

4. Judicial Performance Evaluation – Polity

A Supreme Court judge has proposed a performance evaluation system to address India's huge case backlogs and enhance judicial efficiency. While this could increase accountability, there are significant concerns that such a system might undermine judicial independence and be difficult to implement fairly.

The Call for Judicial Performance Evaluation

A discussion has been initiated within the Indian judiciary regarding the implementation of a formal system to evaluate the performance of judges, aimed at enhancing overall efficiency and public trust. Supreme Court judge, Justice Surya Kant, recently emphasized the need for a performance evaluation system for judges with clear and objective parameters.

Present Status – While India's judiciary is highly respected for its independence, it is currently grappling with two major challenges –

1. **Rising Case Backlogs** – An enormous number of cases are pending across all levels of the judicial system.
2. **Inconsistent Performance** – There is a noticeable variation in the productivity and disposal rates among judges.

Objective – Justice Surya Kant highlighted that a structured evaluation system is urgently needed to improve judicial efficiency and rebuild public confidence in the justice delivery system.

Need for and Benefits of an Evaluation System

Proponents argue that a well-designed evaluation system can address several critical issues plaguing the judiciary.

Addressing High Pendency – The Supreme Court alone has over 88,000 pending cases, with lakhs more in High Courts and subordinate courts. Clear performance metrics can help systematically track and optimize case disposal rates, identifying bottlenecks and improving workflow.

Tackling Inconsistent Productivity – Currently, some judges demonstrate exemplary disposal rates, while others lag behind, often due to a lack of clear benchmarks or systemic inertia.

A standardized system would create a baseline for performance expectations.

Meeting Public Expectations and Building Trust – Citizens expect and deserve timely justice. Prolonged delays significantly erode public trust in the judiciary. Introducing objective parameters would reduce the opacity of judicial functioning and foster greater public confidence.

Ensuring Fair Workload Distribution – An evaluation system can help identify judges who are performing efficiently and those who are underperforming. This can prevent the overburdening of efficient judges with a disproportionate number of cases while providing a mechanism to address and support underperformance.

Issues and Concerns Regarding Implementation

The proposal is also met with significant concerns regarding its potential impact on the judiciary's core principles.

Risk to Judicial Independence – The primary concern is that performance metrics, if misused, could undermine the independence and autonomy of judges. There is a fear that it could open the door to executive overreach or be used to influence judicial decisions.

Challenge of Defining Fair Criteria – It is incredibly difficult to define fair and objective criteria for what constitutes good judicial performance. Focusing solely on the quantity of cases disposed of could neglect the quality, complexity, and impact of the judgments.

Lack of Precedent – There is no existing precedent for such a formal evaluation system within India's higher judiciary, making its implementation a step into uncharted territory.

Potential for Negative Consequences – There is a risk that the system could devolve into a tool for ranking or reprimanding judges. This could foster unhealthy competition, discourage judges from taking on complex cases that require more time, and ultimately impact the quality of justice.

Balanced View – Benefits vs. Concerns

The table below provides a side-by-side comparison of the arguments for and against the proposed system.

Potential Benefits (Arguments For)

Increased Efficiency – Helps tackle the high pendency of cases by tracking and improving disposal rates.

Enhanced Accountability – Creates clear benchmarks for performance, addressing inconsistency among judges.

Greater Public Trust – Objective evaluation reduces opacity and can restore public faith in timely justice.

Fairer Workload Distribution – Prevents overburdening of efficient judges and addresses underperformance.

Potential Risks & Concerns (Arguments Against)

Undermining Independence – Metrics could be misused to compromise judicial autonomy or invite executive interference.

Difficulty in Defining Criteria – Defining fair, objective, and holistic metrics that balance quantity with quality is challenging.

Negative Competition – The system could devolve into a ranking tool, fostering unhealthy rivalry and harming judicial quality.

No Precedent in India – The lack of an existing framework in the higher judiciary makes implementation complex and risky.

Conclusion and The Way Forward

The ultimate goal of the proposal is to strengthen the judiciary, not to create a punitive regime.

Revitalization, Not Punishment – The consensus is that any performance evaluation system should be designed to revitalize the judiciary and support judges, rather than to punish individuals.

Power with Accountability – As emphasized by Chief Justice B.R. Gavai, judges wield immense power and must exercise it with both humility and accountability.

Institutional Introspection – The path forward involves calls for an institutionalized system of introspection through transparent metrics. The aim is to make the Indian judiciary more efficient, responsive, and a trusted pillar of democracy.

Source – <https://www.thehindu.com/news/national/supreme-court-judge-flags-need-for-performance-evaluation-mechanism-for-judges/article70080933.ece>