



Judicial Reforms

For Prelims: [Indian judiciary](#), [Supreme Court](#), [e-Courts project](#), [National Judicial Appointments Commission](#), [Centrally Sponsored Scheme](#), [Lok Adalats](#), [FASTER](#), [Live streaming of court proceedings](#), [ADR mechanism](#), [All India Judicial Services \(AIJS\)](#).

For Mains: Judicial Reforms in Indian Judiciary, Current Major Issues Related to Indian Judiciary, Key Initiatives Related to Judicial Reforms in India.

What are Judicial Reforms?

▪ About:

- Judicial reforms are **changes to a country's legal system**, including the court system, laws, and procedures, to make the **justice system more efficient, transparent, and effective**.
- The goal is to ensure that the justice system upholds the [rule of law](#) and provides **fair and timely justice to all** citizens.
- **Examples:**
 - Increasing the **independence of the judiciary**.
 - Improving the **impartiality** of the justice system.
 - Increasing the **speed** of justice.

What is the Need for Judicial Reforms in India?

▪ Pendency of Cases:

- India has the **largest number of pending court cases** in the world. The pendency of cases and delays in the administration and dispensation of justice are the biggest challenges before the [Indian judiciary](#).
- As of 2024, the total number of pending cases across all types and levels of the judiciary exceeded **51 million (5.1 crores)**, including over 169,000 court cases that have been pending for more than 3 decades (30 years) in district and [high courts](#).
- Notably, **district courts** alone account for approximately **87% of these cases**, or around 45 million (4.5 crore), highlighting the overwhelming burden at the grassroots level.
- According to a 2018 [NITI Aayog](#) strategy paper, given the rate of case disposal at that time, it was projected to take over 324 years to clear the existing backlog, which then stood at 29 million.
- **Case pendency** is estimated to cost India **1.5%-2%** of its [Gross Domestic Product \(GDP\)](#).
- India's ranking in the [Rule of Law Index 2023](#), published by the [World Justice Project](#), reflects these judicial delays, with the country placed at 111 out of 142 countries in civil justice and 93 in criminal justice.
- Also, the **average duration for a case** to conclude in Indian courts ranges between **3-5 years**, with some cases extending for decades. This delay not only denies litigants timely justice but also erodes public confidence in the judicial system.

▪ Judicial Vacancies:

- The shortage of judges in [High Courts](#) and [lower Courts](#) significantly contributes to the

backlog.

- As of January 2024, 25 **High Courts** collectively have only 783 out of 1,114 sanctioned judges. At the district level, there are over 5,000 vacancies as of early 2023.
- The **delay in judicial appointments**, often due to friction between the judiciary and the executive, further compounds this issue, increasing the workload on existing judges and slowing down the judicial process.

▪ **Infrastructure and Technological Gaps:**

- A recent report (2024) by the **Ministry of Law and Justice** based on a study has revealed significant deficiencies in the infrastructure of district courts across the country, hindering the efficient delivery of justice.
- A study across 20 district courts in 10 states highlights significant IT infrastructure gaps affecting judicial officers, advocates, and administrative staff. Findings reveal that **only 45%** of surveyed judicial officers have access to electronic display facilities in courtrooms, with installations underway in some locations.
- Additionally, around **32.7% of officers reported the absence of video conferencing** facilities in district court complexes, limiting efficient virtual proceedings, especially in jails.
- It also highlighted critical [infrastructure](#) gaps in district courts: 39% of courtrooms lack fire safety equipment, 29.3% lack dedicated Ahlmad rooms, and 36.3% lack adequate seating. Support staff face limited amenities, with only 14.6% of male and 10.7% of female staff having common rooms, and 73.7% lacking attached toilets. Furthermore, 41% of staff lack computer and printer access. Transportation issues persist, with 44.5% of judicial officers relying on personal vehicles for official duties, and only 50.4% residing in government accommodations.
- While the [e-Courts](#) project has made some progress, its implementation is inconsistent, especially in lower courts and rural areas.

▪ **Lack of Judicial Accountability:**

- The absence of a robust [judicial accountability](#) mechanism has been a long-standing concern, potentially affecting public trust. The current impeachment process for removing judges is rarely used and is inadequate for addressing issues short of impeachment.
- Although the [National Judicial Appointments Commission \(NJAC\)](#) aimed to bring transparency to the appointment process, it was struck down in 2015 by the [Supreme Court](#), leading to debates on judicial independence versus accountability.
- Instances of alleged [corruption](#) and controversies over post-retirement appointments have intensified calls for transparency in judicial functioning.

