



## Reforming Subordinate Judiciary

**For Prelims:** [Subordinate Judiciary](#), [High Court](#), [State Public Service Commission](#), [District Judge](#), [e-Courts](#), [All India Judicial Service \(AIJS\)](#), [Alternative Dispute Resolution \(ADR\)](#), [Common Service Centres](#)

**For Mains:** Key constitutional provisions and challenges related to subordinate judiciary, Steps needed to strengthen subordinate judiciary.

[Source: LM](#)

### Why in News?

The [subordinate judiciary](#), which handles **87.5% of India's cases**, forms the **backbone** of our legal system but suffers from **vacancies**, **case backlogs**, and **outdated processes** hampering India's economic growth.

- **Reforms** in this vital **pillar** can spur **faster socio-economic growth**, as seen in **Singapore** and **Kenya**, where **judicial efficiency** has driven **economic progress**.

### What is the Economic Impacts of Judicial Backlog at Subordinate Judiciary?

- **Macroeconomic Impact:** India's **district courts** are burdened with **45 million pending cases**, causing a **silent economic drain** of about **0.5% of GDP annually** (roughly **Rs 1.5 trillion**).
  - According to the **World Bank**, reducing **judicial vacancies** from **25% to 15%** could boost **investment** and **business confidence**, while the **IMF** estimates that **efficient courts** could raise **GDP per capita growth** by **0.28 percentage points**.
- **Stifled Business Growth & Investment:** **Land lease disputes** hinder **business growth** and discourage **MSMEs** by increasing **operational risks** and weakening **investor confidence**.
  - **Judicial vacancy** fuels **case backlogs**, deterring **investors** and contributing to its **163rd rank** in the **World Bank's Ease of Doing Business 2020**.
- **Fiscal Drain & Opportunity Costs:** **Pending cases** lock **land, capital, and labor** in **unproductive litigation** (such as **property disputes**).
  - **Inefficient dispute resolution** weakens **tax compliance**, while slow **contract enforcement** drives businesses to avoid **formal agreements**, fueling the **shadow economy**.

### What are the Challenges in India's Subordinate Judiciary?

- **Judicial Vacancies and Overburdened Judges:** There are **5,388 vacancies** in the **lower courts**, where judges handle **746 cases annually**, far exceeding the global best practice of **200-300 cases**.
  - This **vacancy crisis** burdens judges, causes **delays in justice delivery**, and weakens

confidence among **small businesses and entrepreneurs**, adding to case pendency.

