

TO BE INTRODUCED IN LOK SABHA

AS INTRODUCED IN LOK SABHA

Bill No. 41 of 2008

THE SUPREME COURT (NUMBER OF JUDGES)
AMENDMENT BILL, 2008

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BILL

further to amend the Supreme Court (Number of Judges) Act, 1956.

BE it enacted by Parliament in the Fifty-ninth Year of the Republic of India as follows:—

1. This Act may be called the Supreme Court (Number of Judges) Amendment Act, 2008. Short title.

55 of 1956. 5 2. In section 2 of the Supreme Court (Number of Judges) Act, 1956, for the word “twenty-five”, the word “thirty” shall be substituted. Amendment of section 2.

STATEMENT OF OBJECTS AND REASONS

The pendency of cases in the Supreme Court of India has constantly been on the rise largely due to higher rate of institution of cases. As on the 31st day of March, 2007, 41,581 cases were pending in the Supreme Court. The Chief Justice of India has intimated that the Judges in the Supreme Court feel over-burdened and have been working under acute work pressure. It has also not been possible for the Chief Justice of India to constitute a five-Judge Bench on a regular basis to hear cases involving interpretation of constitutional law as doing that would result in constitution of less number of Division Benches which in turn will result in delay in hearing of other civil and criminal matters.

2. Suitable steps are, therefore, required to be taken to augment the strength of the Judges in the Supreme Court so that it can function more efficiently and effectively towards attaining the ultimate goal of rendering speedy justice to the litigant public.

3. It is, therefore, proposed to amend the Supreme Court (Number of Judges) Act, 1956 to increase the number of Judges in the Supreme Court from twenty-five to thirty, excluding the Chief Justice of India.

4. The Bill seeks to achieve the above objective.

NEW DELHI;

H.R. BHARDWAJ.

The 15th April, 2008.

PRESIDENT'S RECOMMENDATION UNDER ARTICLE 117 OF THE CONSTITUTION OF INDIA

[Copy of letter No. 12011/1/2002-US.II dated the 15th April, 2008 from Shri H. R. Bhardwaj, Minister of Law and Justice to the Secretary-General, Lok Sabha]

The President, having been informed of the subject matter of the proposed Supreme Court (Number of Judges) Amendment Bill, 2008, has recommended the introduction of the Bill under clause (1) of article 117 of the Constitution of India.

FINANCIAL MEMORANDUM

Clause 2 of the Bill seeks to increase the strength of the Judges of the Supreme Court from the present strength of 25 to 30 judges excluding the Chief Justice of India. This will entail expenditure on account of pay and allowances on creation of 5 additional posts of judges along with required staff. The judges will also be entitled to the use of rent-free official residence under rule 4 of the Supreme Court Judges Rules, 1959. Each judge will have to be provided with personal staff at residence and office. The increase in the strength of the judges would also require construction of 5 bungalows for accommodating the judges which would entail expenditure on the construction and the maintenance thereof.

2. The recurring expenditure would consist of salary of 5 judges along with their staff amounting to Rs. 11.57 lakhs per month amounting to Rs. 171.37 lakhs per annum. The recurring expenses on maintenance of the accommodation provided to the judges would be approximately Rs. 6.65 lakhs per bungalow per annum which would include general maintenance and electricity and water charges. The non-recurring expenditure would be the cost of constructing 5 bungalows at a total cost of Rs. 9.85 crores and purchase of vehicles, electronic items, etc., at a cost of approximately Rs. 81.25 lakhs. Thus, the total non-recurring expenditure would be approximately Rs. 10.66 crores.

3. The Bill, if enacted, is not likely to involve any other recurring or non-recurring expenditure.

ANNEXURE

EXTRACT FROM THE SUPREME COURT (NUMBER OF JUDGES) ACT, 1956

(55 OF 1956)

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Maximum
number of
Supreme Court
Judges other
than Chief
Justice.

2. The maximum number of Judges of the Supreme Court, excluding the Chief Justice of India, shall be twenty-five.

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further to amend the Supreme Court (Number of Judges) Act, 1956.

(Shri H.R. Bhardwaj, Minister of Law and Justice)