

Effective Judiciary: Dealing with Delays

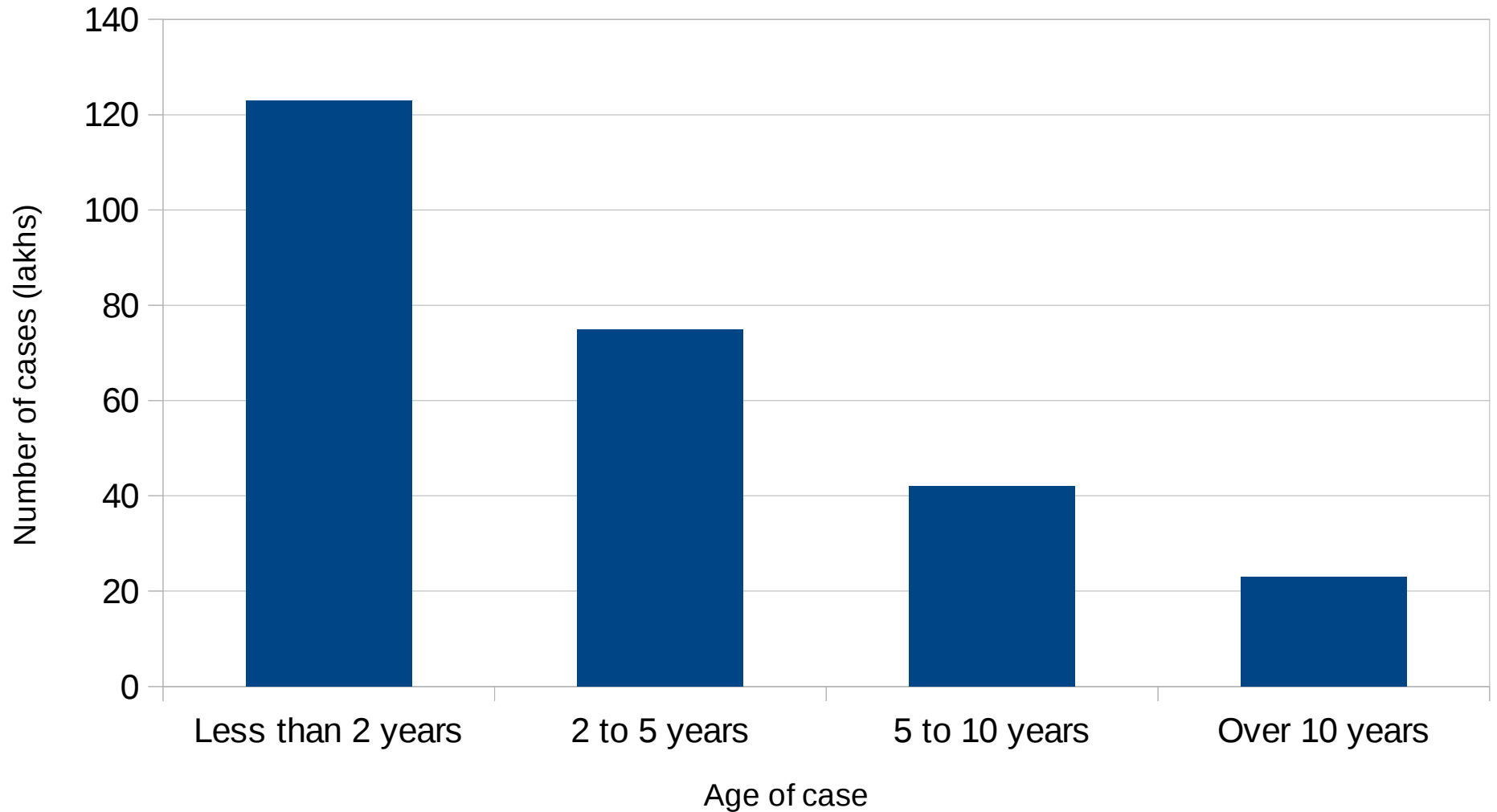
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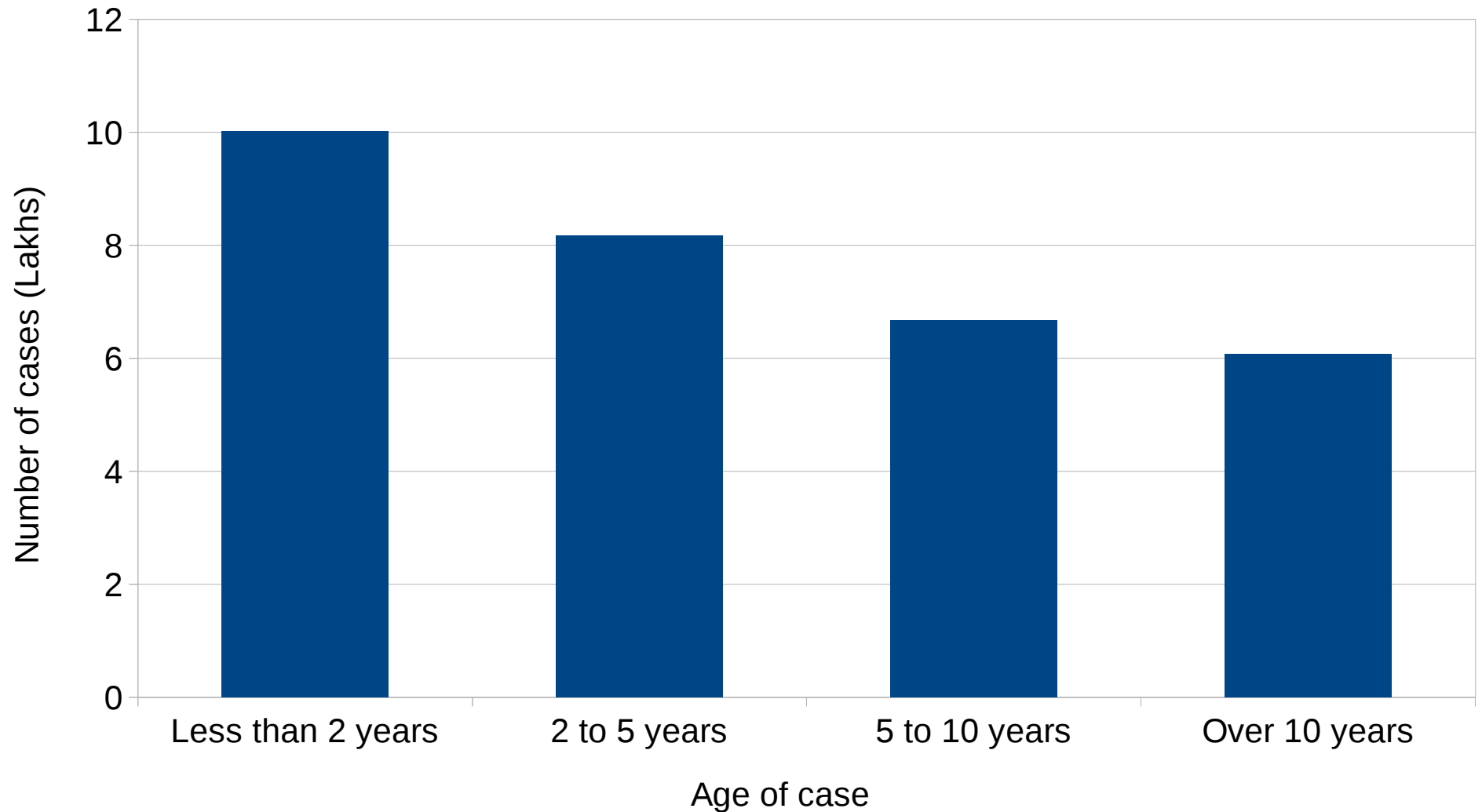
Introduction

