



## Mains Practice Question

**Q.** The Indian judiciary is vital to safeguarding democracy yet faces significant systemic challenges. Propose judicial reforms that can address these challenges and enhance the efficiency and transparency of the judicial system. (250 words)

15 Oct, 2024 GS Paper 2 Polity & Governance

### Approach

- Briefly mention the role of the judiciary as a pillar of democracy
- Highlight the challenges faced by the Indian judiciary.
- Propose judicial reforms to address challenges in the Indian Judiciary
- Conclude Suitably.

### Introduction

The judiciary is the third pillar of democracy, tasked with upholding the Constitution, protecting fundamental rights, and ensuring the rule of law. It acts as a check on the executive and legislative branches, preserving the balance of power in a democratic system.

### Body

**Despite its vital role, the Indian judiciary faces several systemic challenges:**

- **Pendency of Cases:** The Indian judiciary is grappling with an enormous backlog of cases, severely impacting the timely delivery of justice.
  - The Supreme Court is currently dealing with over 80,000 pending cases, while High Courts have more than 620,000, and subordinate courts face over 40 million unresolved cases as of the end of 2023.
- **Judicial Vacancies:** The shortage of judges across all levels of the judiciary continues to be a pressing concern, contributing significantly to case backlogs.
  - India has 25 High Courts with a sanctioned strength of 1,114 judges, but only 782 positions are currently filled, leaving 332 judge posts vacant.
- **Lack of Judicial Accountability:** The absence of a robust mechanism for ensuring judicial accountability has been a point of concern, potentially affecting public trust in the judiciary.
  - The proposal for a **National Judicial Appointments Commission (NJAC)** to replace the collegium system was struck down by the Supreme Court in 2015
- **Infrastructure and Technological Gaps:** Despite efforts to modernize, many Indian courts still lack adequate infrastructure and technological support, hindering efficient justice delivery.
  - For the sanctioned strength of 25,081 judges in the district judiciary, there is a shortage of 4,250 courtrooms and 6,021 residential units.
- **Executive Interference and Judicial Independence:** Recent years have seen several instances of perceived executive interference in judicial matters, raising concerns about the erosion of judicial autonomy.
- **Accessibility Issues:** The complexity of legal processes, high litigation costs, and the lack of legal aid make it difficult for marginalized sections of society to access justice.

- **e-filing and Digitisation of Case Records:** As of 31st July 2023, 18,36,627 cases have been e-filed of which 11,88,842 (65%) were e-filed in District Courts. However, as per data submitted by judicial officers on iJuris, only 48.6% of District Court complexes have a functional e-filing facility.

### **Proposed Judicial Reforms**

- **Addressing Judicial Backlogs:** India can significantly reduce case pendency by fully implementing and expanding the e-Courts project, focusing on digitization of court records, online case filing, and AI-assisted case management.
- **Alternative Dispute Resolution (ADR) Mechanisms:** Promoting and strengthening ADR mechanisms like mediation, arbitration, and Lok Adalats can significantly reduce the burden on formal courts
- **Filling Vacancies:** Expedited processes for filling judicial vacancies must be prioritized. Introducing an autonomous and transparent Judicial Appointment Commission (JAC) can add transparency and accountability to the judicial appointment process
- **Legal Aid and Access to Justice:** Enhancing legal aid services is crucial for improving access to justice. India can draw inspiration from the Netherlands' system, where every citizen is entitled to subsidized legal aid based on income levels.
- **Court Infrastructure and Resource Management:** Improving court infrastructure is crucial for efficient justice delivery.
  - The Union Government's Centrally Sponsored Scheme (CSS) to develop infrastructure in district and subordinate courts, with a total outlay of ₹9,000 crore, is a positive step, but implementation needs to be accelerated.

### **Conclusion**

A transparent, efficient, and accountable judiciary is essential not only for the functioning of a democratic society but also for maintaining public confidence in the legal system. If implemented in both letter and spirit, judicial reforms will enhance the judiciary's role as a steadfast guardian of constitutional values and democratic principles.

PDF Reference URL: <https://www.drishtiias.com/mains-practice-question/question-8501/pnt>