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1. Criticism against court vacations



The Supreme Court has 193 working days a year for its judicial functioning, while the High Courts function for approximately 210 days, and trial courts for 245 days.

Why in news?

Chief Justice of India DY Chandrachud recently spoke about the criticism often made towards the number of vacation days awarded to Indian judges.

In 2022, then Union Law Minister Kiren Rijju said in Parliament that “there is a feeling among people of India that the long vacation which the courts obtain is not very convenient for justice-seekers”, and that it is his “obligation and duty to convey the message or sense of this House to the judiciary”.

What are court vacations?

The Supreme Court has 193 working days a year for its judicial functioning, while the High Courts function for approximately 210 days, and trial courts for 245 days. High Courts have the power to structure their calendars according to the service rules.

The Supreme Court breaks for its annual summer vacation which is typically for seven 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 two weeks at the end of December. While this judicial schedule has its origins in colonial practices, it has come under criticism for quite some time now.

What happens to important cases during court vacations?

Generally, a few judges are available to hear 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. Cases such as bail, eviction, etc. often find precedence in listing before vacation benches.

Why are court vacations criticised?

Like Rijju said, extended frequent vacations are not good optics, especially in the light of the 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.

The colonial origins of the practice are not lost on the critics. 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.

In 2000, the Justice Malimath Committee, set up to recommend reforms in the criminal justice system, suggested that the period of vacation should be reduced by 21 days, keeping in mind the long pendency of cases. It suggested that the Supreme Court work for 206 days, and High Courts for 231 days every year.

In 2014, when the Supreme Court notified its new Rules, it said that the period of summer vacation shall not exceed seven weeks from the earlier 10-week period.

What are the arguments in favour of court vacations?

Within the legal fraternity, the long breaks are strongly defended. Lawyers have often argued that in a profession that demands intellectual rigour and long working hours — both from lawyers and judges — vacations are much needed for rejuvenation.

Judges typically work for over 10 hours on a daily basis. Apart from the day's work in court from 10:30 am to 4 pm, they also spend a few hours preparing for the next day. A frequently-made argument is that judges utilise the vacation to write judgments.

Another argument is that judges do not take leave of absence like other working professionals when the court is in session. In 2015, even after the Supreme Court heard a midnight plea against the execution of Yakub Memon, Justices Dipak Misra and Prafulla Pant returned to work the next morning. Family tragedies, health are rare exceptions, but judges rarely take the day off for social engagements.

Legal experts also point out that cutting down on court vacations will not see a dramatic decrease in pendency of cases, at least in the Supreme Court.

Data show that the Supreme Court roughly disposes of the same number of cases as are instituted before it in a calendar year. The issue of 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.

What is the practice in other countries?

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 too, 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.

Relevance: GS Prelims & Mains Paper II; Governance

Source: The Indian Express

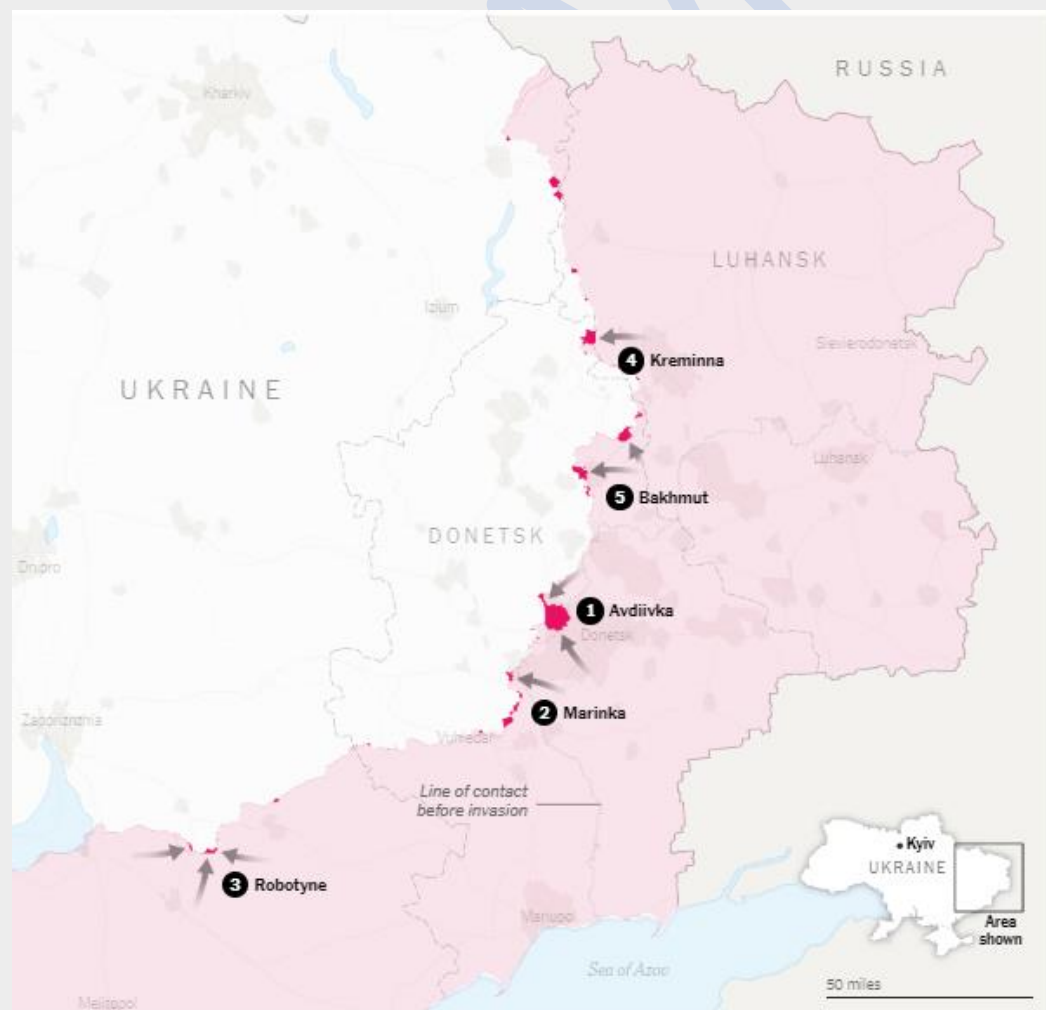
2. Avdiivka falls: Five places Russia is fighting to break through Ukrainian lines

