

Raising the Retirement Age for Judges

What is the issue?

\n\n

\n

- India needs to consider enhancing the retirement age of judges.

\n

- This would bring a whole lot of benefit to our judicial system.

\n

\n\n

How does India's judiciary compare with others?

\n\n

\n

- **Age** - Retirement age of 70 for judges is common in most countries like - Belgium, Denmark, Ireland, the Netherlands, Norway and Australia.

\n

- Countries like the U.S., Greece and Austria appoint judges to their highest courts (or constitutional courts) for life.

\n

- Currently, the retirement age for judges in India is 60 in lower courts, 62 in High Courts (HC) and 65 in the Supreme Court (SC).

\n

- **Ratio** - The judge-population ratio in India is among the lowest in the world at 19.66 judges per million (10 lakh) people as of today.

\n

- Contrasting this, in 2016, the U.K. had 51 judges per million people, the U.S. had 107, Australia had 41, and Canada had 75.

\n

\n\n

What is the key problem constraining the Indian Judiciary?

\n\n

\n

- **Data** - Over 3.3 crore cases are classified as backlogs within our judiciary, and more than 2.84 crore cases are pending in the subordinate courts alone.

- \n
- Further, “National Judicial Data Grid” notes that over 43 lakh cases are pending before the HCs, and 57,987 cases are pending before the SC.
- \n
- Lakhs of cases are pending as arrears before the 24 High Courts in India for periods as long as 10-20 years.
- \n
- **Implication** - Pendency does not only weaken the justice redress system, but it also makes the rule of law a distant dream.
- \n
- Notably, more and more litigants now enter the justice redress system without the faintest hope of seeing closure in their lifetimes.
- \n
- **Future** - As the Indian economy grows, the ratio of litigation to population is expected to increase exponentially.
- \n
- Notably, advanced economies such as Australia, Canada, France, the U.S., the U.K., and Japan have much higher litigation-to- population ratios.
- \n
- Considering the current case load, our judiciary is likely to face an enormous case load that can be of catastrophic proportions.
- \n

\n\n

What is the solution?

\n\n

- \n
- **What** - It is necessary to increase the number of judges in the pool to enable the judiciary to deal with the enormous pendency of cases.
- \n
- It would be desirable for India to emulate the west and consider increasing the retirement age for judges in the HCs and SC.
- \n

\n\n

- \n
- **Moves** - Venkatachaliah Report in 2002 (that reviewed the working of the Constitution) had recommended for increasing the retirement age of judges.
- \n
- In this context, Constitution (114th Amendment) Bill to rise the retirement age of HC judges to 65 was introduced in 2010, but never got passed.
- \n
- Considering the situation, the bill needs to be revived and the

\n

\n\n

What are the advantages of increasing retirement age?

\n\n

\n

- Indian law permits retired judges to chair tribunals till the age of 70, which is proof of the persisting competence of experienced judges.

\n

- Retiring them early while their services can continue to benefit the mainstream judiciary is akin to losing experienced judges before their prime.

\n

- Enhancing retirement age will ensure the continued presence of experienced talent pool in the judiciary for longer periods.

\n

- Further, to better the ratio of judge-to-population, newer judges can also be appointed without displacing the experienced ones.

\n

- It will help in reducing arrears and would further be able to take on the impending “litigation explosion” that usually comes with economic growth.

\n

- It will also render post-retirement assignments unattractive and thereby strengthen the rule of law and the independence of the judiciary.

\n

\n\n

\n\n

Source: The Hindu

\n

