

THE COURT'S BURDEN

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

It is unfortunate that the proposal by the [Chief Justice of India](#) (CJI) for a [national judicial infrastructure corporation](#) with corresponding bodies at the State level, did not find favour with many Chief Ministers at the recent joint conference of Chief Justices and Chief Ministers. A special purpose vehicle, vested with statutory powers to plan and implement infrastructure projects for the judiciary, would have been immensely helpful in augmenting facilities for the judiciary, given the inadequacies in court complexes across the country. However, it is a matter of relief that there was agreement on the idea of State-level bodies for the same purpose, with representation to the Chief Ministers so that they are fully involved in the implementation. The CJI, N.V. Ramana, who had mooted the proposal some months ago, sought to dispel the impression that a national body would usurp the powers of the executive, and underscored that it could have adequate representation of the Union/States. He had flagged the gulf between the available infrastructure and the justice needs of the people. If his proposal had been accepted, the available funding as a centrally sponsored scheme, with the Centre and States sharing the burden on a 60:40 ratio, could have been gone to the national authority, which would allocate the funds through high courts based on need. It is likely that Chief Ministers did not favour the idea as they wanted a greater say in the matter.

Given the experience of allocated funds for judicial infrastructure going unspent in many States, it remains to be seen how far the proposed State-level bodies would be successful in identifying needs and speeding up implementation. It will naturally require greater coordination between States and the respective High Courts. Union Law Minister Kiren Rijju has promised assistance from the Centre to the States for creating the required infrastructure, especially for the lower judiciary. While it is a welcome sign that the focus is on infrastructure, unmitigated pendency, chronic shortage of judges and the burgeoning docket size remain major challenges. CJI Ramana flagged some aspects of the Government's contribution to the burden of the judiciary — the failure or unwillingness to implement court orders, leaving crucial questions to be decided by the courts and the absence of forethought and broad-based consultation before passing legislation. While this may be unpalatable to the executive, it is quite true that litigation spawned by government action or inaction constitutes a huge part of the courts' case burden. The conversation between the judiciary and the executive at the level of Chief Justices and Chief Ministers may help bring about an atmosphere of cooperation so that judicial appointments, infrastructure upgradation and downsizing pendency are seen as common concerns.

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