

# Ad Hoc Judges

March 29, 2021

**In news :** Recently, the Chief Justice of India(CJI) suggested that ad-hoc judges can be appointed in high courts to clear pending cases

## Key updates

- The CJI said that there are suits pending for 30 years which also include criminal trials. It is not a matter of opinion but fact that judges who have been there for 15 to 20 years can continue to dispose of matters
- The Apex Court bench was hearing a PIL filed by NGO Lok Prahari seeking appointment of retired judges to clear pending cases.
- The bench said the Constitution allows appointment of ad hoc judges and taking that route has become a necessity in view of the out-of-hand pendency.
- The Court also said that the ad-hoc judges would be considered the junior-most so that they don't become a 'threat' to anybody in terms of seniority,
- The SC also clarified that it's not creating a new convention but is only suggesting to use a provision in the Constitution.
- The Bench also said that Article 224A is a Constitutional provision... We will lay down guidelines stating if pendency goes beyond a certain limit for, say, more than eight or 10 years, then the Chief Justice will automatically recommend the appointment of an ad-hoc judge. After Collegium approves, they can sit and it (term) can be extended
- The top court noted that there should be a reasonable timeframe for the law ministry to respond to the Collegium's recommendations.

## Constitutional provisions related to ad-hoc Judges

**According to article 127(clause 1), if at any time there should not be a quorum of the Judges** of the Supreme Court available to hold or continue any session of the Court, the **Chief Justice of India may, with the previous consent of the President** and after consultation with the Chief Justice of the High Court concerned, request in writing the attendance at the sittings of the Court, as an ad hoc Judge, for such period as may be necessary, of a Judge of a High Court duly qualified for appointment as a Judge of the Supreme Court to be designated by the Chief Justice of India.

**As per Clause 2 of the article,** it shall be the **duty of the Judge who has been so designated, in priority to other duties of his office, to attend the sittings of the Supreme Court** at the time and for the period for which his attendance is required, and while so attending **he shall have all the jurisdiction, powers and privileges,** and shall discharge the duties, of a Judge of the Supreme Court.