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From 34 to 38: Parliament Raises Supreme Court Judge Strength

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From 34 to 38: Parliament Raises Supreme Court Judge Strength

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✓ Every fact web-verified against primary sources

The Lok Sabha passed the Supreme Court (Number of Judges) Amendment Bill, 2026 on August 3, 2026, raising the sanctioned strength of the Supreme Court from 34 judges including the Chief Justice of India to 38. The Bill was moved by Law and Justice Minister Arjun Ram Meghwal and passed in under ten minutes, without debate, amid Opposition disruptions.

WHAT THE BILL DOES

ELEMENT	DETAIL
Parent statute	Supreme Court (Number of Judges) Act, 1956 ; the Bill amends Section 2
Judges other than the CJI	33 to 37
Total including the CJI	34 to 38
Effective from	Retrospectively, 16 May 2026 , the date of the Ordinance it replaces
Ordinance replaced	Supreme Court (Number of Judges) Amendment Ordinance, 2026 , promulgated 16 May 2026 under Article 123
Introduced in the Lok Sabha	20 July 2026
Moved by	Arjun Ram Meghwal , Minister of State (Independent Charge) for Law and Justice
Passage	Lok Sabha, 3 August 2026 , without debate

THE CONSTITUTIONAL MECHANISM

This is the part candidates most often get wrong, and it is worth fixing precisely.

Article 124(1) provides that there shall be a Supreme Court of India consisting of a Chief Justice of India and, **until Parliament by law prescribes a larger number**, not more than seven other judges.

Two consequences follow:

- ❶ The number seven is a **floor set by the Constitution**, not the operative strength. The Constitution anticipated that it would be raised.
- ❷ Raising it requires only an **ordinary law of Parliament**, not a constitutional amendment. This is why the Supreme Court (Number of Judges) Act, 1956 exists at all, and why amending it is a simple legislative act.

Contrast this with the High Courts, where **Article 216** provides that a High Court shall consist of a Chief Justice and such other judges as the **President may from time to time deem it necessary to appoint**. High Court strength is therefore fixed by executive determination, while Supreme Court strength is fixed by statute. That **asymmetry** is directly examinable.

THE SEQUENCE OF REVISIONS

YEAR	TOTAL STRENGTH INCLUDING CJI
1950 (Constitution)	8
1956	11
1960	14
1977	18
1986	26
2009	31
2019	34
2026	38

THE ORDINANCE THAT CAME FIRST

The retrospective date is not arbitrary. The increase was first effected by the **Supreme Court (Number of Judges) Amendment Ordinance, 2026**, promulgated on **16 May 2026** under **Article 123**, which empowers the President to **promulgate** an ordinance when neither House is in session and the circumstances render immediate action necessary. An ordinance 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.

The Bill is therefore the replacing legislation, and its retrospectivity to 16 May simply preserves the validity of appointments and actions taken under the Ordinance.

This sequence is worth stating in an answer, because it means the composition of the highest constitutional court was altered in the first instance by an **executive instrument**, with legislative ratification following, and the ratifying debate then lasted under ten minutes. The background is that **CJI Surya Kant** had written to the Prime Minister on **11 May 2026** seeking the increase, and the Bill was introduced in the Lok Sabha on **20 July 2026**.

THE GOVERNMENT'S CASE

The stated justification is the institution-disposal gap. Even with the Court operating at or near full strength since 2019, the figures cited were:

MEASURE	FIGURE
Fresh matters instituted last year	75,410
Matters disposed of	Over 65,000
Net addition to the docket	Roughly 10,000 in a single year

Beyond raw arithmetic, the government's argument runs to **bench constitution**. A larger complement makes it easier to constitute Constitution Benches of five, seven or nine judges without collapsing the regular division-bench roster. Constitution Bench references have accumulated precisely because taking five judges out of circulation for weeks is expensive when the total is 34.

THE COUNTER-ARGUMENT WORTH WRITING

Sanctioned strength is a ceiling, not a headcount. Three objections follow, and a strong answer engages all three.

First, appointment throughput. The binding constraint may be the rate at which the collegium recommends and the government notifies appointments, not the number of chairs available. Raising the ceiling does nothing if vacancies against the old ceiling persist. The history of judicial appointments after the **Fourth Judges Case (2015)**, which struck down the National Judicial Appointments Commission, and the still-unfinalised Memorandum of Procedure, is the relevant background.

Second, case management. Pendency is also a function of adjournment culture, oral-hearing length, the volume of Special Leave Petitions admitted under **Article 136**, and the absence of effective docket triage. More judges hearing more SLPs can widen the funnel rather than clear it.

Third, and most immediately, the manner of passage. A Bill altering the composition of the highest constitutional court passed in under ten minutes with no debate. Whatever the merits of the change, the absence of scrutiny is itself the more serious governance story, and it belongs in any answer on the decline of parliamentary deliberation.

UPSC RELEVANCE

GS Paper 2: Structure, organisation and functioning of the Judiciary; separation of powers; Parliament and State legislatures, conduct of business; appointment to constitutional posts.

Prelims pointers:

- **Article 124(1):** the Supreme Court consists of a CJI and, **until Parliament by law prescribes a larger number**, not more than **seven** other judges.
- Strength is fixed by the **Supreme Court (Number of Judges) Act, 1956**, amended by **ordinary law**, not by constitutional amendment.
- New strength: **37 judges besides the CJI, 38 in total**, effective retrospectively from **16 May 2026**, the date of the **Supreme Court (Number of Judges) Amendment Ordinance, 2026** that the Bill replaces.
- The Ordinance route means the strength of the **apex** court was first altered by an executive instrument under **Article 123**, with Parliament ratifying afterwards. That is the most examinable feature of the item.
- **CJI Surya Kant** wrote to the Prime Minister on **11 May 2026** seeking the increase; the Bill was introduced in the Lok Sabha on **20 July 2026**.
- **Article 216:** High Court strength is determined by the **President**, not by statute. Note the contrast.
- Prior revisions: 1956, 1960, 1977, 1986, 2009, 2019. Some sources date the increase to 18 as 1978, being the year of commencement; the amending Act is of 1977.

★ FACTS CORNER, KNOWLEDGE PEDIA

THE BILL:

Supreme Court (Number of Judges) Amendment Bill, 2026; amends Section 2 of the 1956 Act.

Strength raised from 34 to 38 including the CJI, that is 33 to 37 other judges.

Effective retrospectively from 16 May 2026, replacing the Supreme Court (Number of Judges) Amendment Ordinance, 2026 promulgated on that date under Article 123.

CJI Surya Kant sought the increase in a letter to the Prime Minister on 11 May 2026; the Bill was introduced in the Lok Sabha on 20 July 2026.

Passed by the Lok Sabha on 3 August 2026, without debate, in under ten minutes.

CONSTITUTIONAL BASIS: ARTICLE 124(1) SETS A FLOOR OF THE CJI PLUS SEVEN OTHER JUDGES, EXPRESSLY SUBJECT TO PARLIAMENT PRESCRIBING A LARGER NUMBER BY LAW. ARTICLE 216 LEAVES HIGH COURT STRENGTH TO THE PRESIDENT.

THE NUMBERS CITED: 75,410 FRESH MATTERS INSTITUTED LAST YEAR AGAINST DISPOSAL OF OVER 65,000.

REVISION HISTORY: 1950 (8), 1956 (11), 1960 (14), 1977 (18), 1986 (26), 2009 (31), 2019 (34), 2026 (38).

Sources: PRS Legislative Research, LiveLaw, Bar and Bench

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