

Panel Discussion on Judicial Pendency: Challenges and Solutions

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.

We have been hearing that the Indian Judiciary would need decades to clear its backlog, unless the number of judges is increased multiple times and certain other reforms brought in. The judicial system has become irrelevant for the common citizens, and this is responsible for many ills plaguing our Nation, like disrespect for laws and corruption. The ease of doing business also suffers and the rule of law cannot really prevail. Those who do not follow the law are helped by the judicial delays in the system. It is common knowledge that a defaulting business often refuses to pay and challenges the creditor to go to court with the threat that he will be able delay the matter by a decade. There is a dire need to discuss and deliberate all aspects of the problem of Judicial Pendency in the public domain. It needs a sustained effort to reach out to citizens and policy makers, working to find a timely solution to this chronic and debilitating problem.

The Panel discussion began with a presentation of a possible solution by Mr. Shailesh Gandhi, Former Central Information Commissioner. He, being influenced by the difficult experiences of people in relation with the court system in India, has looked at data on judicial vacancies and given us a simple solution: **Fill up all vacancies for judges in all hierarchies of the judicial system. According to the research he presented, a staggering 20-40% judge position are vacant.**

By filling up these positions alone, India will have the ability to clear up its backlog and in a matter of a few years, will have the ability to import cases from other countries that are struggling as well.

The Panel Discussion followed the presentation and upon some deliberation, the panel unanimously agreed that the presented solution was indeed a viable one. Some other solutions to the problem of Judicial Pendency and to improve the efficiency of the Judiciary as a whole were discussed as well. These included, changing law maker attitudes, educating the people on their own laws, penalizing frivolous cases, introducing e-courts, etc. (For more details on the solutions, click on the “**Detailed Discussion on Solution**” link.

The panel agreed that there is no will to make changes to reduce judicial pendency on the part of the government. By setting aside a budget to build a few more courtrooms and fill all vacancies, this problem could easily be tackled.

The Panel discussion was followed by a question and answer session with the audience that housed lawyers and law students, company executives, litigants and concerned citizens. Questions were raised about the possibility of reducing the cost of arbitration, the practicality of imposing time limits of cases, the possible actions against those who file frivolous cases, some aspects of the American system of paying lawyers, etc.

Going forward, with all the above mentioned possible solutions to mitigate Judicial Pendency, Mumbai First will present to the right government officials, the above mentioned points in the form of a citizens’ charter to encourage them to take the necessary steps for mitigation.