▪ **Access to Justice Barriers:**

- Despite efforts to improve legal accessibility, barriers to justice remain significant, especially for marginalized communities. Over the past decade, the number of **undertrial prisoners** has increased, with undertrials **constituting 76% of India's prison population by 2022**, many from disadvantaged communities facing discrimination.
- Additionally, **high litigation costs, complex procedures, and language barriers** often deter people from seeking legal recourse. Although legal aid is available, it remains underutilized, with only 15 million people benefiting from it since the inception of the [National Legal Services Authority \(NALSA\)](#) in 1995, despite over 80% of India's population qualifying for aid.

▪ **Representation and Diversity:**

- The judiciary lacks diversity, especially in terms of gender, caste, and regional representation.
- As of August 2024, women constituted only 14% and 9.3% of judges in the [High Courts](#) and [Supreme Court](#), respectively. The representation of women is uneven across High Courts, with some states having no women judges or just one.
- According to the Union Law Ministry, between 2018 and 2022, **79% of high court judges** appointed were from the **general category**, reflecting limited judicial diversity.
 - Of the 537 appointments, only 11% were from the OBC category, 2.8% from SCs, 1.3% from STs, and 2.6% from minority communities, underscoring underrepresentation of marginalized groups..

▪ **Judicial Overreach and Activism:**

- While judicial activism has led to landmark judgments, it also raises concerns regarding [separation of powers](#). For instance, in the [Anoop Baranwal case \(2023\)](#), the Supreme Court redefined the appointment process for [Election Commissioners](#), involving the [Prime](#)

[Minister](#), [Leader of the Opposition](#), and [Chief Justice of India](#) in the selection committee.

- Critics argue that this ruling encroaches upon the executive's domain, potentially disrupting the balance of power within India's democracy.

▪ **Enforcement of Judgments:**

- The effective enforcement of court orders remains a significant issue. Many judgments, especially those against government bodies, go unenforced.
 - For example, despite multiple court orders to clean the [Yamuna River](#), pollution levels remain critically high due to inadequate infrastructure, lack of political will, and powerful vested interests. This not only undermines judicial authority but also denies justice to those who have successfully pursued their cases.

What Initiatives have been Taken for Judicial Reforms in India?

▪ **National Mission for Justice Delivery and Legal Reforms:**

- It was launched in August 2011 with the aim to **reduce delays and arrears in the judicial system** and **improve accountability** through structural changes, enhanced performance standards, and capacity-building.
- The Mission aims to achieve these goals by:
 - Improving judicial infrastructure and leveraging technology.
 - Increasing the strength of the subordinate judiciary.
 - Introducing legislative and policy measures to reduce excessive litigation.
 - Re-engineering court procedures for faster case disposal.

▪ **e-Courts Mission Mode Project:**

- It leverages [Information and Communication Technology \(ICT\)](#) to enable court processes and enhance transparency.
- Key components:
 - Over 18,735 computerized District and Subordinate courts.
 - [Wide Area Network \(WAN\)](#) connectivity in 99.4% of court complexes.
 - Video conferencing facilities linking over 3,240 court complexes to jails.
 - Establishment of 28 virtual courts handling millions of cases and realizing substantial fines.
 - Phase-III of the **e-Courts Project**, with an investment of Rs. 7,210 crores, aims to create a unified, paperless platform for the judiciary, further enhancing efficiency.

▪ **Judicial Infrastructure Development:**

- The [Centrally Sponsored Scheme \(CSS\)](#) for Judicial Infrastructure implemented since 1993 has been crucial in constructing court halls, residential quarters for judicial officers, and other essential facilities.
- Key achievements include:
 - Increased construction of court halls and judicial residential units.
 - Rs. 11,167.36 crores released under the scheme.
 - The number of court halls increased from 15,818 in 2014 to 23,020 in 2024, and residential units from 10,211 to 20,836 in the same period.

▪ **Filling Judicial Vacancies:**

- The Government has made concerted efforts to address judicial vacancies, particularly in the higher judiciary.
- Between 2014 and 2024, 62 judges were appointed to the **Supreme Court**, while 976 new judges were appointed and 745 additional judges were made permanent in [the High Courts](#).
- Consequently, the sanctioned strength of High Court judges increased from 906 to 1,114. At the **District and Subordinate court levels**, the sanctioned strength of judicial officers rose from 19,518 in 2013 to 25,609 in 2024.
- These initiatives aim to enhance judicial efficiency by ensuring timely filling of vacancies, ultimately strengthening the judicial system.

