

RISING COURT CASES AND DECLINING “JUDGE-POPULATION-RATIO” IN INDIA

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Abstract- Chief Justice of India recently lamented on the “inaction” on the part of the government to control the declining “Judge-Population Ratio” in India compared to the other developed countries. There are a large number of vacancies in Supreme Court, High Courts and Lower Courts as well. Moreover, there is also the problem of judicial infrastructure i.e. scarcity of court rooms. In India there are 10 judges against a million people compared to around 51 judges in UK, 75 judges in Canada and around 107 judges in USA against one million people. As on 31st December, 2015, there were 38.76 lakh cases pending in High Courts alone. Similarly, there were 2.18 crore cases pending in the lower courts. On the one hand the Government has blamed the judiciary that Collegiums are not recommending the names to the Government, on the other hand, the judiciary has its own stand and said that how could the government expect the Collegiums to recommend more names when the decision on the previously recommended names was still pending.

Index terms- Vacancies in Courts, Judge-population-ratio, judicial infrastructure, scarcity of court rooms, rising court cases,

I. INTRODUCTION

On 24th April, 2016, in a Conference of CMs of Indian States and Chief Justices of the High Courts held at New Delhi, the CJI said that the judiciary alone could not be blamed for the rising number of pending cases in the courts at all level – Supreme Court, High Courts and Lower Courts. He further lamented on the “inaction” on the part of the government to control the declining “Judge-Population Ratio” in India compared to the other developed countries.

Shortfall of Judges and lack of Judicial Infrastructure

Against the sanctioned strength of around 21,600 judges in India, there were around 4,870 vacancies in various courts in India by the end of 2015. It means, there were around 25% position vacant against the sanctioned strength. Moreover, apart from the shortage of Judges, there is another problem of the lack of judicial infrastructure in India. To elaborate, at present, there are around 16,500 court rooms in India, leaving a shortfall of around 4,000 court rooms. Hence, even if all the vacancies are filled in, it would not serve the purpose.

Judge-Population Ratio

Furthermore, in 1987 the “Judge-Population Ratio” in our country was around 10 Judges against one million people and after a lapse of around 30 years, there is a meager increase of only two judges against a million people, making it 12 judges against one million people. During the same period, i.e. in 1987, there were around 41 judges per million people in Australia, around 51 judges in UK, 75 judges in Canada and around 107 judges in USA against one million people.

Large number of pending court cases

The situation looks all the more pathetic when we come across the fact that as on 31st December, 2015, there were 38.76 lakh cases pending in High Courts alone. Out of this, around 20% cases were more than 10 years old. Similarly, out of 2.18 crore cases pending in the lower courts, around 1.46 crore were that of criminal cases and over 72 lakh cases were of civil nature.

For the last three years, the Supreme has been able to improve upon its performance. Whereas it disposed off 40 thousand odd cases in 2013, the number went up to 47 thousand odd cases in 2015. But in case of High Courts, the numbers went down from 17.72 lacs cases in 2013 to just 16.05 lacs cases in 2015. Lower courts have also shown a fall in the number of cases disposed off during the same period, while the disposal was that of 1.87 crore cases in 2013, the figure came down to 1.78 crore cases in 2015. But still, these figures are not very encouraging. A lot more has to be done not only to dispose of the existing cases, but also to see that the numbers do not go up in future at such an alarming rate as has been in the past.

II. FINDINGS

Having gone through the previous paragraphs, it is evident that the judicial infrastructure in the country is not up to the mark; the “Judge-Population Ratio” is very low compared to the developed nations; there is a huge backlog of the pending case and the number is further increasing at an alarming rate; there is an acute shortage of judges at all levels; there is a lack of enthusiasm and sufficient budgetary support on the part of the State as well as Central Government; there is a lack of goodwill and coordination between the Judiciary and the Executive (the Governments).

