Raising the Retirement Age for Judges

What is the issue?

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- India needs to consider enhancing the retirement age of judges.
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- This would bring a whole lot of benefit to our judicial system.
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How does India’s judiciary compare with others?

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- **Age -** Retirement age of 70 for judges is common in most countries like - Belgium, Denmark, Ireland, the Netherlands, Norway and Australia.
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- Countries like the U.S., Greece and Austria appoint judges to their highest courts (or constitutional courts) for life.
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- Currently, the retirement age for judges in India is 60 in lower courts, 62 in High Courts (HC) and 65 in the Supreme Court (SC).
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- **Ratio -** The judge-population ratio in India is among the lowest in the world at 19.66 judges per million (10 lakh) people as of today.
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- Contrasting this, in 2016, the U.K. had 51 judges per million people, the U.S. had 107, Australia had 41, and Canada had 75.
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What is the key problem constraining the Indian Judiciary?

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- **Data -** Over 3.3 crore cases are classified as backlogs within our judiciary, and more than 2.84 crore cases are pending in the subordinate courts alone.

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- Further, “National Judicial Data Grid” notes that over 43 lakh cases are pending before the HCs, and 57,987 cases are pending before the SC.
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- Lakhs of cases are pending as arrears before the 24 High Courts in India for periods as long as 10-20 years.
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- **Implication -** Pendency does not only weaken the justice redress system, but it also makes the rule of law a distant dream.
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- Notably, more and more litigants now enter the justice redress system without the faintest hope of seeing closure in their lifetimes.
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- **Future -** As the Indian economy grows, the ratio of litigation to population is expected to increase exponentially.
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- Notably, advanced economies such as Australia, Canada, France, the U.S., the U.K., and Japan have much higher litigation-to- population ratios.
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- C0nsidering the current case load, our judiciary is likely to face an enormous case load that can be of catastrophic proportions.
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What is the solution?

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- **What -** It is necessary to increase the number of judges in the pool to enable the judiciary to deal with the enormous pendency of cases.
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- It would be desirable for India to emulate the west and consider increasing the retirement age for judges in the HCs and SC.
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- **Moves -** Venkatachaliah Report in 2002 (that reviewed the working of the Constitution) had recommended for increasing the retirement age of judges.
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- In this context, Constitution (114th Amendment) Bill to rise the retirement age of HC judges to 65 was introduced in 2010, but never got passed.
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- Considering the situation, the bill needs to be revived and the

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What are the advantages of increasing retirement age?

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- Indian law permits retired judges to chair tribunals till the age of 70, which is proof of the persisting competence of experienced judges.
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- Retiring them early while their services can continue to benefit the mainstream judiciary is akin to losing experienced judges before their prime.
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- Enhancing retirement age will ensure the continued presence of experienced talent pool in the judiciary for longer periods.
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- Further, to better the ratio of judge-to-population, newer judges can also be appointed without displacing the experienced ones.
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- It will help in reducing arrears and would further be able to take on the impending “litigation explosion” that usually comes with economic growth.
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- It will also render post-retirement assignments unattractive and thereby strengthen the rule of law and the independence of the judiciary.
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Source: The Hindu

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