

Sansad TV Perspective: Judicial Reforms

In the series Sansad TV Perspective, we bring you an analysis of the discussion featured on the insightful programme 'Perspective' on Sansad TV, on various important topics affecting India and also the world. This analysis will help you immensely for the [IAS exam](#), especially the mains exam, where a well-rounded understanding of topics is a prerequisite for writing answers that fetch good marks.

In this article, we feature the discussion on the topic: Judicial Reforms

Video link: <https://youtu.be/Rzq-5juEwSg>

Anchor: Vishal Dahiya

Participants:

1. Justice Gita Mittal, Former Chief Justice, High Court of Jammu & Kashmir
2. Pinky Anand, Former ASG & Senior Advocate, Supreme Court of India
3. Suresh Chandra, Former Law Secretary, GoI

Context: A Joint Conference of Chief Ministers of States and Chief Justices of High Courts was held in the national capital and invited discussions on various aspects of the justice delivery system.

An Overview of the Conference:

- The conference on judicial reforms commenced with an emphasis on refurbishing the judicial machinery for a speedy, just, affordable and accessible way of delivering justice.
- It has been realised that human sensitivities must be at the heart of any reform that shall be brought into effect.
- Mediation has been recognised as an important tool for the settlement of pending cases in the courts, especially at the local level.
- The Chief Justice of India ([CJI](#)) supported the necessity to establish a National Judicial Infrastructure Authority for the standardisation and betterment of judicial infrastructure which is a major requirement.
- There have been discussions on the need to promote local languages in the courts so that the people of the country feel connected with the judicial system.

Present Scenario of District Courts: A Case Study

- A non-profit organisation named Vidhi Centre for Legal Policy has published a pan India survey report that highlighted the present state of judicial infrastructure at district courts.

- The survey covered around 665 district courts in India and examined them on the parameters mentioned by the National Courts Management Systems Committee in one of its reports to make the court complexes litigant friendly.
- Parameters on the basis of which the courts were scrutinised include:
 - Ease of reaching the court - Accessibility
 - Navigation
 - Availability of waiting area
 - Barrier-free access
 - Hygiene
 - Availability of case displays
 - Security
 - Amenities
 - Toilets
- A prominent inequality between states in India has been observed by the survey.
- States/UTs like Chandigarh, Delhi, Punjab, Haryana and Kerala showed better performance in terms of the parameters of assessment.
- The survey found that Bihar, Odisha, Jharkhand and West Bengal showed poor performance.
- It was observed that less than half of the courtrooms surveyed (around 266 court complexes) had fully functional washrooms.
- Courts had performed very poorly on the parameter of accessibility as only 27% of the court complexes were equipped with ramps/lifts.
- 11% of the washrooms were having facilities for persons with disabilities and only 2% had built-in visual aid features.

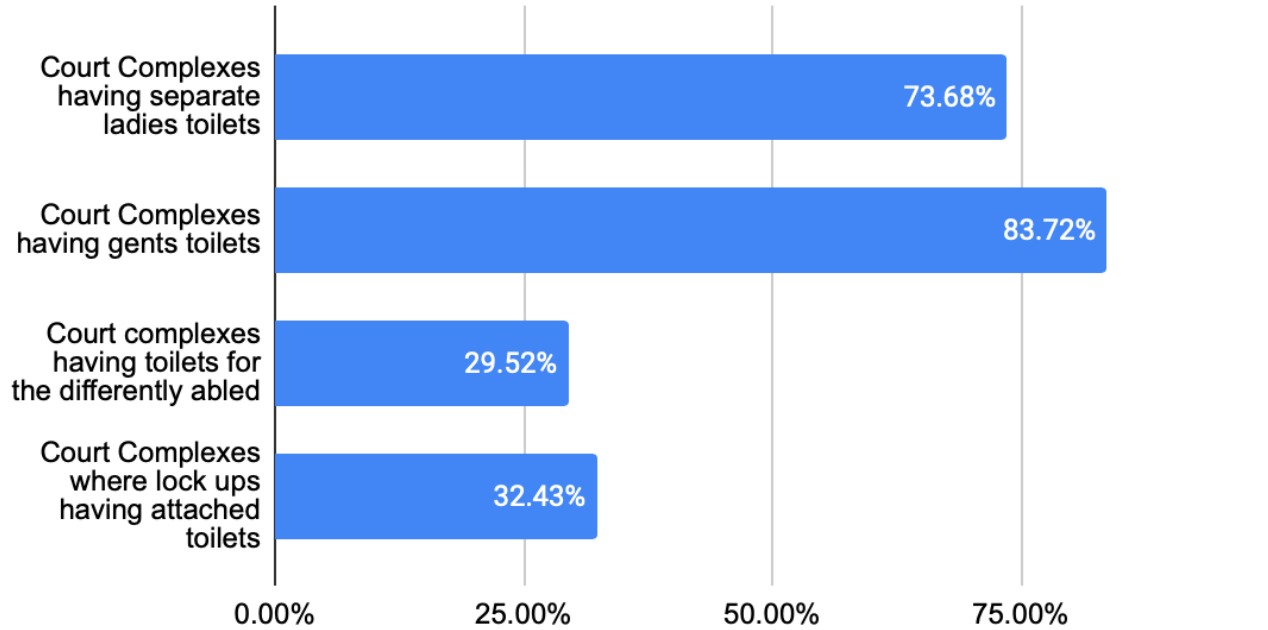
The Impact of the Survey:

