

Committee on Judicial Processes and their Reforms

By IAS Toppers | 2024-02-09 15:40:00



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The **Ministry of Law and Justice** recently accepted certain recommendations on **Judicial reforms** by the **Parliamentary Standing Committee** on Personnel, Public Grievances, Law and Justice.



Key Recommendation of the Committee:

The **Standing Committee** on Personnel, Public Grievances, and Law and Justice, **chaired by Sushil Kumar** Modi submitted its report to both houses of the Parliament.

Increase in Retirement age of Judges:

- The Committee observed that the **retirement age of judges** needs to be increased as it would increase the **efficiency of the judiciary** and reduce **pending cases**.
- This is due to **increased longevity** and advanced medical techniques.
- The retirement age for Supreme Court judges is **65 years** and High Court judges at **62 years** based on **Articles 124 and 217** of the Constitution.
- The government argues increasing the retirement age for SC and HC judges **may not be practical**, as it may result in “**undue favouritism**”.

Regional benches of the Supreme Court:

- Some **regional benches** of the SC should be established across India to tackle the overflowing caseload of the judiciary.
- The interpretation of **Constitution and related matters** may be dealt with at Delhi and the regional benches may decide **appellate matters**.
 - **Article 130** of the Constitution empowers the Chief Justice of India to appoint regional benches of SC after approval from the President.
- This remains **sub-judice under a Constitutional Bench** as this proposal might potentially harm the **court's unity and integrity**.

Social diversity in the appointment of judges:

- There is a prevailing ‘**Diversity deficit**’ in appointment of judges especially the higher judiciary.

- The [Collegium](#) should recommend **vulnerable people** from the Scheduled Castes and tribes, women, Other Backward classes and minorities for such positions.

Vacations and Vacancies of Judges:

- The committee noted that **long judicial vacations** cause of **heavy backlog of cases**, and high vacancies in the judiciary contribute to this backlog.
- More than **60 lakh cases** are pending in HCs and overall **vacancies** in HCs are at **30% of Sanctioned strength**, while some HCs have **40-50% vacancies**.
- The government has made to **fill vacancies promptly**, but they prevail **due to** retirements, resignations, elevations, and increases in the **judge's strength**.
- Vacancies in judiciary are a **colonial concept** and must be removed or modified through **staggered vacations** where individual **judges take leave** at different times of the year.

Other Recommendations:

- **Annual Reports:** All High Courts shall publish annual reports actively in a **uniform format**, in line with the Supreme Court.
- **Declaration of assets:** Judges must disclose their assets, in line with the other constitutional functionaries and government servants who file annual returns of their assets and liabilities.