

Judicial Pendency:

Saturday, 16th March, 2019.

4:00PM to 6:30PM

K. C. College, Mumbai.

Mumbai First in collaboration with K.C. College has taken the lead and invited some of the most prominent judges, lawyers, urban thinkers and citizens from Mumbai to contribute via a panel discussion to the problem of Judicial Pendency in India.

The Presenter:

Mr. Shailesh Gandhi – Former Central Information Commissioner

The Panel:

Justice B.N. Srikrishna – Former Judge, Supreme Court

Justice Vijay C Daga – Former Judge, Bombay High Court

Justice Roshan Dalvi – Former Judge, Bombay High Court

Justice J.H. Bhatia – Former Judge, Bombay High Court

Mr. Firoze Andhyarujina – Senior Advocate, Supreme Court

Mr. Anil Harish – Partner, D.M. Harish & Co.

Mr. Sanjay Asher – Senior Partner, Crawford Bayley & Co.

The suggestions made by the above panel include:

- Ensuring that time frames are set and abided by in all cases that are brought to the court.
- Bridging the gap between the legislature and the judiciary to ensure a reduction in the number of amendments to the constitution and increase judicial efficiency. The making or amendment of laws on the basis of personal or political agendas needs to be discouraged. For example, the executive makes laws banning substances without thinking of the number of additional cases that the judiciary will now have to resolve.
- To encourage a more evidence based judicial process (i.e. no evidence, no case), to ensure that the time of the judges are used effectively. It is current practice to file cases while knowing there is no evidence to substantiate a claim. This only adds negative value to the time of all people involved in the judicial process.

- To ensure that the legislature only makes those laws for which it has quality laboratories for evidence analysis and the court room space.
- To ensure that the high quality of our judges is not compromised for any reason. One way to do this, is to provide them with mandatory formal training.
- To plan the replacement of judges at least a year in advance (which should not be difficult as all judges have a fixed age at which they have to resign). This could also be done with the help of MBAs who specialize in resource and time management to ensure the smoothest transition.
- The introduction of e-courts could be beneficial as well to ensure that pleadings are filled online, a fixed amount of time is given for judges to deliberate and the reply is given electronically as well. This will increase efficiency inside of the judicial system and also make the judicial system more accessible to those people who live in more remote areas of our country.
- Encouraging the citizen to stay out of the courts until absolutely necessary is important as well. This means, encouraging them to try mediation or arbitration instead. The setting up of more tribunals can help decrease the number of cases going to courts as well.
- Just like every company has a human resource department that handles internal management, the judges and judicial system need to have a HRD as well to handle all backhand work that is currently being done by the judges so that they can focus on deliberating over cases along.
- Dealing with new cases is just as important as dealing with the older ones so the short deliberation time leads to a discouragement for people filing frivolous lawsuits. This could be managed by designating some judges to handle old cases and some to handle newer ones.
- The role of local social organizations should not be ignored. The trust that the people of the region have in these local social organizations make them key stakeholders. In fact, there have been instance when these social organizations resolved cases that the court could not solely because they were so trusted by its people.
- The laws made in our country are so complicated that the common people feel alienated by it. We need to make simple laws so that the people are able to understand them thoroughly which will lead to lesser infractions and eventually, fewer new cases in court.