Russian forces captured the longtime Ukrainian stronghold of Avdiivka recently, Moscow's first major battlefield gain since it took Bakhmut last May. But across the entire 600-mile long front, Ukraine is short on ammunition without renewed US military assistance, and it is struggling to replenish its own depleted forces after two years of brutal fighting.

Russia's assault has split into five major lines of attack, spanning towns and cities across much of the front in eastern and southern Ukraine. Here is the status of Russia's offensive in five crucial battles:

Avdiivka: Russia captured a longtime Ukrainian stronghold.

The now-destroyed city of Avdiivka covers only some 12 square miles. It sits only a few miles from the city of Donetsk, which Russia has occupied since 2014.



4 Other places in Ukraine where the war is going on are

1. Marinka
2. Robotyne
3. Kreminna
4. Bakhmut

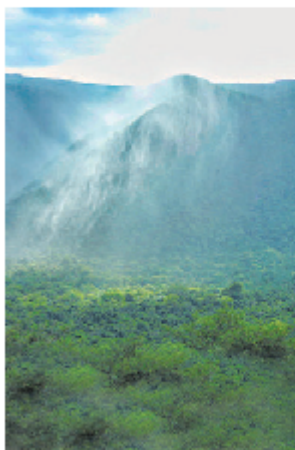
Relevance: GS Prelims; International Issues

Source: The Indian Express and New York Times

3. Use dictionary meaning of 'forest', Supreme Court tells Central govt.

Verdict on woods

Some of the observations made by the SC over the pleas challenging the 2023 amendments to the Forest (Conservation) Act, 1980



- The “all-encompassing” dictionary meaning will continue to hold field until the States and Union Territories prepare a consolidated record of forest lands

- Environment Ministry should issue a circular in this regard to the States and Union Territories

- Establishment of “zoos or safaris” must have the final approval of the top court

What the Supreme Court said?

The Supreme Court recently, in a significant order, directed that the expression ‘forest’ will continue to have a “broad and all-encompassing” meaning for the time being, and include 1.97 lakh square km of undeclared forest lands.

A three-judge Bench headed by Chief Justice of India D.Y. Chandrachud passed the order on petitions challenging the amendments introduced in 2023 to the Forest (Conservation) Act, 1980. The 1980 statute was enacted to check further deforestation leading to ecological imbalance.

The petitions had argued that Section 1A introduced through the amended Act had “circumscribed or substantially diluted” the definition of forest to two categories — declared forests and lands recorded as forests in ‘government records’ after 1980.

‘Government records’

The Centre, however, denied any attempt to trim the extent of forest coverage. It pointed to the 'explanation' to Section 1A, which expanded the term 'government records' contained in the provision to include lands recognised as forest by any State or Union Territory, local body, council or recognised communities.

However, the court directed the government to revert to the "dictionary meaning" of 'forest' as upheld by it in a 1996 decision in the T.N. Godavarman Thirumulpad case.

Dictionary meaning

The Court said that the adoption of this dictionary meaning to forests was made to align with the intent of the Forest Conservation Act, 1980. It is clarified that the expression 'forest' will cover but not be confined to lands recorded as forests in the government records.

The Bench noted that the dictionary meaning would continue to hold field till the States and Union Territories prepare a "consolidated record" of all the lands recorded as 'forest' in government records.

The court directed the Union government to require States and Union Territories, within two weeks, to forward the "comprehensive records" of forest lands their respective expert committees had identified in pursuance of the top court's orders in the Godavarman Thirumulpad case.

The States and Union Territories have to forward the records by March 31 The Environment Ministry has to publish these records on its website by April 15.

Approval for zoos

The Bench further directed that the establishment of "zoos or safaris" by any government or authority should not be consented to without the final approval of the top court. The court listed the case again in July 2024.

Relevance: GS Prelims & Mains Paper III; Environment

Source: The Hindu