

# Session 7: Judicial Standards and Accountability



Sunday, 28 Feb 2021  
12:00 PM - 2:00 PM



**Justice B.N. Srikrishna**

*Former Judge, Supreme Court  
of India  
(Chair)*



**Justice J. Chelameswar**

*Former Judge, Supreme Court  
of India*



**Prof. (Dr.) G. Mohan Gopal**

*Former Director, National  
Judicial Academy*



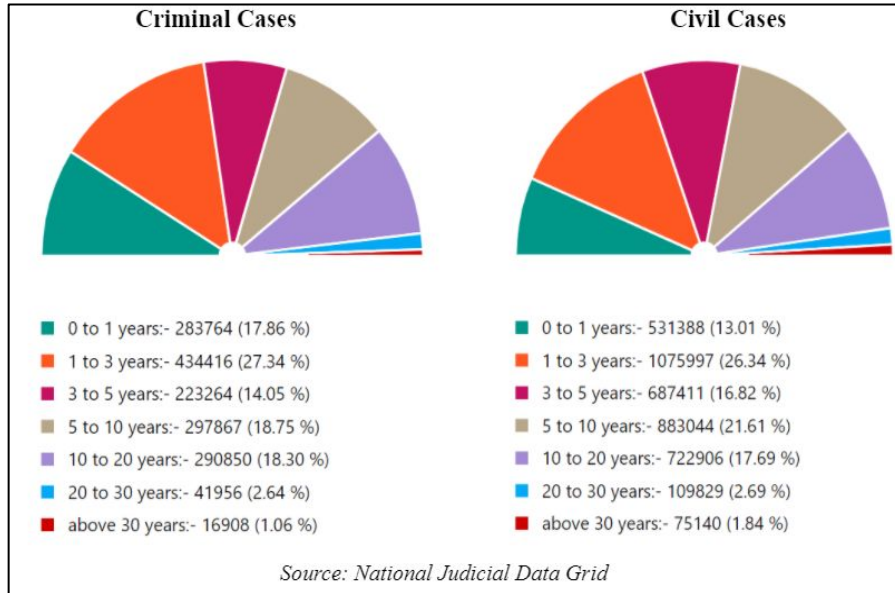
**Shri Harish Narasappa**

*Co-founder, Daksh*

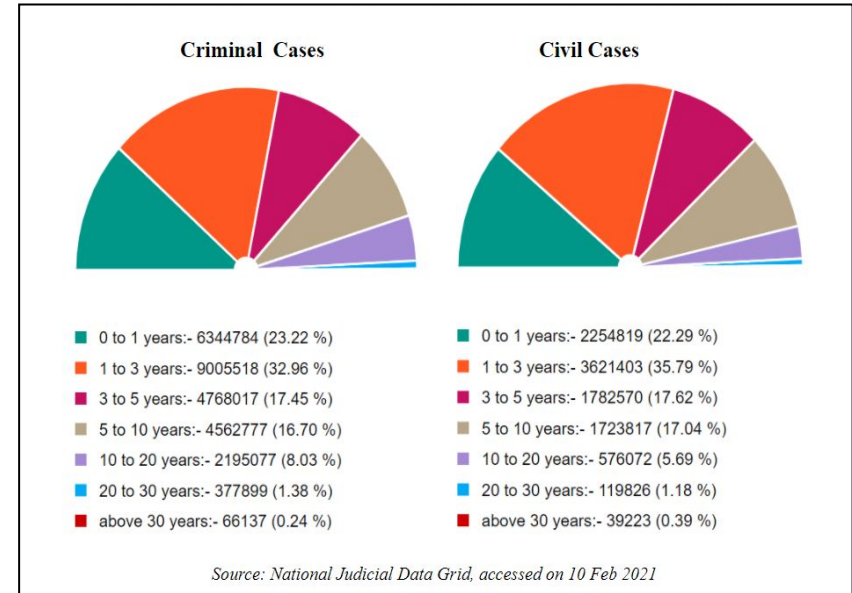
- The session will begin with a 5 minute presentation from FDR.
- The Chair for the session will first present his views for 10-12 minutes.
- The Chair will then call upon each speaker, who will also have 10-12 minutes to share their insights.
- Post that, the Chair may open the session for a panel discussion.
- The last 30-45 minutes will be dedicated to taking questions from the audience.
- We request the participants to keep the questions brief and lucid and also mention the panelist that they would like the question to be directed to.

