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Raising the Supreme Court's Judge Strength from 33 to 37

7 July 2026

POLITY

GS2

CURATED & WRITTEN BY

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WHY IN NEWS

In early July 2026, the government moved to raise the sanctioned judge strength of the Supreme Court from 33 to 37 (excluding the Chief Justice of India) through the Supreme Court (Number of Judges) Amendment Bill, 2026, which will replace an Ordinance already promulgated.

Facing a mountain of pending cases, the government has decided to enlarge the Supreme Court. The change, first effected through an Ordinance and now to be given permanent legal shape by a Bill in the Monsoon Session, will be the first increase in the apex (<https://ujyari.com/vocab/apex/>) court's strength since 2019. It reopens an old debate: does India need more judges, or deeper structural reform of how the top court works?

WHAT IS CHANGING?

The **Supreme Court (Number of Judges) Amendment Bill, 2026** amends the **Supreme Court (Number of Judges) Act, 1956**, the statute that fixes the sanctioned strength of the apex court. The Bill will be taken up in the **Monsoon Session, scheduled from July 20 to August 13, 2026**, and will replace an Ordinance already promulgated by the President.

ITEM	BEFORE	AFTER
Judges excluding the CJI	33	37
Total strength including the CJI	34	38
Increase		4 judges

The Act counts the sanctioned strength as a number of puisne judges “excluding the Chief Justice of India.” So the present ceiling of 33 plus the CJI (34 in total) rises to 37 plus the CJI (38 in total). The stated goal is to reduce case pendency (<https://ujyari.com/vocab/pendency/>) and speed up the delivery of justice, with the Supreme Court reportedly carrying a backlog of over 92,000 cases.

THE ORDINANCE AND THE BILL: THE CONSTITUTIONAL ROUTE

Because Parliament was not in session, the government first used the **ordinance route** to bring the change into effect immediately, and the Bill will now convert it into a permanent statute.

Article 124(1): Parliament Fixes the Strength

Article 124(1) of the Constitution provides that the Supreme Court shall consist of a Chief Justice of India and, until Parliament by law prescribes a larger number, not more than a specified number of other judges. This is why the strength is fixed by ordinary legislation, the Supreme Court (Number of Judges) Act, 1956, and can be raised simply by amending that Act.

Article 123: The Ordinance-Making Power

Article 123 empowers the President to promulgate (<https://ujyari.com/vocab/promulgate/>) an ordinance when Parliament is not in session and immediate action is needed. An ordinance has the same force as an Act of Parliament, but it is a temporary law: it must be laid before both Houses when they reassemble and **ceases to operate at the expiry of six weeks from the date Parliament reassembles**, unless a Bill replacing it is passed earlier. That is precisely why the Amendment Bill, 2026 must be enacted in the Monsoon Session.

CONSTITUTIONAL PROVISION	WHAT IT DOES
Article 124(1)	Lets Parliament fix the Supreme Court’s judge strength by law
Article 123	Empowers the President to issue an ordinance when Parliament is not in session
Six-week rule	An ordinance lapses six weeks after Parliament reassembles unless replaced by an Act

THE BIGGER DEBATE: MORE JUDGES OR DEEPER REFORM?

Raising the sanctioned strength is the most direct lever, but critics argue that numbers alone will not fix pendency. The wider reform conversation includes several strands:

- **Regional benches:** A long-standing suggestion (backed by earlier Law Commission reports) to set up Supreme Court benches or a “National Court of Appeal (<https://ujyari.com/terms/national-court-of-appeal-nca/>)” in different regions to improve access and reduce the burden on Delhi.

- **Appointments and the collegium:** The pace of filling vacancies depends on the collegium system of judicial appointments. **The National Judicial Appointments Commission (NJAC)**, created by the 99th Constitutional Amendment, was struck down by the Supreme Court in 2015 for violating judicial independence, leaving the collegium in place. Timely appointments to the enlarged strength will still hinge on this process.
- **Court working days and vacations:** Debates over reforming the court calendar and using technology (e-courts, virtual hearings, AI-assisted case management) to speed up disposal.
- **Case management:** Curbing frivolous litigation and adjournments so that added judicial capacity translates into faster outcomes.

ANALYSIS AND WAY FORWARD

More judges expand the court's capacity to constitute additional benches and hear more matters simultaneously, which is a genuine gain given the backlog. But capacity is wasted if posts stay vacant or if systemic issues, such as unfiltered appeals and adjournment culture, persist. The way forward is to pair the higher strength with timely, transparent appointments, serious consideration of regional benches for routine appeals so the apex court can focus on constitutional questions, and technology-led case management. Increasing strength is a necessary but not sufficient step toward the constitutional promise of speedy justice.

UPSC RELEVANCE

GS Paper 2: Structure, organisation and functioning of the judiciary; separation of powers; appointment of judges (collegium and the NJAC debate); ordinance-making power of the executive; issues relating to access to justice and judicial reforms.

Prelims pointers:

- **Article 124(1):** Parliament may by law increase the number of Supreme Court judges.
- **Article 123:** Presidential ordinance-making power; an ordinance lapses six weeks after Parliament reassembles unless replaced.
- The strength is fixed by the **Supreme Court (Number of Judges) Act, 1956**.
- New strength: **37 judges plus the CJI = 38** (up from 33 plus the CJI = 34).
- The **NJAC** (99th Amendment) was struck down by the Supreme Court in 2015; the collegium continues.

Mains question: "Increasing the sanctioned strength of the Supreme Court addresses only a part of the pendency problem." Critically examine, suggesting structural reforms for faster delivery of justice. (15 marks, 250 words)

FACTS CORNER

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The change: Supreme Court judge strength rises from 33 to 37 excluding the CJI, so total strength moves from 34 to 38 including the CJI.

Vehicle: Supreme Court (Number of Judges) Amendment Bill, 2026, replacing an Ordinance; to be taken up in the Monsoon Session (July 20 to August 13, 2026).

Parent Act: Supreme Court (Number of Judges) Act, 1956, which fixes the sanctioned strength.

Article 124(1): Empowers Parliament to fix the Supreme Court's judge strength by law.

Article 123: Presidential ordinance-making power; an ordinance ceases to operate six weeks after Parliament reassembles unless converted into an Act.

Aim: Cut a backlog of over 92,000 cases and speed up justice.

NJAC: The National Judicial Appointments Commission was struck down by the Supreme Court in 2015; judicial appointments continue through the collegium.

Sources: The Hindu (<https://www.thehindu.com>), *Indian Express* (<https://indianexpress.com>), *PIB* (<https://pib.gov.in>), *PRS Legislative Research* (<https://prsindia.org>)

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