NEXT IAS

DAILY EDITORIAL ANALYSIS

TOPIC

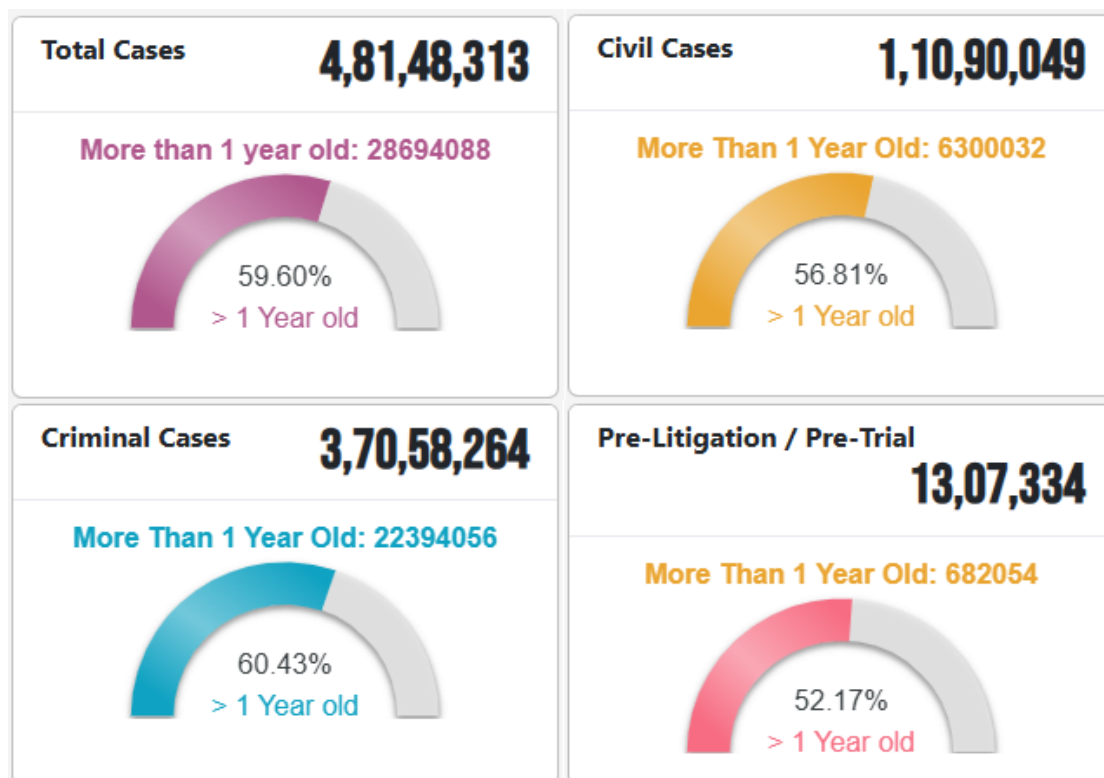## INDIAN JUDICIAL SYSTEM CRYING FOR REFORM

INDIAN JUDICIAL SYSTEM CRYING FOR REFORM

Context

- India's judicial system calls for urgent reform, with **over 4.8 crore cases pending across various courts**, in which some have been **pending for decades.**

Pendency in Indian Judiciary

- As per the latest data available with the **National Judicial Data Grid (NJDG):**
  - The **Supreme Court of India** has about 82, 500 cases pending with about 50% over a year old.
  - **High Courts in India** have about 60 lakh cases pending with about 55% over a year old.
    - High Courts like **Allahabad and Bombay** alone account for over 17 lakh pending cases combined
  - **District Courts in India** have about 4.8 crore cases pending with about 59.76% over a year old.
    - **Top States by Pendency:** Uttar Pradesh, Maharashtra, Bihar, West Bengal, and Rajasthan.
- **Casewise Distribution:**
  - **Civil Cases:** 1.1 crore pending; 56.91% over a year old;
  - **Criminal Cases:** 3.7 crore pending; 60.62% over a year old;
  - **Pre-litigation matters:** 13 lakh pending; 52.37% over a year old;

Total Cases	4,81,48,313	Civil Cases	1,10,90,049
More than 1 year old: 28694088	59.60% > 1 Year old	More Than 1 Year Old: 6300032	56.81% > 1 Year old
Criminal Cases	3,70,58,264	Pre-Litigation / Pre-Trial	13,07,334
More Than 1 Year Old: 22394056	60.43% > 1 Year old	More Than 1 Year Old: 682054	52.17% > 1 Year old

Key Reasons for Judicial Backlog

- **Judge Shortage:** Limited bench strength (34 judges) versus case inflow of over 70,000 annually.
  - Nearly **30% in High Courts** and **20% in District Courts** are vacant.
  - India has **only about 21 judges per million people**, far below the recommended 50.
- **Low Disposal Rates:** Only about 12.8 lakh cases were disposed of in the last month, while nearly 20 lakh were filed.
- **Procedural Delays and Inefficiencies**: Special Leave Petitions (SLPs), frequent adjournments, poor documentation, and inadequate digital case management.
  - Manual processes, outdated case management, and lack of automation slow down justice delivery.
  - Delays in judge appointments from collegium recommendations.

