

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

**LOK SABHA
UNSTARRED QUESTION NO. 1274
TO BE ANSWERED ON FRIDAY, THE 6th FEBRUARY, 2026**

APPOINTMENT OF AD-HOC JUDGES IN HIGH COURTS

1274. SHRI GAURAV GOGOI:

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

- (a) whether the Government has taken note of the Supreme Court's proposal to appoint ad-hoc judges in High Courts with high pendency of criminal appeals under Article 224A of the Constitution, if so, the action taken in this regard and if not, the reasons therefor;
- (b) the total number of criminal appeals pending in High Courts across the country, along with a breakup for the last five years, State-wise and year-wise;
- (c) the details of the steps taken by the Government to address judicial vacancies and expedite disposal of criminal appeals; and
- (d) whether the Government is considering a formal policy to institutionalise the appointment of ad-hoc judges in High Courts to reduce the backlog of cases, if so, the details thereof and 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) to (d): The Supreme Court vide judgment dated 20.04.2021 in W.P. (C) No. 1236 of 2019 had stipulated guidelines for such appointments. Supreme Court Bench vide its orders dated 30.01.2025 and 18.12.2025 has partially amended the aforesaid judgment dated 20.04.2021 and has, inter-alia, directed that each High Court may take recourse to Article 224A of the Constitution of India for appointment of ad-hoc Judges, between 2 and 5 in number but not exceeding 10% of the sanctioned strength of the High Court. It has also been directed that the procedure for appointment of ad-hoc Judges, as given in the Memorandum of Procedure (MoP) for appointment of High Court Judges is applicable for such appointments.

As per the National Judicial Data Grid (NJDG), 7,63,539 criminal appeals are pending in various High Courts.

As per the MoP, the responsibility for initiation of proposals for appointment of Judges in the Supreme Court vests with the Chief Justice of India, while the responsibility for initiation of proposals for appointment of Judges in the High Courts vests with the Chief Justice of the concerned High Court, in consultation with two senior-most puisne Judges of the High Court. As per the MoP, the High Courts are required to make recommendations at least 06 months before the occurrence of a vacancy. However, this time limit is rarely observed. For appointments to the High Courts, the views of concerned State Government are obtained in accordance with the MoP. The recommendations also have to be considered in the light of such other reports as may be available to the Government in respect of the names under consideration. The recommendations of the High Court Collegium, the State Governments and the Government of India are then forwarded to the Supreme Court Collegium (SCC) for advice.

Appointment of Judges in the higher judiciary is a continuous, integrated and collaborative process between the executive and the judiciary. It requires consultation and approval from various Constitutional Authorities both at State and Central level. Only those persons whose names have been recommended by the SCC are appointed as Judges of the High Courts.

Pendency of cases in courts arise due to several factors which inter alia, include 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.
