

Sansad TV Perspective: Ease of Justice

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: Ease of Justice.

Anchor: Teena Jha

Guests:

1. Suresh Chandra, Former Law Secretary, GoI
2. Dr. Rajiv Nanda, Senior Advocate, Supreme Court of India
3. Dr. Justice Satish Chandra, Former Judge, Allahabad High Court

Context: Prime Minister Narendra Modi addressed the first All India District Legal Services meet.

Details:

- The PM highlighted that Ease of justice is as important as Ease of Living.
- He also reiterated that in the Period of 'Azadi Ka Amrit kaal' work should be done on the areas that have remained neglected so far.
- The issue of sensitivity towards undertrials was also raised.

Provisions supporting Ease of justice:

- Article 21- It was interpreted by the Supreme Court in Kishore vs State of Himachal Pradesh 1991 that an accused who cannot afford legal assistance is entitled to free legal aid at the cost of the State.
- Article 39A of the Constitution of India deals with the provisions of equal justice and free legal aid.
- Section 304 of CrPC provides for legal aid at the expense of the state in certain cases, under the supervision of District Judge who is the ex-officio chairperson of District Legal Aid Committee.

Issues Existing with Judiciary:

- Large pendency of cases approximately 4.25 crores.
- Inadequate number of judges 19.66 judges per million population.
- Extremely high number of undertrials - according to The Prison Statistics India report released by the National Crime Records Bureau (NCRB) in 2020 has quoted that there were as many as 4,88,511 prison inmates, of whom 76%, or 3,71,848, were undertrials.

Factors behind clogged state of Indian Judiciary:

- Lack of desired infrastructure.
- Inadequate number of judges.
- Incompetency in management and disposal of cases.
- Issue with appointment of judges.
- Low adoption of Technology

Initiatives taken:

- Virtual courts being operationalized under e-courts mission.
- National Judicial Data grid.

Measures to be taken:

- To expedite the process of undertrials by providing free legal aid.
- The procedure of appointment of judges should start well in advance so that the issue of vacancy is addressed.
- Ad Hoc judges at district level shall be appointed as the highest pendency is at the lowest level of judiciary.
- The retirement age of judges at district level should be made uniform at all levels of judiciary that is 65 years.
- Fees for filing writ petitions can be increased, which have stayed constant since a century.
- Adoption of technology like virtual hearings- will limit the filing and increase the disposal of cases.
- Lok Adalat's scope and jurisdiction can be expanded.
- Fixing the timeline for disposal of civil cases.

Conclusion:

The issues with the judiciary re-emerges from time to time. With proper coordination between the three wings i.e. the legislature, the executive and the judiciary and the right political intent the judicial system can improve.