▪ **Fast Track Courts:**

- In line with the 14th [Finance Commission's](#) recommendations, [Fast Track Courts \(FTCs\)](#) have been established to **expedite the trial of specific categories of cases**, including those related to heinous crimes, crimes against women and children, and offenses involving MPs/MLAs.
- **Key developments include:**

- 866 Fast Track Courts operational for cases involving serious crimes, women, and children.
- 755 **Fast Track Special Courts**, including 410 exclusive **POCSO Courts**, have disposed of over 2.53 lakh cases.
- **Alternate Dispute Resolution (ADR) Mechanisms:**
 - The Government has strengthened ADR mechanisms such as **Arbitration, Mediation**, and **Lok Adalats**.
 - The **Commercial Courts Act, 2015** mandates pre-institution mediation in commercial disputes, enhancing the speed of resolution.
 - The **Arbitration and Conciliation (Amendment) Act, 2015** has introduced timelines for resolving disputes through arbitration.
 - The **Mediation Act, 2023** facilitates mediation in civil and commercial disputes.
 - **Lok Adalats**, held regularly, have disposed of over 7.5 crore cases between 2021 and 2023, helping reduce court backlogs.
 - Several laws have been amended to reduce pendency and expedite justice delivery.
 - These include the **Negotiable Instruments (Amendment) Act, 2018**, the **Commercial Courts (Amendment) Act, 2018**, the **Arbitration and Conciliation (Amendment) Act, 2019**, and the **Criminal Laws (Amendment) Act, 2018**.
 - The **Commercial Courts Act, 2015** was amended to make Pre-institution Mediation and Settlement (PIMS) mandatory for commercial disputes, and the **Arbitration and Conciliation (Amendment) Act, 2015** aimed to expedite dispute resolution by setting strict timelines.
- **Tele-Law Programme:**
 - It was launched in 2017 to enable access to legal advice for disadvantaged communities via video conferencing, telephone, and mobile apps.
 - By 2024, over 90 lakh cases were registered, with advice enabled in nearly 90 lakh cases.
- **Nyaya Bandhu Pro Bono Framework:**
 - The **NyayaBandhu platform** and the **UMANG app** have been created to connect advocates with citizens requiring free legal services.
 - **Nyaya Bandhu** is India's first **pro bono legal framework** where **lawyers provide free legal services** to disadvantaged groups.
 - As of 2024 over 11,000 lawyers have volunteered for pro bono services across 24 State Bar Councils and 22 High Courts.
 - Pro Bono Clubs have been established in 89 law schools to promote a culture of public service among future lawyers.

What are the Challenges in the Process of Judicial Reforms?

- **Resistance to Change:** A significant hurdle to judicial reforms is the resistance from both the judiciary and court staff to adopt new technologies and processes. Many within the system are accustomed to traditional methods, which slows down the adoption of reforms.
- **Financial Constraints:** The lack of adequate funding is a major barrier to the implementation of judicial reforms. This affects the adoption of digital infrastructure, the construction of new court facilities, and the overall modernization of the judicial system.
- **Coordination with the Executive and Legislature:** Judicial reforms often require collaboration between the judiciary, the executive, and the legislature. A lack of synchronization and delays in decision-making between these branches of government can significantly hinder the reform process.
- **Public Trust Deficit:** Public trust in the judiciary is crucial for the effectiveness of judicial reforms. However, issues like opacity in judicial appointments and accountability measures have created a trust deficit, which undermines the credibility of the judicial system and hampers reform efforts.

Way Forward

- **Streamlining Case Management through Technology:**
 - Expand the e-Courts project for digitization, online case filing, and AI-assisted case management.
 - Implement systems like **FASTER (Fast and Secured Transmission of Electronic Records)** for

quick communication of court orders and train judicial staff for effective adoption.

▪ **Alternative Dispute Resolution (ADR) Mechanisms:**

- Promote [ADR mechanisms](#) like **mediation** and **Lok Adalats** to ease court burden.
- There is a need to accelerate implementation of the [Mediation Act, 2023](#), establish more mediation centers, and train professional mediators.

▪ **Judicial Appointments and Vacancies:**

- There is a need to **streamline the appointment process**, reform the **collegium system** for diversity, increase the retirement age of judges, and enhance sanctioned strength to reduce vacancies.

▪ **Establishing Specialized Courts and Tribunals:**

- There is a need to expand specialized courts like [National Company Law Tribunal \(NCLT\)](#) and **POCSO courts** to areas such as IPR and environmental law, leveraging domain expertise for faster resolution.

▪ **Improving Legal Aid and Access to Justice:**

- There is a need to strengthen the [National Legal Services Authority](#), expand mobile legal clinics, and scale up initiatives like Tele-Law for marginalized communities.

▪ **Judicial Outreach and Public Education:**

- Enhance public engagement through live streaming, regional language judgments, public lectures, and educational programs to reduce unnecessary litigation and improve legal awareness.

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)

Q. 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)

Mains

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

Q. Who are entitled to receive free legal aid? Assess the role of the National Legal Services Authority (NALSA) in rendering free legal aid in India **(2023)**

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