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Increasing the number of SC judges

What is the issue?

- The Union Cabinet approved a proposal to increase the number of Supreme Court (SC) judges.
- This decision was taken against the backdrop of rising cases in SC.

What is the proposal?

- Presently, there are 30 judges in SC excluding the chief justice of India (CJI).
- **The Supreme Court (Number of Judges) Act, 1956** was last amended in 2009 to increase the judges' strength from 25 to 30, excluding the CJI.
- Once the bill to increase the number of judges gets parliamentary nod, the number of judges would go up to 33, excluding the CJI.

Why this proposal is welcomed?

- Given the perennial complaint that availability of judges is not increasing in proportion to the institution of cases, a move to increase the strength of the judiciary ought to be welcomed.
- CJI also highlighted the problem of paucity of judges, due to which he was unable to constitute enough Constitution Benches to decide important questions of law.

But, why increase in the court's strength may not be enough?

- However, a moot question is whether SC, the highest, should go into the correctness of every decision of every high court.
- The judicial resources available being used optimally is to be looked into.
- There is another question whether its valuable time is being taken up by matters that do not impinge on larger questions that involve interpretation of laws and constitutional provisions.
- Every major crime or disaster seems to invite a litigant, ostensibly in public interest, who mentions the matter before the CJI for urgent hearing.
- The court is being invited to even oversee flood relief work.

What are some other measures to be taken?

- A reasonable restraint on the duration of oral arguments and a disciplined adherence to a schedule of hearings may be needed.
- One of the principal objectives should be to **preserve the apex court's primary role** as the ultimate arbiter of constitutional questions and statutory interpretation.
- It may be worthwhile considering the **229th Report of the Law Commission's** suggestion, a new system under which there will be
 1. One Constitution Bench in Delhi, and
 2. Four 'Cassation Benches' for different regions of the country.
- These will be final appellate courts for routine litigation.
- This arrangement may also increase access to justice to those living in far-flung areas of the country and who spend more time and money in pursuing appeals.
- It may also cut down on the time taken for disposal of cases.

Source: The Hindu

Quick Facts:

Appointment of SC Judges:

- The **judges** of the Supreme Court are appointed by the President.
- The **CJI** is appointed by the President after consultation with such judges of the Supreme Court and high courts as he deems necessary.
- The **other judges** are appointed by President after consultation with the CJI and such other judges of the Supreme Court and the high courts as he deems necessary.
- The **consultation** with the chief justice is **obligatory** in the case of appointment of a judge other than CJI.



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