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The Supreme Court Number of Judges Amendment Bill 2026

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The Supreme Court Number of Judges Amendment Bill 2026

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✓ Every fact web-verified against primary sources

*Law Minister introduced the **Supreme Court (Number of Judges) Amendment Bill, 2026** in the Lok Sabha on **July 20, 2026**, and it was taken up for consideration on **July 22 to 23, 2026**. The Bill raises the sanctioned strength of Supreme Court judges (excluding the Chief Justice of India) from **33 to 37**, taking the court's total permitted strength from **34 to 38**. It replaces an ordinance promulgated earlier to the same effect and aims to help clear the judiciary's mounting pendency.*

WHAT THE BILL DOES

The Bill amends the **Supreme Court (Number of Judges) Act, 1956**, the parent statute that fixes how many judges the apex court may have. By raising the count of “other Judges” from **33 to 37**, and adding the **Chief Justice of India (CJI)**, the full sanctioned strength rises to **38 judges**.

Because it replaces an **ordinance**, the Bill is a routine but constitutionally required step: an ordinance is a temporary law and must be converted into an Act of Parliament to survive.

The Constitutional Basis

The strength of the Supreme Court is **not fixed rigidly in the Constitution**. Under **Article 124(1)**, the court consists of the CJI and “such number of other Judges as **Parliament may by law determine**.” This deliberate flexibility lets the legislature scale the bench as the caseload grows, without a constitutional amendment. The ordinance route used before this Bill draws on **Article 123**, which lets the President promulgate ordinances when Parliament is not in session.

HISTORY OF JUDGE-STRENGTH REVISIONS

The apex court began small and has been expanded several times as litigation multiplied.

YEAR	SANCTIONED STRENGTH (EXCLUDING CJI)	TOTAL WITH CJI
1950 (start)	7	8
1956 Act	10	11
1986	25	26
2008	30	31
2019	33	34
2026 (this Bill)	37	38

The **1956 Act** originally set the strength at **7 other judges plus the CJI**, and later amendments in **1986, 2008 and 2019** progressively raised it in step with rising pendency.

THE REAL DEBATE: NUMBERS VERSUS VACANCIES

Raising the sanctioned strength expands the ceiling, but the practical question is whether the court can actually **fill** the new posts and whether more judges alone can cut pendency.

Why More Judges May Help

- The Supreme Court carries a very large **backlog of pending cases**.
- More benches can hear more matters simultaneously, especially constitutional and admission-stage cases.

Why Numbers Alone May Not Be Enough

- **Vacancies** often remain unfilled for months even against the existing strength.
- Appointments run through the **collegium system**, and delays between the collegium's recommendation and government notification slow the process.
- Backlog is also driven by **infrastructure, court-management, adjournments and rising litigation**, not just bench size.
- The exercise touches the **separation of powers**, as it involves both the legislature (which sets strength) and the executive-judiciary interface (which fills posts).

UPSC RELEVANCE

GS Paper 2: Structure, organisation and functioning of the Judiciary; separation of powers; appointment of judges; issues relating to development and management of the judicial system.

Prelims pointers:

- **Article 124(1):** Supreme Court consists of the CJI and such number of other judges as **Parliament may by law determine.**
- Parent law: **Supreme Court (Number of Judges) Act, 1956.**
- **Article 123:** President's power to promulgate **ordinances** when Parliament is not in session.
- Prior strength revisions: **1986 (25+CJI), 2008 (30+CJI), 2019 (33+CJI)**; the 2026 Bill takes it to **37+CJI = 38.**

★ FACTS CORNER, KNOWLEDGE PEDIA

Article 124: Establishes the Supreme Court and provides for the appointment of judges.

Collegium system: Evolved through the Three Judges Cases; the CJI plus senior-most judges recommend appointments and transfers.

Ordinance (Article 123): Has the same force as an Act but must be laid before Parliament and ceases to operate six weeks from the reassembly of Parliament unless replaced by an Act.

Retirement age: Supreme Court judges retire at 65 years; High Court judges at 62 years.

Pendency: Backlog reduction is also pursued through fast-track courts, e-Courts, mediation and Lok Adalats.

Money Bill vs ordinary Bill: This is an ordinary Bill amending an existing statute, needing passage by both Houses.

Sources: PRS Legislative Research, Lok Sabha official site, The Hindu and Indian Express reports, July 20 to 23, 2026.

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