

## Wake-up call

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At the just-concluded conference of chief ministers and chief justices of high courts in the Capital, the prime minister and the Chief Justice of India seemed to have a completely different take on the reason for the appalling backlog of cases — 31.19 million — before our courts.

To Chief Justice K G Balakrishnan, the solution lay in speedy appointment of more judges to tackle the 'chronic shortage of judicial officers' (read, sanctioning more posts). To the prime minister, the answer lay in the judiciary filling up existing vacancies at the levels of the subordinate judiciary and high courts — a task largely performed by the judiciary.

Separately, there has also been a suggestion that judges at all levels could work longer hours and take less vacations than they do now. The truth, as always, lies somewhere in between! Both the government and the judiciary need to do their bit to tackle the problem — the government by sanctioning more posts and ending the perennial delay in appointments and the judiciary by filling up existing vacancies, cutting back on the number of holidays and through greater recourse to technology.

But that alone will not suffice. The welcome spread of literacy and awareness of their rights is bound to see a quantum jump in the number of citizens seeking legal redressal of their wrongs. In its landmark judgement in *Hussainara Khatoon vs State of Bihar* back in 1979 the Supreme Court held that a criminal procedure system that does not provide for a speedy trial cannot be said to be fair or reasonable. The situation is far worse now.

Hence efforts to tackle the backlog must go in tandem with measures aimed at alternate dispute resolution through Lok Adalats, mediation and plea bargaining to reduce the number of cases that finally come to the courts. A large number of pending cases relate to petty offences that lend themselves to such alternate forms of dispute resolution and would reduce both costs as well as delays, apart from addressing the human issue of the large number of undertrials languishing in our jails. A well-functioning judicial system is the sine qua non of a well-ordered society. We ignore it at our peril!