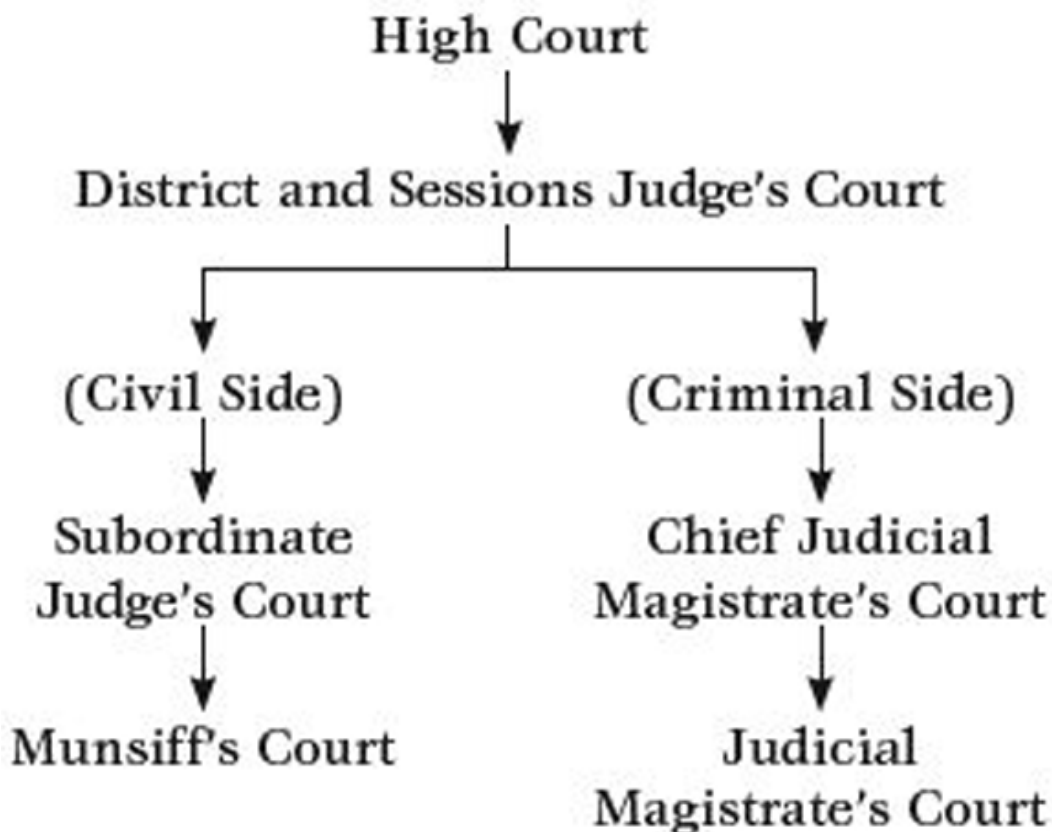
- **Outdated Systems and Inadequate Digitisation:** Lack of **integrated digital platforms** and **fragmented digitisation** hinders the potential of **e-Courts**, **AI**, and **analytics**, while hybrid systems (digital filing and manual tracking) create barriers for **small businesses** and **rural litigants**.
  - Moreover, with only **6.7% of district courts** being **women-friendly**, the participation of **women litigants** and **professionals** remains limited.
- **Flawed Recruitment Policies:** The **3-year practice requirement** for **district judge** appointments limits diversity, as only **15% of practising lawyers** are women, reducing the talent pool.
  - Decentralised recruitment causes **uneven judicial service quality** across states, and the lack of an **All India Judicial Service (AIJS)** hinders standardised appointments and delays filling vacancies with qualified candidates.
- **Inefficient Case Management:** The **lack of robust case management systems** and dominance of **manual processes**, with **underused digital tools**, contribute to prolonged delays.
  - The absence of a **unified platform** linking **police**, **forensics**, and **courts** has stalled progress under **e-Courts reforms**.
- **Risk of Exclusion & Digital Divide:** **Digital reforms** risk creating a **digital divide**, excluding **rural** and **less-educated litigants** as rapid digitalisation without support leaves behind those lacking **technological access** or **literacy**.
  - India's **linguistic** and **educational diversity** requires careful implementation of tech reforms to ensure **inclusivity** for all.

## What is Subordinate Judiciary?

- **About: Subordinate courts** are the **lower courts** in a state's judicial structure, functioning under the **supervision of the High Court** and they perform their duties at the **district and lower levels**.
- **Constitutional Basis:** **Articles 233 to 237 of Part VI** of the Constitution deal with the **organization and independence** of subordinate courts and ensure **judicial independence from the executive**.
- **Appointment of Judges:** **District Judges** are **appointed, posted, and promoted** by the **Governor** in consultation with the **High Court**.
  - **Other judicial service appointments** (below district judge) are made by the **Governor** after consulting the **State Public Service Commission** and the High Court.
- **Eligibility of District Judge:** A **district judge** must **not** be in **Central or State government service**, must have been an **advocate or pleader for at least 7 years**, and must be **recommended by the High Court**.
- **Control: Control over subordinate courts** (postings, promotions, leave of judicial officers below district judge) lies with the concerned **High Court**.
- **Structure & Jurisdiction:** The structure, jurisdiction, and titles differ **state to state**, but the basic **three-tier system** exists:
  - **District & Sessions Court:** It is the **highest judicial authority** at the district level and exercises both **original** and **appellate jurisdiction** in **civil** and **criminal matters**.
    - A **Sessions Judge** can impose **life imprisonment** or **death sentence**, but the **death penalty** requires **High Court confirmation**.
  - **Subordinate Civil & Criminal Courts:** On the **civil side**, a **Subordinate Judge** has **unlimited pecuniary jurisdiction**, while a **Munsiff** deals with cases of **limited pecuniary jurisdiction**.
    - On the **criminal side**, the **Chief Judicial Magistrate** handles cases punishable with up to **7 years of imprisonment**, and the **Judicial Magistrate** deals with offences punishable up to **3 years**.
  - **Special Courts:**
    - **Metropolitan Areas:** In some metropolitan cities, **city civil courts** (headed by **chief judges**) handle civil cases, while **metropolitan magistrate courts** deal with criminal cases.
    - **Small Causes Courts:** Some states have established small causes courts to

handle **low-value civil cases** summarily; their decisions are **final**, but subject to **High Court revision**.

