

GOVERNMENT OF INDIA
MINISTRY OF LAW AND JUSTICE
DEPARTMENT OF JUSTICE

RAJYA SABHA
STARRED QUESTION NO. *109

ANSWERED ON 05/12/2024

RETIREMENT AGE OF JUDGES

*109. SHRI RAGHAV CHADHA:

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

- (a) whether Government has considered increasing the retirement age of Judges in High Courts and the Supreme Court to address the rising pendency of cases in the judiciary;
- (b) the current number of pending cases across various courts in the country and its impact on access to justice;
- (c) the measures taken by Government to fill judicial vacancies and improve case disposal rates;
- (d) whether increasing the retirement age of Judges would help retain experienced legal minds and reduce the backlog of cases; and
- (e) the timeline for implementing reforms to improve judicial efficiency and reduce pendency?

ANSWER

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

(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) IN RESPECT OF RAJYA SABHA STARRED QUESTION NO. 109 FOR REPLY ON 5th DECEMBER, 2024 REGARDING RETIREMENT AGE OF JUDGES ASKED BY SHRI RAGHAV CHADHA.

(a): There is no such proposal for increasing the retirement age of Judges of the Supreme Court and High Courts.

(b) to (e): As per information available on National Judicial Data Grid (NJDG), the number of pending cases in courts across the country, as on 28.11.2024, is as under:

S. No.	Name of court	No. of pending cases
1.	Supreme Court of India	82,396
2.	High Courts	61,11,165
3.	District and Subordinate Courts	4,55,98,240

Judges of the Supreme Court and High Courts are appointed under Article 124, 217 and 224 of the Constitution of India and according to the procedure laid down in the Memorandum of Procedure (MoP) prepared in 1998 pursuant to the Supreme Court Judgment of October 6, 1993 (Second Judges case) read with their Advisory Opinion of October 28, 1998 (Third Judges case). As per MoP, initiation of proposal for appointment of Judges in the High Courts vests with the Chief Justice of the concerned High Court. Chief Justice of the High Court is required to initiate the proposal to fill up vacancy of a High Court Judge six months prior to the occurrence of vacancy. However, this timeline is often not adhered to by the High Courts. All the names recommended by High Court Collegium are sent with the views of the Government to the Supreme Court Collegium (SCC) for advice. Only those persons who are recommended by the SCC are appointed as Judges of the High Courts.

Filling up of vacant positions in the case of District and Subordinate courts is the responsibility of the High Courts and State Governments concerned. In exercise of powers conferred under proviso to Article 309 of the Constitution read with Articles 233 and 234, the respective State Governments, in consultation with the concerned High Courts frame the rules and regulations regarding the appointment and recruitment of Judicial Officers in their respective State Judicial Services. The Supreme Court, vide order passed in January 2007, in the Malik Mazhar Sultan case, has, inter-alia, stipulated certain timelines, which are to be followed by the States and the respective High Courts for recruitment of judges for District and Subordinate Courts.

Disposal of cases in courts is within the exclusive domain of the judiciary. Timely disposal of cases is affected by several factors which, inter-alia, include availability of physical infrastructure and supporting court staff, complexity of facts involved, nature of evidence, cooperation of stake-holders viz. bar, investigation agencies, witnesses and litigants and proper application of rules and procedures as also frequent adjournments. The Government is, however, fully committed to speedy disposal of cases. The Government has taken several initiatives to provide an ecosystem for faster disposal of cases by the judiciary. The National Mission for Justice Delivery and Legal Reforms established by the Government has adopted a coordinated approach for phased liquidation of arrears and pendency of judicial administration through various strategic initiatives, including improving infrastructure for courts, leveraging Information and Communication Technology for better justice delivery, and filling up of vacant positions of Judges in High Courts and Supreme Court.
