



## Indianisation of the Judiciary

**For Prelims:** Supreme Court, Chief Justice of India, All India Judicial Services (AIJS).

**For Mains:** Initiatives Related to Judiciary in India, Challenges Related to the Indian Judicial System.

### Why in News?

Recently, during the inauguration of online e-inspection software the [Chief Justice of India \(CJI\)](#) stated that **the judgments delivered by the [Supreme Court](#) will now be translated into four languages—Hindi, Tamil, Gujarati and Odia.**

- This initiative **will result in the Indianisation of Judiciary** which is the need of the hour.

### What is Indianisation of the Judiciary?

- **Indianised Judiciary:**
  - According to the CJI, **courts need to be litigant-centric** while simplification of justice delivery should be the pressing concern.
  - The CJI specified that the Indianisation of the Judiciary **means the localization of the justice delivery system.**
- **India's Age-Old Judiciary System:**
  - India has the **oldest judiciary system in the world** dating back to 5000 years.
  - In history, India has had a **very effective, trustworthy and democratic judicial system** but most of the statements in judgements nowadays are taken from western jurisprudence.
    - India's own ancient system of delivery of justice is given much less recognition.
- **Related Recommendations:**
  - **Malimath Committee Report:** [Malimath Committee \(2000\)](#) suggested that a Schedule to the Code be **brought out in all regional languages so that the accused knows his/her rights**, as well as how to enforce them and whom to approach when there is a denial of those rights.
  - **Law Commission, 1958:** The [All India Judicial Services \(AIJS\)](#) was first proposed by the [14<sup>th</sup> report of the Law Commission in 1958.](#)
    - A Law Commission report (1987) recommended that **India should have 50 judges per million population** as against 10.50 judges (then).

### What are the Initiatives Taken for Improving the Judicial System?

- **Video Conferencing (VC):**
  - Video conferencing has been the mainstay during the lockdown.
    - The Delhi [high court](#) **has been the only court which has heard a maximum number of cases through VC.**
- **AI based SUPACE Portal:**
  - In May 2020, the Supreme Court launched an [Artificial Intelligence \(AI\)](#) based

portal [Supreme Court Portal for Assistance in Court's Efficiency \(SUPACE\)](#) in the judicial system aimed at assisting judges with legal research.

- **National Mission for Justice Delivery and Legal Reforms:**
  - The Mission has been pursuing a **coordinated approach for phased liquidation of arrears and pendency in judicial administration**, which, inter-alia, involves better infrastructure for courts, including computerization, an increase in strength of subordinate judiciary, policy and legislative measures.
- **Improving Infrastructure for Judicial Officers of District and Subordinate Courts:**
  - Rs. 9291.79 crores have been released since the inception of the [Centrally Sponsored Scheme \(CSS\) for the Development of Infrastructure Facilities](#).
  - The number of court halls has also increased significantly.
- **Leveraging Information and Communication Technology (ICT):**
  - The Government has been **implementing the e-Courts Mission Mode Project** throughout the country for information and communication technology enablement of district and subordinate courts.
  - The number of computerised district & subordinate courts has increased to 18,735 so far.

## What are the Challenges Related to the Indian Judicial System?

- **Huge Pendency of Cases:** As many as 30 million cases are still backlogged in India's court system.
  - Over 4 million of them involve the High Court, and [60,000 involve the Supreme Court](#). The fact that this figure keeps rising demonstrates the inadequacies of the justice system.
- **Undertrial Prisoners:** The majority of Indian prison inmates are still awaiting the verdict on their cases, and they are being held there until that time.
  - A majority of people end up serving a longer sentence in prison than they would have otherwise incurred, and the costs, suffering, and **anguish associated with defending themselves in court are more costly and painful than serving the actual sentence**.
- **Recruitment Delays:** Judicial posts are not filled as quickly as necessary. For a country of 135 million, there are only about 25000 judges.
  - There are almost 400 vacancies in the high courts. **And around 35% of the posts are lying vacant in the lower judiciary.**
- **Favouritism and Nepotism in CJI Appointment:** Because there are no specific criteria for evaluating candidates for the post of CJI, nepotism and favouritism are common.
  - Consequently, there is **no transparency in the judicial appointment** as well as they may **not accountable to any administrative body**.
- **British Origin of Indian Judiciary:** The genesis of India's current judicial system can **be traced back to the colonial system of judiciary** which are not exactly best suited to the needs of the Indian population.

## What can be the Way Forward?

- **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 AIJS**.
- **Reforming Investigation:** India lacks an active investigation policy, which leads to many innocent people being wrongfully charged and punished.
  - Therefore, the Indian government **needs to frame an investigation policy that is effective, proactive and comprehensive**, taking into account all the stakeholders in the justice system.
- **Innovative Solutions to Justice:** The solution to clearing the massive backlog of cases requires more than just appointing more judges, it also requires innovative solutions.
  - The recently, launched initiative is considered an important step as it is important to understand that the language namely English which is used in the courts, **is not comprehensible for all the citizens**.
    - It will not be counted as access to justice **unless citizens are able to access and**

understand the judgements in a language that people speak and comprehend.

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

### Prelims

**Q1. With reference to National Legal Services Authority, consider the following statements: (2013)**

1. Its objective is to provide free and competent legal services to the weaker sections of the society on the basis of equal opportunity.
2. It issues guidelines for the State Legal Services Authorities to implement the legal programmes and schemes throughout the country.

**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: (c)**

**Q2. In India, Legal Services Authorities provide free legal services to which of the following type of citizens? (2020)**

1. Person with an annual income of less than `1,00,000
2. Transgender with an annual income of less than `2,00,000
3. Member of Other Backward Classes (OBC) with an annual income of less than `3,00,000
4. All Senior Citizens

**Select the correct answer using the code given below:**

- (a) 1 and 2 only
- (b) 3 and 4 only
- (c) 2 and 3 only
- (d) 1 and 4 only

**Ans: (a)**

**Q3. 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?**

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

**Ans: (a)**

### 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)**

**Source: HT**

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