- **Infrastructure Deficits:** Many courts lack basic amenities, digital tools, and adequate staff.
  - Incomplete digitization of records and poor inter-court data synchronization.
- **Limited Use of ADR:** Underutilization of **Alternative Dispute Resolution (ADR)** and Lok Adalats.
- **Pandemic Backlog:** COVID-19 lockdowns added over 3 million pending cases between 2020–2022.

Impacts of High Pendency of Cases

- **Economic and Business Disruption:** A sluggish judiciary strangles economic vitality. Investors — domestic and foreign — hesitate to enter a market where **contract enforcement takes over four years** on average.
  - According to the **World Bank's Ease of Doing Business Index**, India performs poorly in **'Enforcing Contracts'.**
  - Economic resurgence cannot thrive where the **rule of law** moves slower than the markets it seeks to protect.
- **Justice Delayed Is Justice Denied:** Prolonged litigation erodes the credibility of the legal system. Victims and accused alike suffer from uncertainty and psychological stress.
  - **Vulnerable Groups Affected:**
    - **Women:** 8% of pending cases are filed by women.
    - **Senior Citizens:** 7% of pending cases involve senior citizens.
- **Strain on Judicial Resources:** Judges are unable to devote adequate time to complex cases, affecting the quality of judgments.
- **Cycle of Litigation:** The government is the largest litigant, contributing to nearly 50% of all cases.
  - It creates a vicious cycle where new cases outpace disposals, worsening the backlog.

Reform Measures

- **eCourts Phase III (2023–2027):** Unified case data and AI-based case listing system.
- **National Judicial Infrastructure Authority (NJIA):** To streamline funding and construction of court complexes.
- **Fast-Track Courts:** 1,023 operational nationwide, mainly for women and child-related crimes.
- **AI Initiatives:** Projects like **SUPACE (SC)** and **SUVAS (Translation AI)** to reduce human workload.
- **Virtual Hearings Expansion:** Post-pandemic continuation in Supreme Court and 25 High Courts.

Way Forward: Reforms To Overhaul Judiciary

- **Contract Enforceability:** Investors measure trust by the **enforceability of contracts**.
  - If India needs to sustain its growth momentum, **judicial speed** needs to complement **economic ambition**.
  - Justice cannot be **eternal in process** but **immediate in promise** — the two cannot coexist.
- **From Justice to Attrition:** India's legal system allows **layer upon layer of appeals**, and minor disputes climb the entire judicial pyramid, clogging higher courts.
  - **Appeals** need to be limited to cases involving **substantial questions of law** or **constitutional importance**.
  - **Comparative models**, such as in **Singapore and the UK**, demonstrate that efficiency and fairness can coexist.
- **Reforms in Bar Council of India (BCI)**: It remains trapped in the frameworks of **1961**.
  - Young professionals from India's best law schools **struggle for fair opportunities.**
  - **Lineage and connections**, not merit, often dictate success. Inside courtrooms, **'face value' trumps preparation**.
- **Indian Judicial Service:** The creation of an **Indian Judicial Service (IJS)** could democratize opportunity and reward **merit over connections**.

- ◆ Reforms like the **Advocates (Amendment) Bill, 2025** sought accountability through limited government representation, but were **rejected under the guise of autonomy.**
  - ◆ **Autonomy without accountability breeds opacity**, not independence.
- **Fairness Within the Profession of Junior Advocates**
  - ◆ Mandatory stipends and apprenticeship contracts need to be institutionalized.
  - ◆ **Whistle-blower protections** and **POSH compliance** should be universal.
  - ◆ An **independent Grievance Redressal Tribunal** needs to replace political bar mechanisms.
- **Legal Profession Regulation Bill:** India needs it to bring standardized pay structures, mandatory continuing legal education, independent audits of Bar Councils, and transparent criteria for Senior Advocate designations.
- **Reform needs to start where delay begins:**
  - ◆ **Adjournments** should be limited and justified.
  - ◆ **Accountability** for delayed judgments needs to be enforced.
  - ◆ **AI-based case clustering** and **digitised docket management** need to replace manual, paper-heavy processes.
  - ◆ The judiciary risks becoming a **monument to delay**, not a medium of justice without such **time reforms.**

Source: IE

Daily Mains Practice Question

[Q] Examine the major challenges facing the Indian judicial system. What reforms are necessary to ensure timely and accessible justice for all?