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Supreme Court Judges Strength Raised to 38 — SC (Number of Judges) Amendment Bill, 2026

7 May 2026 ·

POLITY

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Supreme Court Judges Strength Raised to 38 — SC (Number of Judges) Amendment Bill, 2026

7 May 2026 · 3 min read ·

✓ Every fact web-verified against primary sources

WHY IN NEWS

The Union Cabinet on **May 5, 2026** approved the **Supreme Court (Number of Judges) Amendment Bill, 2026**, amending the **Supreme Court (Number of Judges) Act, 1956** to increase the sanctioned strength of Supreme Court judges from **33 puisne judges** (34 total including CJI) to **37 puisne judges** (38 total including CJI). The Bill will be introduced in Parliament for passage.

BACKGROUND: CONSTITUTIONAL AND STATUTORY FRAMEWORK

DIMENSION	DETAIL
Constitutional provision	Article 124(1): “There shall be a Supreme Court of India consisting of a Chief Justice of India and, until Parliament by law prescribes a larger number, of not more than seven other Judges”
Statutory authority	Supreme Court (Number of Judges) Act, 1956 — Parliament exercises its Article 124 power through this Act
Current sanctioned strength	CJI + 33 Puisne Judges = 34 total
New sanctioned strength	CJI + 37 Puisne Judges = 38 total
Net addition	4 additional judges

History of Supreme Court Strength Increases

YEAR	TOTAL STRENGTH	INCREASE
1950 (Constitution)	8 (CJI + 7)	—
1956 (original Act)	11	+3
1960	14	+3
1977	18	+4
1986	26	+8
2008	31	+5
2019	34 (CJI + 33)	+3
2026	38 (CJI + 37)	+4

WHY THE INCREASE? — PENDENCY CRISIS

INDICATOR	FIGURE
Pending cases in Supreme Court	~80,000+ cases
Pending cases in all courts combined	~4.5 crore+
Pending cases in High Courts	~60 lakh+
Pending cases in District Courts	~4 crore+
Vacancies in High Courts	~400+ (as of 2026)

- **Each additional SC judge** can hear hundreds of cases annually, significantly boosting disposal rates
- The SC handles admissions, constitutional matters, criminal appeals, writ petitions, and original jurisdiction disputes between states
- The 2026 increase directly responds to the **National Court Management Systems Committee** recommendations on judicial capacity

KEY PROVISIONS

What Changes

- **Puisne judges:** 33 → 37 (4 additional permanent positions)
- **Total strength:** 34 → 38 including the Chief Justice of India
- **Financial burden:** Salaries, pensions, housing, and administrative costs met from the **Consolidated Fund of India** (Article 146 + Supreme Court Judges (Salaries and Conditions of Service) Act, 1958)

What Does NOT Change

- The **appointment process** (collegium system under Article 124(2))
- The **qualification criteria** (advocate of HC for 10 years, or distinguished jurist)
- **Tenure** (retirement at age 65)
- **Jurisdiction** (original, appellate, advisory under Articles 131, 132-136, 143)

JUDICIAL APPOINTMENTS — COLLEGIUM SYSTEM

BODY	ROLE
Supreme Court Collegium	CJI + 4 senior-most SC judges — recommends appointments
President of India	Formally appoints judges (Article 124(2))
Law Ministry	Processes files; can return with objections but must ultimately accept collegium's reiterated recommendation
NJAC (National Judicial Appointments Commission)	Struck down in 2015 (Supreme Court Advocates-on-Record Association v. Union of India) — collegium system restored

: The NJAC ruling (2015) is a landmark judgment on judicial independence vs. executive accountability — a recurring GS2 theme.

UPSC RELEVANCE

GS PAPER	ANGLE
GS2	Structure of Supreme Court; Article 124; judicial independence; case pendency; collegium system
GS2	Parliament's role in determining judicial strength; legislative-executive-judiciary balance
GS2	Access to justice; right to speedy trial (Article 21); judicial delays as a governance issue

FACTS CORNER

ITEM	FACT
Bill approved	May 5, 2026 (Union Cabinet)
Parent Act	Supreme Court (Number of Judges) Act, 1956
Constitutional basis	Article 124(1) — Parliament fixes number
Old strength	CJI + 33 Puisne = 34 total
New strength	CJI + 37 Puisne = 38 total
Last increase	2019 (31 → 34 total)
Net addition	4 judges
Primary reason	Reduce 80,000+ pending SC cases
Financial source	Consolidated Fund of India
SC judges' retirement age	65 years
HC judges' retirement age	62 years
Appointment authority	President of India (on collegium recommendation)

Source: Supreme Court Judges Strength Raised to 38 — SC (Number of Judges) Amendment Bill, 2026 —
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