



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of India's cases**, forms the **backbone** of our legal system but suffers from **vacancies**, **case backlogs**, and **outdated processes** hampering India's economic growth.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.

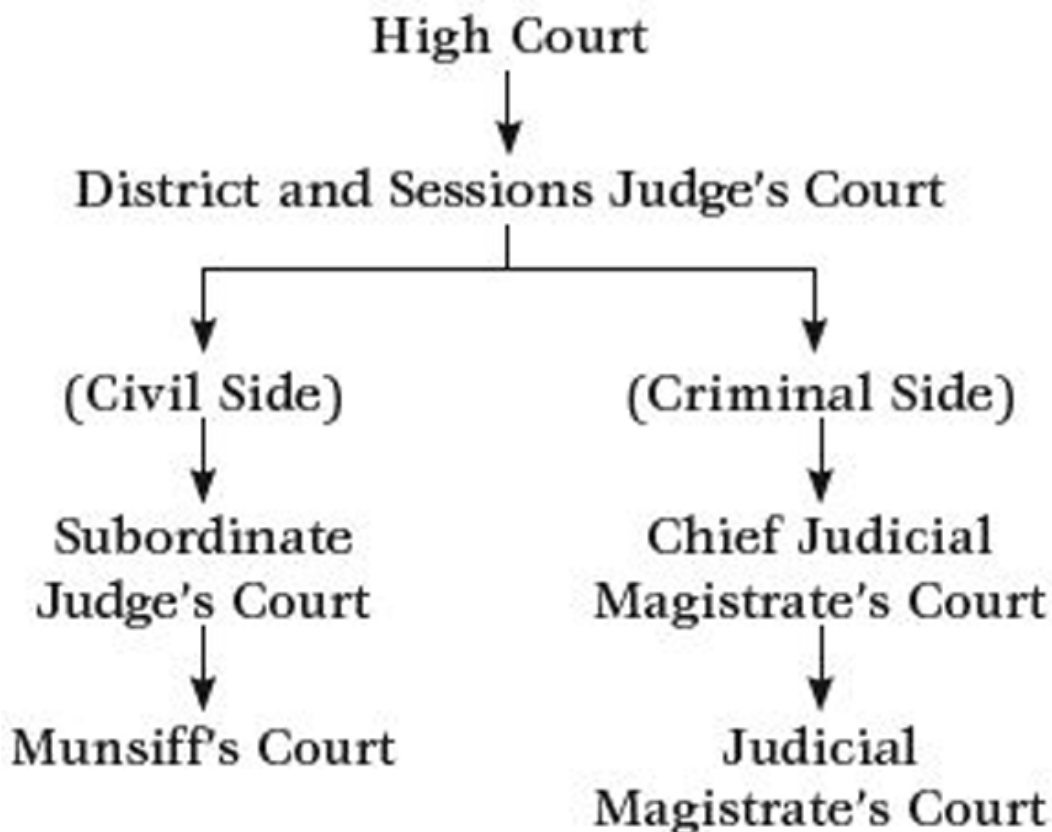
- **Outdated Systems and Inadequate Digitisation:** Lack of **integrated digital platforms** and **fragmented digitisation** hinders the potential of **e-Courts**, **AI**, and **analytics**, while hybrid systems (digital filing and manual tracking) create barriers for **small businesses** and **rural 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 **AJJS** 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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