

Ray of hope for judges of District Court judiciary

After passing of five days of the New Year the gift of New Year came for the judges of District judiciary on sixth of January. Honourable Chief Justice of India pleased to take up for considering recommendations of Second National Judicial Pay Commission in writ petition number 643 of 2015 filed by All India Judges Association. Honourable Chief Justice of India, as we have observed his zealousness while deciding the matters, directed the State and Central governments to cooperate and do it in the interest of judiciary of country (as is reported by live law). Honourable Chief Justice directed all the State Governments and Union Territories to give their objections in writing in a short-written note to the amicus who in turn will prepare a comprehensive report containing the objections and the Commissions observations in relation to these objections. Honourable chief justice also allowed learned Attorney General to give a short-written objection for government of India. Learned Attorney General however informed that the additional Solicitor General will tender objections on behalf of government of India. Honourable Chief justice of India put a time limit for presenting the objections to the amicus. Honourable Chief Justice also made it clear that it would be appropriate for the court to decide first the issues relating to the pay of the judges of District judiciary and pensionary benefits of retirees keeping in mind a long pendency of these two issues.

The judges of District judiciary are appointed by the State Governments and therefore are the employees of state government. It is the responsibility of the employer to see that its employees get their dues in time. This however do not happen with Judges of District Judiciary. Since acceptance of recommendations of First National Judicial Pay Commission by the State Governments in or around 2003 the district judiciary in every State is facing similar problem except Delhi judiciary. By accepting recommendations of sixth pay commission and seventh pay commission the State Governments increased the pay and allowances of administrative officers and all other employees except the judges after 1 or 2 years of submission of report. Last such revision was around 2017 or 2018. It is true that the pay and allowances of the judges are required to be determined as per the recommendations of judicial pay commission however when there is a delay in input from these commissions or committees it is for the State Governments as noble employers to make just increase in the salary of judges of District judiciary to equate their salary with other officers of the State to remove the feeling of disparity amongst Judges. The State Governments in most of the cases take an excuse that the salary of the judges will be determined by National Judicial Pay Commission until then they will continue to get salary as per their old scale. The Delhi government in the year 2006 and 2016 however revised the salary of judges of District judiciary without waiting for directions of honourable Supreme Court and the judges accepted the salary subject to

revision of salary by National Judicial Pay Commission. A silver lining this year is acceptance of one of the recommendations regarding domestic help by Uttarakhand government, which had partially accepted the recommendations, only in respect of serving judges and not in respect of retired Judges. The SNJPC did provide one interim relief equivalent to 30% of the basic but as it was not linked to DA it became inadequate with lapse of time to bridge the gap between unrevised salaries of Judges and revised salaries of other employees. Though the SNJPC had taken two long years to decide the terms of references partially it did not think of declaring 2nd IR leaving the Judges to suffer the feeling of disparity.

Considering the workaholic nature of honourable Chief Justice of India now there is no looking back and the petition is going to be decided in next few days.

The cry for justice by the judges of the district judiciary will however not end by getting the monetary benefits by revision of pay and allowances. There are bigger questions not only of the welfare of judges of District judiciary but of the welfare of entire judiciary. The All India Judges Association in writ petition number 643 of 2015 placed before honourable Supreme Court that there are various issues of work conditions and work method of judges which are required to be resolved by deliberations of all the stakeholders. Vis a vis the anomalies created by recommendations of First National Judicial Pay Commission or its recommendation have created various problems before the judges of district judiciary which are required to be considered and anomalies are required to be removed. The commission is yet to give hearing to All India Judges Association in this regard. The issues of work methods and work conditions include the issue of making better judiciary by correcting the course of employment of judges, of training of Judges with appropriate and modern methods of training to develop the skills of judges and sensitizing them on gender equality and further make them competent to deal with cases under searching lens of media. It appears that the work of the judges is evaluated quantitatively not qualitatively. All the statements collected by the High Courts on monthly and quarterly basis regarding the figure of cases disposed and work of the judges are graded on the basis of how many judgements they have given. This aspect has created many problems and sometimes meritorious judges are victimized. The issues of seniority, elevation from district judiciary and method of writing confidential report are also required to be revisited as recommendations of FNJPC are not yielding desired results. The issues are left behind by the Commission are for the betterment of judiciary and we hope that the Commission with extension granted by Hon'ble Supreme Court will decide to resume hearing on all these issues.
