



Judges pro tem

Bottom line: Roping in retired HC judges to clear backlog should not be at cost of regular appointments.

Ad hoc judges:

1. The Supreme Court's decision to invoke a "dormant provision" in the Constitution to clear the way for the appointment of retired judges as ad hoc judges to clear the mounting arrears in the various High Courts is an indictment of the extraordinary delay in filling up judicial vacancies.
2. Whether the fault lies with the Collegium system or the Centre's tardiness, there is little doubt that the unacceptable delay in the appointment process in recent times has caused huge vacancies in the High Courts.
3. Therefore, it is definitely not unwelcome that the Court has chosen to activate Article 224A of the Constitution, which provides for the appointment of ad hoc judges in the High Courts based on their consent.
4. A Bench headed by CJI S.A. Bobde has made it clear that "the challenge of mounting arrears and existing vacancies requires recourse to Article 224A".
5. The numbers both in respect of pendency of cases and vacancies in the High Courts are quite concerning — a backlog of over 57 lakh cases and a vacancy level of 40%.

Conditions Applied:

1. As the provision has been utilised only sparingly in the past, and for the limited purpose of disposing of particular kinds of cases, the endeavour to appoint ad hoc judges will have to come with some guidelines.
2. The Court has made a beginning by directing that the trigger point for such an appointment will be when the vacancies go beyond 20% of the sanctioned strength, or when more than 10% of the backlog of pending cases are over five years old; when cases in a particular category are pending for over five years, or when the rate of disposal is slower than the rate of the institution of fresh cases.
3. The Bench has ruled that the current Memorandum of Procedure be also followed for appointing ad hoc judges, a process initiated by the Chief Justice of a High Court, with a suggested tenure of two to three years. The Court has



clarified that this is a “transitory methodology” and does not constrain the regular appointment process.

4. The government, which did not oppose the proposal, but wanted the vacancies to be filled up first, would do well to expedite the regular appointment process from its end and give up its propensity to hold back some recommendations selectively.
5. As for the judiciary, it should ensure that only retired judges with experience and expertise are offered temporary positions, and there is no hint of favouritism.

Making education accessible

Context: Access and affordability continue to plague teachers and students alike one year after the COVID-19 outbreak. Teachers, administrators and policymakers are all working, but the results are not encouraging. People at both ends of the classroom seem to be going through a mere exercise with precious little to show for their efforts. How much learning is happening is anyone’s guess. Exams have lost their credibility. The cost to health with continuous exposure to screens and the dent in financial resources are significant for both teachers and students. Online learning seems to be a case of working mindlessly, rather than working smart.

Online education: possibility check

1. With physical classes out of the reckoning, access to education is now almost exclusively online. Internet penetration in India is 50% and that reveals one reason for the less-than-efficient achievement in the online education sector.
2. Every single teacher-educator and student, even in the metros, has experienced poor connectivity. In rural areas, online access remains an aspiration.

Two influential agencies

1. The Government of India owns the airwaves. Prasar Bharati is India’s broadcasting corporation handling both radio and television in India. All India Radio (AIR) is blessed with 470 broadcasting centres which cover 92% of the country’s geographical area and 99.19% of our population.



2. Doordarshan (DD) handles television, online and mobile broadcasting across our country and the world with 34 satellite channels, 17 well-equipped studios in State capitals and 49 studio centres in other cities.
3. With such resources, AIR and DD can be used to broadcast lessons, given that education is one of the three functions of the two agencies under the Prasar Bharati Act. These two agencies can be reinvented to cater to the needs of the education sector.

Benefits:

1. There are two benefits from this: one, we will be able to reduce for our teachers and students the strain of having to stare at their screens endlessly; and two, with AIR and DD being free, the heavy drain on financial resources will be drastically reduced.
2. Policymakers should make it a point to involve teachers in their planning. Training can be provided by a set of master trainers over a month for teachers who will turn into scriptwriters and programmers. These teachers can also be taught to create appropriate tools for evaluation over radio and TV. The Central and State educational boards should be roped in, to support, monitor and provide feedback to improve the system.

Free hours of Internet

Another suggestion that the government could consider is to ask Internet Service Providers to provide many hours of free Internet usage to teachers and students. This will not be easy but the government should call the shots and make a decision that is in the interest of the people.