# Enormous pendency of cases

## Age-wise pendency in District & Taluka Courts



## Age-wise pendency in High Courts

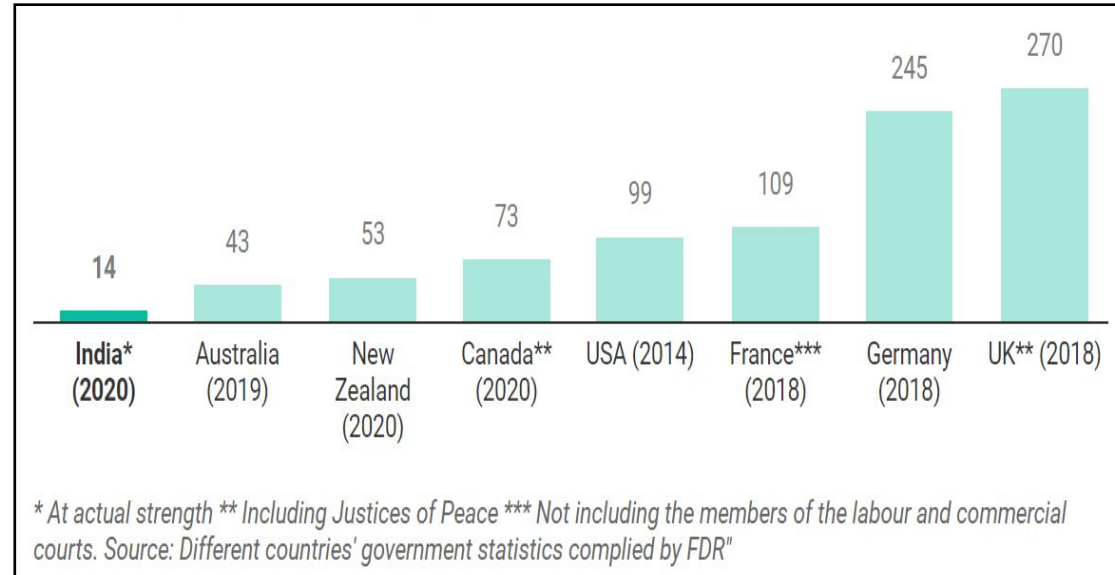


- Over **37 million civil and criminal cases** pending in District and Taluka courts and **5.6 million cases** pending in high courts

# Low Judge to Population Ratio

- Low judge to population ratio - actual strength of judges in India is **14 judges per million population**
- At the ratio of **50** judges per million population as recommended by the Law Commission, requirement of judges stands at nearly **70,000**
- However, sanctioned strength of judges only **25,316**, of which **5442** posts are vacant

### Judges per Million Population by Country



- A mere increase in the number of judges, without improvement in their quality, is of **no use**
- The quality of justice administered critically depends on the **quality of the judges recruited**
- Poor quality of judges causes:
  - ➔ **Delays in justice**
  - ➔ **Increases pendency**
  - ➔ **Impairs the quality of judgments**
  - ➔ **Diminishes trust in judiciary**
  - ➔ **Affects the competence of higher judiciary**
  - ➔ **Vitiates rule of law and constitutional governance**

- **Meritocratic service similar to that of the civil service**, to attract the best available talent to pursue a career on the Bench
- Recruitment through a **national-level examination** with fierce competition, making it aspirational
- **Transparent** and **efficient** mode of recruitment
- **Uniformity** and **regularity** in the examination process
- Incentivised with the opportunity of **elevation to higher judiciary**, ensuring better performance even after recruitment
- May be required to serve a **5-year probation in trial courts** below the district level before they become district judges and elevated to High Courts later

- **Article 235 of the Constitution** provides complete authority over the functioning of the judicial officers of the trial courts to the respective state High Courts
- Need to **strengthen the utilization** of this authority by the High Courts as an instrument to ensure judicial standards in the lower judiciary
- **No such mechanism** is envisaged in the constitution for ensuring standards in Higher Judiciary
- **Impeachment** of Supreme Court and High Court Judges for misbehaviour or incapacity is envisaged in Article 124(4) of the Constitution and procedure is laid down in the Judges (Inquiry) Act, 1968
- **Cumbersome and tedious process which is also rarely used**

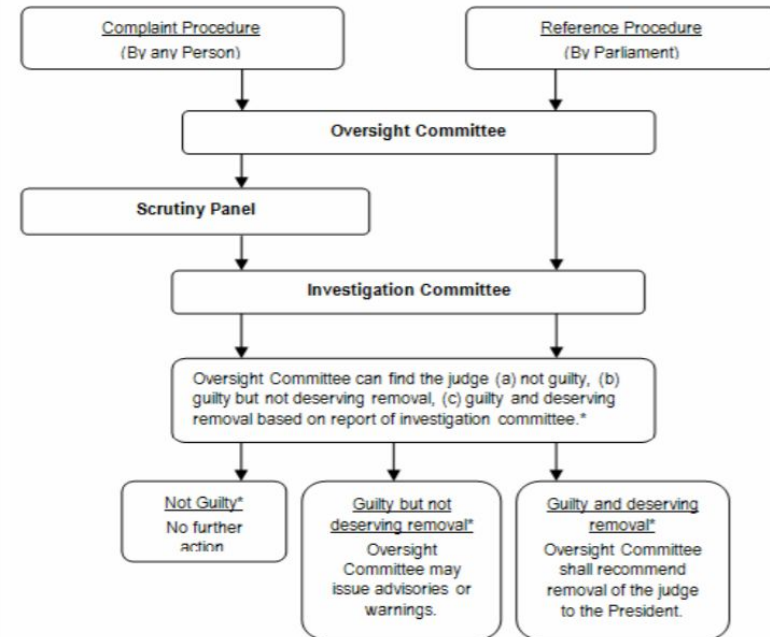
# Accountability Mechanisms - Impeachment process





- **National Judicial Standards and Accountability Bill, 2010** lays down judicial standards of conduct for judges
- Provides mechanisms for addressing complaints and removal of judges
- Proposed to establish an **Oversight Committee**, a **Scrutiny Panel** and an **Investigation Committee**

Figure 1: Procedure of investigation into a complaint against a High Court or Supreme Court judge.



\*Under the reference procedure, the final report of the Oversight Committee is submitted to the Speaker/ Chairman irrespective of the findings of the investigation committee.