



# A crippling shortage

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## **A crippling shortage-Lower courts, performing critical functions, must not be bogged down by vacancies**

### **Why in news?**

As vacancies in lower courts sharpening over the years, Supreme court has warned state governments of use of its extraordinary power.

- The burgeoning docket burden that weighs down the judiciary is not because of its lumbering judicial processes alone, as it is often made out.
- The chronic shortage of judges and severe understaffing of the courts they preside over are significant reasons.
- More than a decade after the Supreme Court laid down guidelines in 2007 for making appointments in the lower judiciary within a set time frame, a similar issue is back before the highest court.
- The immediate context is the existence of more than 5,000 vacancies in the subordinate courts.
- A Bench headed by Chief Justice of India Ranjan Gogoi has pulled up State governments and the administration of various High Courts for the delay in filling these vacancies.
- The State-wise figures are quite alarming.
- The reasons are not difficult to guess: utter tardiness in the process of calling for applications, holding recruitment examinations and declaring the results, and, more significantly, finding the funds to pay and accommodate the newly appointed judges and magistrates.
- Besides, Public Service Commissions should recruit the staff to assist these judges, while State governments build courts or identify space for them.
- According to the Constitution, district judges are appointed by the Governor in consultation with the High Court.
- Other subordinate judicial officers are appointed as per rules framed by the Governor in consultation with the High Court and the State Public

Service Commission.

- In effect, the High Courts have a significant role to play.
- A smooth and time-bound process of making appointments would, therefore, require close coordination between the High Courts and the State Public Service Commissions.
- Any failure to allocate the required human and financial resources may lead to the crippling of judicial work in the subordinate courts.
- It will also amount to letting down poor litigants and undertrials, who stand to suffer the most due to judicial delay.

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