

GOVERNMENT OF INDIA
MINISTRY OF LAW AND JUSTICE
DEPARTMENT OF JUSTICE
RAJYA SABHA
STARRED QUESTION No. 226
ANSWERED ON THURSDAY, THE 10.08.2023

Retirement age for High Court and Supreme Court Judges

***226 Shri Rajeev Shukla:**

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

- (a) whether Government is considering uniform retirement age for Judges at both High Courts as well as the Supreme Court;
- (b) if so, the details thereof;
- (c) if not, the reasons therefor;
- (d) whether Government intends to alter the age of retirement of Supreme Court and High Court Judges; and
- (e) if so, the details thereof?

ANSWER

MINISTER OF STATE (INDEPENDENT CHARGE) OF THE MINISTRY OF LAW AND JUSTICE; MINISTER OF STATE IN THE MINISTRY OF PARLIAMENTARY AFFAIRS; AND MINISTER OF STATE IN THE MINISTRY OF CULTURE

(SHRI ARJUN RAM MEGHWAL)

(a) to (e): A statement is laid on the Table of the House.

Statement referred to in reply to parts (a) to (e) of the Rajya Sabha Starred Question No. *226 due for answer on 10.08.2023 regarding “Retirement age for High Court and Supreme Court Judges”

Article 124(2) of the Constitution of India provides that every Judge of the Supreme Court shall be appointed by the President by warrant under his hand and seal and shall hold office until he attains the age of sixty-five years.

Also, clause (1) of Article 217 of the Constitution of India provides that every Judge of a High Court shall hold office until he attains the age of sixty-two years. Clause (3) of the article 224 of the Constitution provides that no person appointed as an additional or acting Judge of a High Court shall hold office after attaining the age of sixty-two years.

The retirement age of High Court Judges, which was fixed at 60 years in the beginning, was revised to 62 years w.e.f. 5.10.1963 by the Constitution (Fifteenth Amendment) Act, 1963 pursuant to the increase in the retirement age of Central Government employees from 55 to 58 years w.e.f. 1.12.1962 on the recommendations of the Second Central Pay Commission, mainly relying upon increase in life expectancy in India.

Department-Related Parliamentary Standing Committee on Personnel, Public Grievances, Law and Justice has recommended in its 39th report presented to the Rajya Sabha on 29.04.2010 for increase in the retirement age of Judges of High Courts from 62 to 65 to be at par with the retirement age of Judges of the Supreme Court.

The Constitution (114th Amendment) Bill was introduced in 2010 to increase the retirement age of High Court judges to 65. However, it was not taken up for consideration in Parliament and lapsed with the dissolution of the 15th Lok Sabha.

At present, there is no proposal to alter the ages of retirement of Supreme Court and High Court Judges.