Thus, on the one hand the Government has blamed the judiciary that Collegiums are not recommending the names to the Government, on the other hand, the judiciary has its own stand and said that how could the government expect the Collegiums to recommend more names when the decision on the previously recommended names was still pending.

Keeping in mind the shortage of Judges in the Lower Courts as well, it is not possible to fill all vacancies in one go. For example, if there are 75 vacancies in Allahabad High Court, how can the Collegiums, recommend names for all of these vacancies in a one go. It will then result into the shortfall of judges in lower courts. Moreover, it is not that easy to find candidates fulfilling the laid down criteria. The criteria is required to be lowered down so as to get enough candidates for selection process. It has also been noticed that good lawyers are reluctant to accept judgeship. One cannot blame them for refusing to become judge on monetary considerations because the honour, prestige and the dignity attached to the position of a judge sufficiently compensates the monetary losses. It is also argued that many good lawyers do not feel that there is too much of dignity attached to it. If this is really true, then this attitude is not good and must change.

Government's Initiatives

For the last 4 – 5 years, there have been some efforts on the part of governments to improve upon the judicial infrastructure. According to an estimate, the government spending on this account from 1993 to 2011 (for long 18 years) was a meagre Rs 1,245 crores under the “Centrally Sponsored Schemes”. The figure went up to Rs 3,695 crores in a short span of four years i.e. from 2012 to 2016. But this amount is still not enough keeping in mind the degree of shortfall in the judicial infrastructure.

III. RECOMMENDATIONS

In view of the circumstances mentioned above and the fact that rising court cases in India is really an issue to be addressed on war footing basis, there is an urgent need to take following measures immediately:-

- First of all, fill in all the vacancies in the Supreme Court, the High Courts, and also in the subordinate courts through an specially launched selection and recruitment drive.
- The Governments must make additional budgetary provisions to improve upon the existing judicial infrastructure in their respective states. Not only the number of court rooms are to be increased, but the existing one also require a makeover.
- To increase the court fees applicable to the civil cases, and all the revenue thus

generated, must be spent on improving the judicial infrastructure alone.

- Judges may be asked to sit beyond normal office hours (6pm to 8pm). But the State Government must make the budgetary provisions to pay incentives to the judges as well as to the office staff staying beyond normal office hours.
- The recommendations of the collegiums, must reach to the respective governments within a time frame. Governments must also clear the files of the appointments quickly.
- To cut vacations of the courts. Earlier it was eight weeks in a year which was later cut by one week. Keeping in mind a huge number of pending cases, the court vacations should be reduced to four to six weeks.
- The Government and the Judiciary, instead of resorting to the blame game, should work together to iron out the differences and to find quick and permanent solutions to these problems.
- Last but not the least the, Government must think over passing such a deterrent Legislations, that number of criminal cases go down drastically. We are a Democratic Republic and cannot subject our citizens to the kind of laws prevalent in Islamic countries, but still there is a lot of room for plugging the loopholes by passing the stringent legislations, at least for the heinous crimes. There is also a scope of around five-to-ten-fold increase in the amount of fines and securities required at the time of granting bails.

CONCLUSION

It is a well known fact that there are a large number of vacancies in Supreme Court, High Courts and Lower Courts as well. Moreover, there is also the problem of judicial infrastructure i.e. scarcity of court rooms. There is a blame game going on between the Government of India and the Judiciary where the one side is proposing something and other side is rejecting it. Therefore, the need of the hour is to keep respective egos aside and take some concrete steps to reduce the number of cases. To start with, first of all, fill in all the vacancies in the Supreme Court, the High Courts, and also in the subordinate courts through an specially launched selection and recruitment drive. The Governments must make additional budgetary provisions to improve upon the existing judicial infrastructure in their respective states. To increase the court fees applicable to the civil cases. Judges may be asked to sit beyond normal office hours (6pm to 8pm). To reduce number of vacations of the courts. Government must think over passing such a deterrent Legislations, that number of cases, especially criminal ones go down drastically.

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