- Latest data: About 3 crore cases pending in all.
- DC: 2.6 crore cases
- HC: 31 lakh cases
- SC: 55,000 cases

Pendency in DCs



Pendency in HCs



Pendency and delay

- Pendency and delay are different things!
- Definition of delay:
 - What is “normal”?
 - Malimath committee
 - “Failed” hearings
- We have reached “break-even”!

Three solutions

- Reduce the workload
- Have more judges
- Increase “efficiency”

Reduce workload

- Reduce number/cost of laws
 - US: Trump, Jan 2017: “... for every one new regulation issued, at least two prior regulations be identified for elimination ...”
 - UK
 - 2010: one in, one out
 - 2012: one in, two out
 - 2016: one in, three out

Reduce workload - II

- Reduce non-legal workload
 - CT Corporation, so that judges can focus on judicial work
 - US, UK, Canada, Australia ...

Reduce workload - III

- Judiciary can reduce its own work
- Clarity about the intent of the legislature
- Government: the biggest litigator
- Workload depends on population, laws, ...

More judges

- Long-standing view especially of judiciary
- 120th Report of Law Commission (1987):
50 judges per million population
- CJI: we need 70,000 judges.

More judges - II

- 245th Report of Law Commission (2014): 25,000 judges
- Clear up the backlog
- Train, infrastructure, ...
- US: Work-load estimation; Judicial Conference

Efficiency

- Processes

- Pre-trial hearings

- Timetables

- Oral submissions vs written statements

- Technology

- Not just “IT-enabling”

Efficiency - II

- Adjourments
 - Half the time lost!
- But efficiency alone does not solve the problem
 - May be good reasons to prioritise other factors over efficiency

Concluding thoughts

- It is possible to take “better or greater justice” too far, just as it is possible to take “fast justice” too far.
- Diversity of solutions, openness to outsiders (academics/public admin/economists/business process re-engineering) could help.
- No magic bullet; perhaps we need action on all three axes.



“Everything has been said already, but as no one listens, we must always begin again.”

– Andre Gide



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– Justice Malimath committee

Thank You!

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