- This report had a major impact on the [Supreme Court](#) and it moved the then Chief Justice Arvind Bobde to initiate an online survey of the state of infrastructure across the country's district courts.
- Under this initiative, each of the district court complexes was given directives to complete the online survey sheet on the facilities available in their court complex.
- The apex court published the final survey results and the Chief Justice encouraged the creation of a national umbrella organisation to tackle the inadequacies of the court infrastructure.
- The issue of gaps in the infrastructure of the district courts led to the discussion on the creation of a National Judicial Infrastructure Authority.

Important Findings of the Supreme Court:

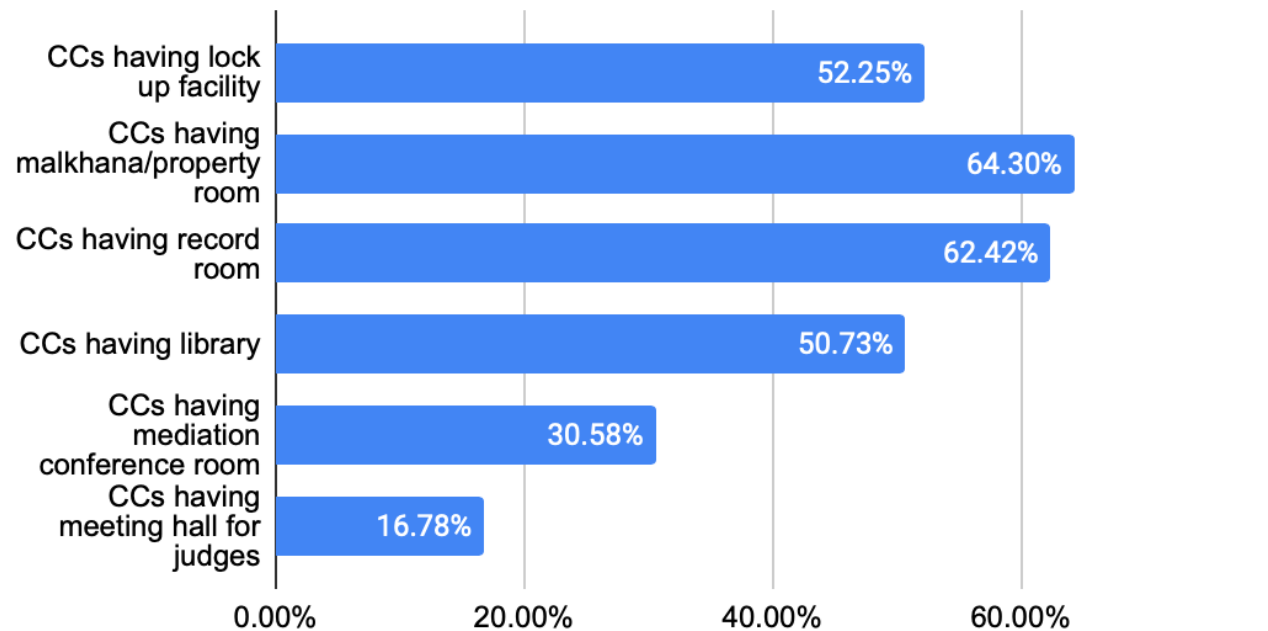
Sanitation facilities for litigants

Total court complexes for which report received - 3028



Building and Space Provisions

Total court complexes for which report received- 3028



Technology based services

Total court complexes for which report received- 3028

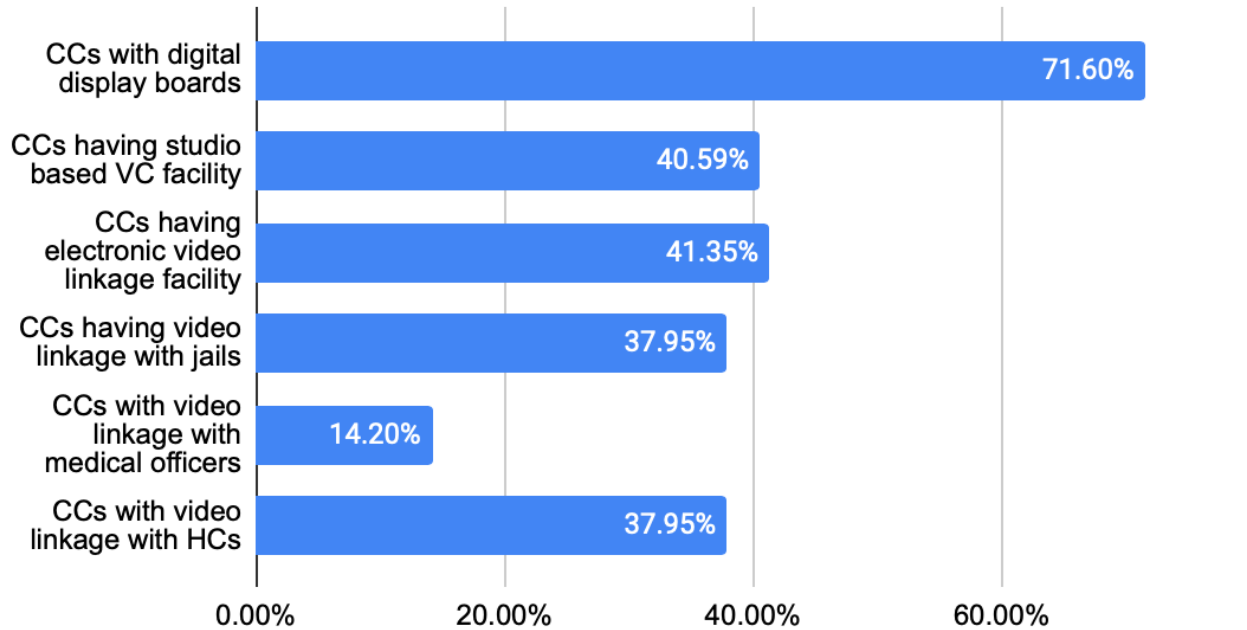


Image source: <https://scroll.in/>

What are the existing challenges in the judicial system?

- Inadequate data pertaining to the state-wise scenario of the infrastructure of courts
- Lack of information regarding the fiscal health of the states to implement infrastructure projects
- High vacancy of judges in the district judiciary
- Pendency of cases
- Lack of funding
- Ineffective planning in the functioning of the courts
- Delay in the delivery of judgements as the courts are already overburdened with cases
- Lack of transparency - In terms of bringing the judiciary under the Right to Information Act as there have been arguments regarding the [Collegium System and NJAC](#). Both the frameworks are alleged to lack transparency.
- Corruption
- Large number of undertrial accused
- Absence of trust among the litigants

The doorway to a reformed judiciary:

- The proposal to create the National Judicial Infrastructure Authority of India through parliamentary legislation is envisaged to bring a revolutionary change in the judicial functioning provided the proposed body is given financial and executive powers to operate independently of the Union and the State governments.
