

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

**LOK SABHA
UNSTARRED QUESTION NO. 3180**

TO BE ANSWERED ON FRIDAY, THE 09.08.2024

Appointment and Amenities for Judges

**3180. Dr. M K Vishnu Prasad:
Shri K Gopinath:**

Will the Minister of **Law and Justice** be pleased to state:

- (a) the steps taken/proposed to be taken by the Government on 133rd report of Parliamentary Standing Committee on Personnel, Public Grievances, Law and Justice and the details of steps taken to conduct a feasibility study for establishing regional benches of the Supreme Court in the country;
- (b) the steps taken/proposed to be taken by the Government to ensure social diversity and social representation in the appointment of judges in the Supreme Court and High Courts;
- (c) whether the Government is considering enhancing pay, allowances, pension, etc., for the judges of Supreme Court and High Courts; and
- (d) if not, the reasons therefor?

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): Article 130 of the Constitution of India provides that the Supreme Court shall sit in Delhi or in such other place or places as the Chief Justice of India may, with the approval of the President, from time to time, appoint.

2. The Department-related Parliamentary Standing Committee on Personnel, Public Grievances, Law and Justice in its 133rd Report inter-alia, recommended that the Supreme Court of India may invoke Article 130 of the Constitution for establishment of regional benches at four or five locations in the Country.

3. The Eleventh Law Commission in its 125th Report titled “The Supreme Court - A Fresh Look”, submitted in 1988, reiterated the recommendations made by Tenth Law Commission in its 95th Report for splitting the Supreme Court into two namely (i) Constitutional Court at Delhi and (ii) Court of Appeal or Federal Court sitting in North, South, East, West and Central India. The Eighteenth Law Commission in its 229th Report submitted in 2009 had also suggested that a Constitutional Bench be set up at Delhi and four Cassation Benches be set up in the Northern region at Delhi, Southern region at Chennai/Hyderabad, Eastern region at Kolkata and Western region at Mumbai.

4. The matter was referred to the Chief Justice of India, who informed that after consideration of the matter, the Full Court in its meeting held on 18th February, 2010, found no justification for setting up of benches of the Supreme Court outside Delhi. The Chief Justice of India had earlier conveyed similar views in August, 2007.

5. In Writ Petition WP(C) No. 36/2016 on establishment of National Court of Appeal, the Supreme Court vide its judgment dated 13.07.2016 deemed it proper to refer the aforementioned issue to Constitutional Bench for authoritative pronouncement. The matter is currently sub-judice in the Supreme Court.

(b): Appointment of Judges of the High Courts is made under Articles 217 and 224 of the Constitution of India, which do not provide for reservation for any caste or class of persons. The Government has, however, been requesting

the Chief Justice of High Courts that while sending proposals for appointment of Judges, due consideration be given to suitable candidates belonging to Scheduled Castes, Scheduled Tribes, Other Backward Classes, Minorities and Women to ensure social diversity in the appointment of Judges in High Courts.

(c) & (d): The pay, allowances, pension etc. in respect of Judges of Supreme Court and High Courts are governed by The Supreme Court Judges (Salaries and Conditions of service) Act, 1958 and The High Court Judges (Salaries and Conditions of service) Act, 1954 respectively. The salary, pension and allowances of Judges of Supreme Court and High Courts were last revised w.e.f. 01.01.2016 consequent upon implementation of 7th Central Pay Commission recommendation by the Government, through an amendment in both the applicable laws mentioned above. Presently, no proposal for enhancing pay, allowance and pension etc. for the judges of Supreme Court and High Court is under consideration of the Government.
