Appointment of Ad-hoc Judges

Why in News?

The Supreme Court recently relaxed to appoint ad hoc judges in High Courts to clear the backlog of pending criminal cases, and said vacancies in HCs needn't be more than 20% of its sanctioned strength.

- **Ad-hoc Judges –** An ad hoc judge is a retired judge who is appointed on a temporary basis for a specific vacancy or purpose only for a limited period of time.
- The Supreme Court issued directions allowing the appointment of ad hoc judges under Article 224 of the Constitution in 2021 judgment in the Lok Prahari versus Union of India case.
- **Article 224 -** To deal with the unprecedented situation arising from the backlog of cases pending in the High Courts.
- **Article 224A** - It deals with the appointment of retired Judges at sittings of High Courts.
- **Appointed by** - The Chief Justice of a High Court for any State, may with the previous consent of the President, request any person with the below described qualification.
- **Qualification** – He held the office of a Judge of that Court or of any other High Court to sit and act as a Judge of the High Court for that State.
- **Allowances** – He is entitled to such allowances as the President may by order determine.
- The individual holds all the jurisdiction, powers, and privileges of a High Court Judge, but is not considered a Judge otherwise.
- **Lok Prahari vs Union of India (2021)** - Supreme Court Involves Article 224-A for Ad hoc Judge Appointments
- Allows appointment of judges to address case backlog.
- Guidelines ensure appointments occur after filling regular vacancies.
- Chief Justice can exercise discretion if vacancies exceed 20% sanctioned strength, cases pending for over 5 years, over 10% older than 5 years, or disposal rate lower than new case filings.
- **Revised Guidelines -** Each HC may appoint ad hoc judges by taking recourse to Article 224A for appointment of ad hoc judges between 2 to 5 in number but not exceeding 10% of the sanctioned strength.
- It also said that the 20% vacancy requirement, be kept in abeyance.
- The bench also made it clear that the Memorandum of Procedure which lays down a procedure for appointment under Article 224A will be applied.

Reference

The Indian Express | Appointment ad hoc judges