

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

**LOK SABHA
UNSTARRED QUESTION NO. 4882
TO BE ANSWERED ON FRIDAY, THE 01.04.2022**

Supreme Court Judges

**4882. SHRI G.M. SIDDESHWAR:
SHRIMATI POONAM MAHAJAN:**

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

- (a) the details of the present strength of judges in the Supreme Court;
- (b) whether there is a practice of reviewing the judge's strength from time to time and if so, the details thereof;
- (c) whether the number of judges of Apex Court has been increased in the past, if so, the number of times it has been increased so far;
- (d) whether the Government proposes to strengthen the mechanism for appointment of judges for better results in future, if so, the details thereof;
- (e) whether the Government recently received any proposal to increase the strength of Supreme Court judges; and
- (f) if so, whether the proposal is under active consideration of the Government, if so, the details thereof?

ANSWER

MINISTER OF LAW AND JUSTICE

(SHRI KIREN RIJJU)

(a) to (f): The sanctioned judge strength of the Supreme Court is 34 (including Chief Justice of India). As on 25.03.2021, 32 Judges are in position, leaving 02 vacancies to be filled. The Supreme Court (Number of Judges) Act 1956, as originally enacted, provided for the maximum number of Judges(excluding the Chief Justice of India) to be 10. This number was increased to 13 by the Supreme

Court (Number of Judges), Amendment Act, 1960, and to 17 by the Supreme Court (Number of Judges) Amendment Act, 1977. The Supreme Court (Number of Judges) Amendment Act, 1986 augmented the strength of the Supreme Court Judges from 17 to 25 excluding the Chief Justice of India. Subsequently, the Supreme Court (Number of Judges) Amendment Act, 2009 further augmented the strength of the Supreme Court Judges, from 25 to 30.

The Chief Justice of India vide letter dated 21.6.2019 requested the Government to consider augmenting the Judge-strength in the Supreme Court appropriately. Though there has been no criteria for fixing the judge strength of the Supreme Court, in view of the number of cases pending disposal, an increase in the judge strength was considered by Government. The sanctioned strength of Supreme Court of India has been increased from 30 to 33 (excluding the Chief Justice of India) w.e.f. 09.08.2019. Thereafter, the Government has not received any further proposal for increase in the strength of Supreme Court Judges.

The Government had brought into operation the Constitution (Ninety-Ninth Amendment) Act, 2014 and the National Judicial Appointments Commission Act, 2014 w.e.f. 13.04.2015. However, both the Acts were challenged in the Supreme Court. The Supreme Court vide Judgment dated 16.10.2015 declared both the Acts as unconstitutional and void. The Collegium system as existing prior to the enforcement of the Constitution (Ninety-Ninth Amendment) Act, 2014 was declared to be operative. Subsequently, the Supreme Court vide order dated 16.12.2015 directed the Government to finalize the existing Memorandum of Procedure (MoP) by supplementing it in consultation with the Supreme Court Collegium taking into consideration eligibility criteria, transparency, establishment of secretariat and mechanism to deal with complaints. The MoP is under finalization by the Government in consultation with the Supreme Court Collegium.
