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CJI moots all-India judicial service

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It will be on the lines of Central civil services and form a cadre of judicial officers

Up to 25% per cent of officers in each State can be drawn from all-India cadre

Reliance on civil justice system is shockingly low in many States

— Photo: V. Sudershan



Union Law and Justice Minister M. Veerappa Moily (left) with Karnataka High Court Chief Justice P. D. Dinakaran at the 'national consultation for strengthening the judiciary towards reducing pendency and delays,' in New Delhi on Saturday.

New Delhi: Chief Justice of India K.G. Balakrishnan on Saturday underlined the need for the formation of an All-India Judicial Service, on the lines of the Central civil services, for improving quality of subordinate courts.

"While the service-conditions for High Court judges have seen a substantial improvement, we still need to dwell on how to attract qualified persons to a career in the higher judiciary. One strategy, of course, is selecting more persons from the subordinate judiciary."

The CJI was inaugurating a two-day meet, organised here by the Department of Justice and the Indian Law Institute, on strengthening the judiciary towards reducing pendency and delays.

"Another proposal for improving the quality of subordinate courts is the creation of an All-India Judicial Service. This would entail the formation of an all-India cadre for officers appointed in the rank of additional district judge. The recruitment would be through a national-level examination and it is suggested that up to 25 per cent of the officers in each State could be drawn from this all-India cadre."

However, Justice Balakrishnan said, this proposal faced some criticism "since there are apprehensions that individuals belonging to one State may face language problems when they are posted in another State. This can be addressed by factoring in the candidates' language skills while deciding on the location of their assignment. The main objective is to ensure a degree of uniformity in the examination process."

The CJI sought the response of the States to this proposal.

He said a comparison of judicial statistics from different States showed that "the litigation rates in the various States do not bear a consistent correlation with their respective populations. This means that in some States, a large proportion of the population has been approaching the courts as compared to other States. What is especially worrying is the immense disparity between the number of civil and criminal cases instituted in backward and insurgency-hit areas."

Justice Balakrishnan said: "A perusal of the pendency figures indicates that while there are more civil cases filed in developed areas, the reliance on the civil justice system is shockingly low in Bihar, Jharkhand, Chhattisgarh, Jammu and Kashmir as well as the northeastern States. This disturbing trend could have two explanations — one, that the number of courts is grossly inadequate, and secondly, ordinary citizens are consciously not bringing their civil disputes before the judicial system. If the second of these explanations holds good, then it indeed calls for targeted interventions."

Attorney-General G. E. Vahanvati said: "If our court system is suffocatingly crowded, a single institution responsible for the claustrophobic atmosphere is the government itself." Its role as the biggest litigant in the country had been commented upon for decades. Now the time had come to tackle this situation systematically, comprehensively and relentlessly.

The AG said a serious problem with government litigation was a complete lack of management on the part of the department. On the initiative taken by Law Minister M. Veerappa Moily to put in place a clear litigation policy, he said: "Such a policy must set out the categories of cases in which appeals cannot and should not be filed. If there is a clear policy then it can be safely implemented and nobody can be blamed later for not filing further proceedings."

The afternoon sessions were divided on the basis of regions and addressed by Supreme Court judges.

Prof. N.R. Madhava Menon dwelt on the challenges in reduction of arrears in courts. He said there must be an arrears eradication scheme.

Solicitor-General Gopal Subramaniam, Home Secretary, Gopal Krishna Pillai and Law Secretary T.K. Viswanathan addressed the conference.

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