief Minister of Andhra Pradesh vide his letter dated 29th April, 2022 did not favour enhancing the judge strength of Andhra Pradesh High Court beyond present strength of 37 judges. In view of the stand of the Government of Andhra Pradesh, the proposal has not been agreed to.

Currently, no other proposal for increase in judge strength of High Courts is pending with the Government.
