



KAMARAJ IAS ACADEMY
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Court appoints three judges to Supreme Court, fills all 34 posts

Published On: 30-05-2025

Context

- The Centre on Thursday cleared the appointment of three judges to the Supreme Court. With this, the top court has reached its **full sanctioned strength of 34 judges**.
- The appointment came three days **after the Supreme Court Collegium forwarded its recommendations to the Centre**

Appointment of SC judges

- **Article 124(1)** states that **there shall be a Supreme Court of India consisting of a Chief Justice of India and, until Parliament by law prescribes a large number, of not more than seven other judges**.
- **Article 124(2)** states that every judge of the Supreme Court shall be **appointed by the President** by warrant under his hand and seal **after consultation with such number of the judges of Supreme Court and of the High Courts (in states)**.
- The **Parliament is competent to increase the number of judges** if it deems necessary.
- **Originally, the strength of the Supreme Court was fixed at 8 (1 Chief Justice and 7 other judges)**.
- The Constitution of India empowers the Parliament to increase or decrease the number of judges of the SC.
- Accordingly, the Parliament passes several Acts subsequently to increase the number of other judges of the SC.
- **At present, the SC consists of 34 judges (1 Chief Justice and 33 other judges)**.

3 Judges Cases

- As per the **Second Judges Case (1993)**, **consultation with the Chief Justice means concurrence and advice tendered by the Chief Justice is binding on the President**.
- As per the **Third Judges Case (1998)**, **the Chief Justice should consult a collegium of 4 senior-most judges of the Supreme Court** before recommending the name to the President.
- A person to be appointed as a judge of the Supreme Court should have the following **qualifications**:

He/she should be a **citizen of India**.

He/she should:

Kamaraj IAS Academy

Plot A P.127, AF block, 6 th street, 11th Main Rd, Shanthi Colony, Anna Nagar, Chennai, Tamil Nadu 600040

Phone: **044 4353 9988 / 98403 94477 / Whatsapp : 09710729833**

- have been a **judge of a High Court (or High Courts in succession) for 5 years**; OR
- have been an **advocate of a High Court (or High Courts in succession) for 10 years**, OR
- be a **distinguished jurist in the opinion of the President of India**.
- Note: The **Constitution has not prescribed a minimum age** for appointment as a judge of the Supreme Court.

Tenure of Judges of Supreme Court

- The **Constitution has not fixed the tenure of a judge** of the Supreme Court.
- He/she holds office **until he attains the age of 65 years**.
- He/she can **resign from his office by writing to the President**.

Removal of SC judge

- He/she **can be removed from his office by the President on the recommendation of the Parliament**.
- They can be removed on the following two grounds: **proved misbehaviour and incapacity**
- The procedure relating to the removal of a judge of the SC is regulated by the **Judges Enquiry Act (1968)**.
- As per the Act, the process of removal goes as follows:
 1. A **removal motion signed by 100 members in the case of Lok Sabha or 50 members in the case of Rajya Sabha is to be given to the Speaker/Chairman**.
 2. The Speaker/Chairman **may admit the motion or refuse** to admit it.
 3. If the motion is admitted, then the **Speaker/Chairman constitutes a three-member committee to investigate the charges**.
 4. The Committee consists of: **the Chief Justice of India or a Judge of the SC, a Chief Justice of a High Court, and a distinguished jurist**.
 5. If the **committee finds the judge guilty** of the charges, then both the Houses of Parliament can take up the motion for consideration.
 6. The **motion must be passed by both Houses of Parliament with a Special Majority (50% of the total membership of the House + two-thirds of the members present and voting)**.