

GOVERNMENTS IGNORING COURT ORDERS, SAYS CJI

Relevant for: Indian Polity | Topic: Judiciary in India: its Structure, Organization & Functioning, Judges of SC & High Courts, Judgments and related Issues

“The judiciary is also confronted with the issue of the executive willingly transferring the burden of decision-making to it. Though policy-making is not our domain, if a citizen comes to the court, with a prayer to address his grievance, the courts cannot say no...,” CJI Ramana said.

Though all should be mindful of their *Lakshman Rekha* and the judiciary, least of all, does not want to interfere in governance if it is done in accordance with law, the “non-performance of the various wings of the government” and “legislature not realising its full potential” had forced the courts to intervene in the past, he said. These two factors were burdens the judicial system could be spared if the government and legislature perked up, he said.

“Ambiguities in legislation add to existing legal issues. If the legislature passes a law, with clarity of thought, foresight and with people’s welfare in mind, the scope for litigation gets minimised. The legislature is expected to solicit the views of the public and debate the Bills, clause by clause, threadbare, before enacting a law,” Chief Justice Ramana said.

Caution on PILs

A constant flow of self-serving cases in the guise of public interest litigation (PIL) petitions take up precious judicial time. The CJI said PIL pleas, once a well-meaning concept, had slipped into petitions filed to settle political scores and corporate rivalry. The courts had become “highly cautious” in entertaining them.

Judicial strength

Sanctioned judicial strength continued to be disproportionate to the burgeoning case load faced by district courts, High Courts and the Supreme Court. To prove his point, the CJI showed the difference in statistics in the six years between the last conference in 2016 and the current one.

He said there were 388 judicial vacancies in various High Courts out of 1,104 sanctioned posts. The Supreme Court Collegium had made 180 recommendations in 2021, of which 126 appointments were made. Another 50 proposals were still awaiting the Centre’s approval.

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