- There are many experts who advocate the need to appoint more judges with unquestionable transparency in such appointments.
- The government policies must facilitate to mitigate the issue of [judicial overreach](#), at the same time, the stakeholders must put a joint effort to retain harmony between the legislative, executive and judicial domains.
- It is suggested that each district must be provided with new courts with the appointment of new magistrates. This will reduce the burden of cases on the existing judges.
- It would be a landmark move to create an Indian Judiciary Service ([All India Judicial Services](#)) that would result in a wide pool of qualified and committed judges entering the system.
- Judicial delays must be brought down and the citizens must be assured of easy access to courts. This can be possible by addressing the following suggestions apart from just increasing the number of judges or filling the vacancies:
 - Developing new courts of appeal
 - Technology infusion in the judiciary that can simplify the process
 - Constructing improved facilities enabling access to the courtrooms
 - Appointing the Judges on the grounds of merit and acumen to resolve disputes in a speedy way
- Developing a proper policy of investigation to prevent false accusations of individuals is also the need of the hour to reform the judiciary and transform it into a trustworthy one.
- Faster execution of cases related to perjury and [contempt of court](#) must be given priority to restore the faith in rule of law and the justice delivery system.
- Legal education that is in alignment with the evolving dynamics of the law must be propagated in trial and constitutional courts. This will improve the competence of the judicial system.
- The judicial reforms must be placed in a manner that they attend to the various aspects of the judicial architecture such as competence, evaluation, management and administration.
- Therefore, a collaborative move involving the judiciary, the Law Ministry and the Prime Minister's Office, is necessitated for driving the judicial overhaul and a national legal strategy leading to a stable and effective conflict settlement and faster justice delivery mechanism.

Read about the [National Mission of Justice Delivery and Legal Reforms](#) in the linked article.
