

SC PAVES WAY FOR AD-HOC JUDGES IN HCS

Relevant for: Indian Polity | Topic: Judiciary in India: its Structure, Organization & Functioning, Judges of SC & High Courts, Judgments and related Issues

Terming pendency of around 57 lakh cases in High Courts as “docket explosion”, the Supreme Court activated a “dormant” constitutional provision to pave way for appointment of retired HC judges as ad-hoc ones for a period of two to three years to clear backlog and came out with guidelines to regulate appointments. Article 224A, used rarely, of the Constitution deals with appointment of ad-hoc judges in HCs and says “the Chief Justice of a HC for any State may at any time, with the previous consent of the President, request any person who has held the office of a Judge of that Court or of any other HC to sit and act as a Judge of the High Court for that State”. A bench of Chief Justice S.A. Bobde and Justices S.K. Kaul and Surya Kant issued a slew of guidelines pertaining to issues such as the trigger point when the appointment process can be set in motion, tenure, procedure for appointment, salary, perks, etc, maximum number of such judges and their role in adjudicating cases. The CJI wrote the 37-page judgement on a PIL of NGO 'Lok Prahari' seeking appointment of ad-hoc judges in HCs under Article 224A in order to reduce pendency of cases.

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