- **Panchayat Courts:** In some states, **Panchayat Courts** (e.g. **Nyaya Panchayat, Gram Kutchery**) handle **petty civil and criminal cases**.



- **Appeal Mechanism:** The **District Judge/Sessions Judge** exercises both **original** and **appellate jurisdiction**, while **appeals from subordinate courts** are heard by the **High Court**.

**Note:** **District Judges** include a **judge of a city civil court, additional district judge, joint district judge, assistant district judge, chief judge of a small cause court, chief presidency magistrate, additional chief presidency magistrate, sessions judge, additional sessions judge and assistant sessions judge**.

- **Judicial service** means a service consisting **exclusively of persons** intended to fill the post of **district judge** and **other civil judicial posts inferior to the post of district judge**.

## What Steps can be Taken to Strengthen India's Subordinate Judiciary?

- **Fill Judicial Vacancies:** An **AJIS** would provide **centralized, merit-based recruitment** (like the IAS) to attract top talent, enhance **diversity**, and enable **fast-track promotions** for judges.
  - Replacing the **3-year practice rule** with **competency-based hiring** (as in **South Africa** and the **UK**) can boost **gender diversity** and create clear promotion paths from **district judges** to **High Courts**.
  - E.g., **Kenya** reduced **commercial case** timelines from **465 to 346 days** by judicial

reforms.

- **Digitization & AI-Driven Case Management: A Unified Digital Platform** integrating **police, forensics, and courts**, along with **AI-powered analytics** to prioritise backlogged cases and **100% paperless courts**, can greatly enhance efficiency.
  - Global models like **Thailand's digital case management** and **Brazil's e-process system** highlight the benefits of such reforms.
- **Expand Alternative Dispute Resolution (ADR): Mandatory pre-litigation mediation** (like **Singapore**, resolving **80% of cases out of court**) and scaling up **Lok Adalats** can strengthen community-based dispute resolution, while **special commercial courts** (as in **Kenya**) can fast-track business cases.
- **Optimize Court Infrastructure & Working Hours: Night courts and double shifts** (as in **Ghana**) can optimize infrastructure and improve case disposal rates, while **AI-based scheduling** (like **Malaysia**) helps reduce idle time.
  - Ensuring **women-friendly courts** with **safety measures, lactation rooms, and childcare facilities** can enhance inclusivity and support for women in the judiciary.
- **Ensure Last-Mile Access: Village Legal Kiosks**, similar to **Common Service Centres**, can enable **assisted e-filing** in rural areas. **Multilingual AI interfaces** will help **non-English speakers** navigate the court system effectively.

## Conclusion

India's subordinate judiciary, burdened by **vacancies, delays, and outdated systems**, stifles **economic growth**. Reforms like **AJS, digitization, mediation expansion, and optimized court hours**—inspired by **global models**—can transform courts into **growth accelerators**. **Swift justice delivery** will boost **GDP, business confidence, and social equity**, realizing **Viksit Bharat's** potential.

### **Drishti Mains Question:**

India's subordinate judiciary forms the backbone of justice delivery, yet suffers from systemic challenges. Discuss key reforms required to strengthen subordinate courts.

## UPSC Civil Services Examination Previous Year Question (PYQ)

### **Prelims**

**Q. With reference to the Indian judiciary, consider the following statements:**

1. Any retired judge of the Supreme Court of India can be called back to sit and act as a Supreme Court judge by the Chief Justice of India with the prior permission of the President of India.
2. A High Court in India has the power to review its own judgement as the Supreme Court does.

**Which of the statements given above is/are correct? (2021)**

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

**Ans: (c)**

### **Mains**

**Q. Discuss the desirability of greater representation to women in the higher judiciary to ensure diversity,**

equity and inclusiveness. (2021)

**Q.** Critically examine the Supreme Court's judgement on 'National Judicial Appointments Commission Act, 2014' with reference to appointment of judges of higher judiciary in India. (2017)

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