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ANALYSIS**

TOPIC

**SLOW & CLOGGED INDIAN
JUDICIARY: A SYSTEM IN CRISIS**

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SLOW & CLOGGED INDIAN JUDICIARY: A SYSTEM IN CRISIS

Context

- The Indian judiciary is grappling with an overwhelming backlog of cases that has persisted for years, leading to delayed justice and eroding public trust in the judicial system. The time has come to consider innovative solutions, including seeking outside help, to address this pressing problem.

Current State of the Judiciary: Extent of the Problem

- The Indian judiciary, often hailed as the guardian of the Constitution and the protector of citizens' rights, is grappling with a severe crisis of backlog and delays.
- The **country's 688 subordinate courts**, commonly called **district courts**, under whom hundreds of civil and criminal courts function, are burdened with staggering **backlogs of more than 45 million cases**, accounting for over **85 per cent of all pending cases**.
- **High Courts** and the **Supreme Court** also face significant delays, with nearly 1,82,000 cases pending for over 30 years.
- It delays justice and undermines the efficiency and effectiveness of the judicial system. The reasons for this backlog are multifaceted, including a shortage of judges, procedural delays, and an increasing number of litigations.
- It underscores the **systemic inefficiencies** and the urgent need for comprehensive judicial reforms.

Root Causes

- **Inadequate Judge-to-Population Ratio:** India has a sanctioned strength of 25,628 judges, which is insufficient given the rising trend of litigation.
 - ♦ One of the former Chief Justice of India has emphasised the need to improve this ratio to reduce the workload on judges.
- **Vacancies and Appointments:** The process of appointing judges is slow and often mired in bureaucratic red tape.
 - ♦ It has led to a significant number of vacancies, further burdening the existing judges.
- **Infrastructure Deficiencies:** Many courts lack the necessary infrastructure to handle the volume of cases efficiently.
 - ♦ It includes inadequate courtroom space, outdated technology, and insufficient support staff.
- **Procedural Delays:** Antiquated court procedures and the frequent adjournments requested by lawyers contribute to prolonged case durations.

Need for Outside Help

- One potential solution to alleviate this burden is to induct experienced outsiders to streamline administrative tasks. By **delegating non-judicial responsibilities to qualified professionals**, judges can focus more on adjudicating cases.
- This approach has been **successfully implemented in other countries**, where administrative experts handle case management, scheduling, and other logistical tasks, thereby freeing up judges to concentrate on delivering justice.

Benefits of External Assistance

- **Improved Efficiency:** Outsourcing administrative tasks can significantly enhance the efficiency of the judiciary. With experts managing the logistical aspects, the judicial process can become more streamlined and less prone to delays.
- **Specialised Expertise:** External professionals bring specialized skills and knowledge that can improve the overall functioning of the judiciary. Their expertise in management and administration can lead to better resource allocation and case management.
- **Focus on Core Judicial Functions:** By offloading administrative duties, judges can dedicate more time to their core judicial functions. This can lead to quicker resolution of cases and a reduction in the backlog.

Implementing the Change

- To implement this change, a structured approach is necessary. The judiciary can start by identifying key areas where external help is most needed.
- Pilot projects can be initiated in select courts to assess the effectiveness of this approach.
- Additionally, training programs can be developed to ensure that external professionals are well-versed in the specific needs and nuances of the judicial system.

Other Approach

- **Increasing Judicial Appointments:** Accelerating the appointment process and filling existing vacancies is crucial.
 - ♦ This would involve streamlining the collegium system and ensuring timely recommendations and approvals.
- **Improving Infrastructure:** Investing in modernizing court infrastructure, including digital tools and better courtroom facilities, can enhance efficiency.
- **Procedural Reforms:** Simplifying court procedures and reducing the scope for unnecessary adjournments can help in faster case disposal.
- **Alternative Dispute Resolution (ADR):** Promoting ADR mechanisms like mediation and arbitration can reduce the burden on courts by resolving disputes outside the traditional court system.
- **Public Awareness and Legal Aid:** Increasing public awareness about legal rights and providing better legal aid services can ensure that justice is accessible to all, especially the marginalized sections of society.

State of the Judiciary (2024) of Centre for Research and Planning (CRP):

- The Chief Justice of India (CJI) suggested 'measure court performance' and 'introduce robust processes to divide judges into high, above average, and below average performers' and to give 'positive reinforcement to high performers'.

Conclusion

- The Indian judiciary stands at a crossroads. To restore public confidence and ensure timely justice, it is imperative to explore innovative solutions, including seeking outside help.
- By leveraging the expertise of external professionals, the judiciary can overcome its current challenges and pave the way for a more efficient and effective justice delivery system.

Source: IE

Mains Practice Question

Do you agree that the Indian judiciary is excessively slow and inefficient? What innovative solutions can be implemented to expedite the judicial process and ensure timely justice for all?