



Strengthening Indian Judiciary

For Prelims: [Indian judiciary](#), [Live streaming of court proceedings](#), [ADR mechanism](#), [Union Budget 2023-24](#), [All India Judicial Services \(AIJS\)](#).

For Mains: Major Loopholes in the Judiciary in India.

Why in News?

The [Indian judiciary](#) play a crucial role in upholding the rule of law and ensuring justice for all citizens. Despite recent advancements in technology, the Indian judiciary continues to grapple with various loopholes.

What are the Major Loopholes in the Judiciary in India?

▪ Huge Pendencies of Cases:

- The **courts in India are burdened with a massive backlog of cases**, leading to delays in delivering justice. This backlog is primarily due to a shortage of judges and inefficient case management systems.
 - **As of May 2022, over 4.7 crore cases are pending in courts across different levels of the judiciary.** The fact that this figure keeps rising demonstrates the inadequacies of the justice system.

▪ Inadequate Physical and Digital Infrastructure:

- Many courts across the country face a shortage of **courtrooms, limited access to basic facilities such as restrooms, waiting areas, and parking spaces** that creates inconvenience for litigants, lawyers, and court staff, leading to overcrowding and delays in proceedings.
 - The [Covid-19 pandemic](#) has highlighted the **need for digital infrastructure** for conducting **virtual hearings and ensuring continuity of justice delivery**.
 - **Only 9 out of the 25 High Courts** in India have implemented [live streaming of court proceedings](#). In the Supreme Court itself, **live streaming is limited to only Constitutional cases**.

Note: The **Model Rules for Live Streaming and Recording of Court Proceedings** exclude certain cases from live streaming, such as **matrimonial matters, child adoption, sexual offences, child sexual abuse, and juveniles in conflict with the law**.

- **Limited Use of Alternative Dispute Resolution (ADR):** [ADR mechanisms](#), such as **mediation and arbitration**, can help reduce the burden on the courts. However, **their utilisation is still limited in India**.
- **Recruitment Delays:** Judicial posts are not filled as quickly as necessary. **For a country of 135 million, there are only 21 judges per million population (as of February 2023)**.
 - There are almost 400 vacancies in the high courts. And around **35% of the posts are lying vacant in the lower judiciary**.

- **Inequality of Representation:** Another area of concern is the composition of the higher judiciary, where women are underrepresented. Out of **1.7 million advocates registered, only 15% are women.**
 - In high courts, the percentage of women judges is a mere **11.5%**.
 - At present, the Supreme court has only three sitting women judges.
 - **Justice B V Nagarathna** will become **Chief Justice of India in 2027 for 36 days.**

What Measures can India Adopt to Reinforce and Empower its Judiciary?

- **Strengthening E-Court System:** There is a need to implement a robust e-court system that can **streamline court processes, reduce paperwork, and improve efficiency.** This includes digitizing case records, enabling online filing of cases, e-summons, e-payment, and video conferencing for hearings.
 - The [Union Budget 2023-24](#) allocated **Rs 7,000 crore for the launch of the third phase of the e-Courts project.**
 - **The Centrally Sponsored Scheme (CSS) by the Department of Justice** also aims to develop **infrastructure facilities for the judiciary.**
 - The CSS enhances state government resources for constructing court buildings, digital computer rooms, lawyers' halls, toilet complexes, and residential accommodations for judicial officers.
 - The fund-sharing pattern is **60:40 (Centre: State), 90:10 for 8 North-Eastern and 2 Himalayan States, and 100% central funding for Union Territories.**
 - Former CJI, N.V. Ramana suggested to develop a **National Judicial Infrastructure Authority of India (NJIAI)** for arranging adequate infrastructure for courts.
- **Transforming the Appointment System:** Vacancies must be filled immediately, and **it is necessary to establish an appropriate timeline for the appointment of judges and to provide the suggestions in advance.**
 - Another significant element that can unquestionably aid India in developing a better judicial system is the [All India Judicial Services \(AIJS\).](#)
- **Case Management Software:** There is a need to develop and deploy **case management software** that can help track case progress, automate administrative tasks, and facilitate better coordination among judges, lawyers, and court staff. **It can improve the overall efficiency of the judicial process.**
- **Data Analytics and Case Prediction:** India can utilise **data analytics and artificial intelligence to analyse past judgments and predict case outcomes** to assist judges in making informed decisions, reducing inconsistencies and improving the quality of judgments.
 - However, it is vital to ensure that it **plays only a secondary role.**
- **Public Legal Education:** There is a need to promote public legal education and awareness programs that can empower citizens to understand their rights and obligations, **reducing unnecessary litigation and promoting out-of-court settlements.**
- **Citizen Feedback Mechanism:** There is a need to establish a **feedback mechanism where citizens can provide feedback** on the judicial process and court experiences can help identify shortcomings and areas for improvement.

UPSC Civil Services Examination, Previous Year Question (PYQ)

Prelims

Q. Consider the following statements: (2019)

1. The 44th Amendment to the Constitution of India introduced an Article placing the election of the Prime Minister beyond judicial review.
2. The Supreme Court of India struck down the 99th Amendment to the Constitution of India as being violative of the independence of judiciary.

Which of the statements given above is/are correct?

(a) 1 only

- (b) 2 only
- (c) Both 1 and 2
- (d) Neither 1 nor 2

Ans: (b)

Mains

Q. Critically examine the Supreme Court's judgement on 'National Judicial Appointments Commission Act, 2014' with reference to the appointment of judges of higher judiciary in India. **(150 words)**

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