

Court Vacations

Why in news?

Chief Justice of India D. Y. Chandrachud said no that no vacation benches will be available in the apex court during the winter break.

The announcement came the day after Union Law Minister Kiren Rijiju criticised the judiciary for taking long vacations.

What are court vacations?

- **Court vacations** - The judicial schedule has its origins in colonial practices.
- The summer break perhaps began because European judges of the Federal Court of India found Indian summers too hot and took the winter break for Christmas.

Court	Working days per year
Supreme Court	193
High Courts	210 days
Trial courts	245 days

- High Courts have the power to structure their calendars according to the service rules.
- The Supreme Court's annual summer vacation typically lasts for 7 weeks — it starts at the end of May, and the court reopens in July.
- The court takes a week-long break each for Dussehra and Diwali, and 2 weeks at the end of December.
- **Vacation benches** - Generally, a few judges are available for hearing urgent cases even when the court is in recess.
- The combination of two or three judges, called vacation benches, hear important cases that cannot wait such as bail, eviction, etc.
- In 2015, a five-judge Bench of the Supreme Court heard the challenge to the constitutional amendment setting up the National Judicial Appointments Commission (NJAC) during the summer vacation.
- In 2017, a Constitution Bench held a six-day hearing in the case challenging the practice of triple talaq during summer vacation.

What are the arguments in favour of court vacations?

- **Rejuvenation** - Lawyers have often argued that in a profession that demands intellectual rigour and long working hours, vacations are much needed for rejuvenation.
- **Preparation time** - Apart from the day's work in court, they also spend a few hours preparing for the next day.
- The legal fraternity argue that judges utilise the vacation to write judgments.

- **Less leave during sessions** - Also, judges do not take leave of absence like other working professionals when the court is in session.
- Family tragedies, health are rare exceptions, but judges rarely take the day off for social engagements.
- **Role in reduction of pendency of cases** - Cutting down on court vacations will not see a dramatic decrease in pendency of cases, as pendency relates largely to legacy cases that need to be tackled systemically.
- The argument that cutting the vacation period would be a solution to pendency is not backed by data, and takes away from real issues that contribute to the pendency problem.

Why are court vacations criticised?

- **Reasons for criticism** - Extended frequent vacations is not good in the light of mounting pendency of cases and the snail's pace of judicial proceedings.
- For an ordinary litigant, the vacation means further unavoidable delays in listing cases.
- **Efforts taken** - In 2014, the Supreme Court's new Rules said that the period of summer vacation shall not exceed 7 weeks from the earlier 10-week period.
- In 2014, when the pendency of cases hit the 2 crore mark, then **CJI R M Lodha** had suggested keeping the Supreme Court, High Courts, and trial courts open round the year.
- With Justice Lodha's tenure lasting just five months, that proposal did not see the light of the day.
- Former **CJI T S Thakur** also suggested holding court during vacations if parties and lawyers mutually agreed but it did not take effect.

Recommendations

- **Justice Malimath Committee** - In 2000, the Justice Malimath Committee suggested that the period of vacation should be reduced by 21 days.
- It suggested that the Supreme Court work for 206 days, and High Courts for 231 days every year.
- **Law Commission Report** - The 230th report of Law Commission of India in 2009 said that the vacations in the higher judiciary must be curtailed by at least 10 to 15 days and the court working hours should be extended by at least half an hour.

What is the practice in other countries?

- The US Supreme Court hears approximately 100-150 cases a year, and sits for oral arguments for 5 days a month.
- In the UK, the Supreme Court sits in 4 sessions throughout the year, spanning roughly 250 days.

Quick facts

- The Indian Supreme Court has the highest caseload among the apex courts around the world and also works the most.
- In terms of the number of judgments delivered, with 34 judges, the Indian Supreme Court leads the way.
- In 2021, 29,739 cases were instituted before the Supreme Court, and 24,586 cases were disposed of by the court in the same year.

References

1. [The Indian Express | Arguments for and against judges taking breaks](#)
2. [The Hindu | Court vacations](#)

