Enhancing Judicial Efficiency

What is the issue?

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- Our judicial system has been saddled with humongous backlogs.
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- The quality and efficiency of courts in India can be improved with simple tweaks and better data analytical tools.
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What is the current state of affairs?

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- Chief Justice of India ‘Dipak Misra’ recently flagged the high pendency of cases in High Courts across India and demanded an action plan to dispose them.
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- While periodical review of arrears and addressing them is important, the manner in which judicial performance is measured also needs review.
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- For decades now, cases disposal rate has been the measure of court’s performance, which is flawed, as it doesn’t account for quality of adjudication.
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- Additionally, the disposal rate method also fails to differentiate the nature of dispute being heard and the intricate parameters involved in it.
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- To evolve a better metric for measuring performance and addressing backlogs, courts should start analysing its own historical case data.
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- This can then be followed up with focussed interventions to counter specific case types or stages at which the case pipeline is clogged.
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How is “case listing” causing backlogs?

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- Thus far, the discourse on case pendency has largely revolved only around delayed appointments of judges and the numerous vacancies in courts.
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- But other factors like “case listing practices” are also found to have significantly influenced case movement and caused large pendency.
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- Currently, as much as 100 cases per day are sometimes allocated for judges, which might sound like an impressive work day on paper.
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- But the cases that actually reach the judicial table are rarely even close to that number, making the listing of cases a flawed measure of efficiency.
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- **The Malice -** Firstly, listing patterns are generally erratic, with the number of matters listed for the same courtroom ranging widely from 1 to 126 a month.
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- Secondly, a large number of cases listed in a day have invariably meant that matters listed towards the end of the day remained left over.
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- Thirdly, old pending matters barely made it to court and trends show that 91% of them remained unheard despite allocation of specific days for backlogs.
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- Notably, the main reason for this is said to be the numerous urgent matters that are tabled before judges and the loss of litigant interest with time.
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What kind of changes can be done to the listing process?

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- Case list preparation can be made more scientific if supported by a consistent study of the variance in the number of cases listed across courts.
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- In addition, the identifying the exact stages at which cases are clogging

the pipeline for the longest duration, and the nature of cases left over.
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- The case list could have cases methodically distributed by type and stage, and systematic limits can be placed on the weightage of each type of case.
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- This will also help in ensuring that only as many cases as can be reasonably heard will be listed on a daily basis.
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- Also, final hearings should ideally be heard at first in a day as it requires the complete attention of judges (currently, they are predominantly heard last).
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- Old cases must be disposed on a priority basis and it should be ensured that adjournments aren't granted for frivolous reasons.
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- Scientific listing of cases on these lines will eliminate discretionary powers of judges to decide on the number of cases to be allocated.
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Source: The Hindu

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