

# The Hindu

## Approved strength of judges enough to end backlog: Law panel head

In a view different from the highest judiciary's call for more judges to trim pendency, Law Commission of India Chairman and former Supreme Court judge Justice Balbir Singh Chauhan said "working judges", and not increasing sanctioned strength of judges, may be a solution to modern-day demands of judicial workload caused by the heightened legal awareness among the public about their liberties.

"Increasing the sanctioned strength of judges will not solve the problem. We need working judges. Liberty has become more important. Workload has increased because of an increase in awareness among the public and education. There has been an expansion of liberty and courts are bound by the public's faith in the judiciary," Justice Chauhan, Chairman of the 21st Law Commission, said in an interaction with The Hindu at his residence on Monday.

In short, Justice Chauhan said steps should be taken to fill the sanctioned strength rather than increase the number of judges over and above the current sanctioned strength to solve pendency.

His view comes at a time when the Supreme Court has directed the Law Commission to file a report within a year on whether it is permissible to rid the apex court of routine appeals crowding the court, to help it focus on cases of national and public interest.

Justice Chauhan's views come at a time when Chief Justice of India T.S. Thakur has called for over 70,000 more judges to be appointed to courts all over the country to clear the backlog.

This is when the present vacancies in the High Courts number over 480 when the sanctioned strength is 1079. The Supreme Court has itself three vacancies in a total sanctioned strength of 31 judges.

The Chief Justice had made an emotional appeal in the presence of Prime Minister Narendra Modi that the work burden of judges was becoming humanly unbearable.

Asked whether an amended Bill of the National Judicial Appointments Commission (NJAC) may be a way out of the current impasse perceived

between the highest judiciary and the government over the drafting of the Memorandum of Procedure of appointment of judges, he said there is every possibility it may be challenged and lead to “another year’s delay” in judicial appointments.

“Democracy is a collective opinion. Nobody has primacy. There should be a collective opinion, a collective effort. You cannot say we are the most important,” he said.

The October 16, 2015 judgment, which revived the Collegium, was based on ‘primacy of judiciary’ in judicial appointments.

On the government’s recent reference to examine and report on the Uniform Civil Code, he said the matter of uniform personal laws is a “social issue.”

“We are not in a hurry. We are collecting material and are in talks with all the stakeholders,” Justice Chauhan said. He said work is at a preliminary stage.

On the Supreme Court’s reference in July 2016 to review provisions of the Advocates Act to curb misconduct among lawyers, he said the judiciary wants “more teeth” to control lawyers’ misconduct. He said the message is “don’t malign the courts.”

The country had seen lawyers resort to violence in various High Courts, including the Madras High Court and Kerala High Court.

“Judges have asked whether Parliament through law can empower the judiciary, in addition to the power of contempt of court, to debar lawyers for misconduct committed inside and outside the courts,” Justice Chauhan explained.