

## Sansad TV Perspective: Justice Delivery System

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: **Legalising Same-Sex Marriage**.

**Video link:** <https://youtu.be/kR6nReyTkXU>

**Anchor:** Vishal Dahiya

**Guests:**

1. Suresh Chandra, Former Law Secretary, GoI
2. Satya Prakash, Legal Editor, The Tribune
3. Dushyant Parashar, Advocate, Supreme Court

**Context:** President Droupadi Murmu's speech regarding efficient Judiciary during the Constitution Day celebrations in Supreme Court.

**Highlights of the discussion:**

- Introduction.
- Obstacles in Justice Delivery System.
- Counter-arguments.

**Introduction:**

- President Droupadi Murmu has urged the executive, judiciary, and legislature to evolve an effective dispute-resolution mechanism to mitigate people's plight.
- In her valedictory address at the [Constitution Day](#) celebrations organized by the Supreme Court, President said that it would go a long way in making citizens effective stakeholders in the dispensation of justice.
- She also recalled her days as a political activist in Odisha to highlight that the excessive cost of litigation was a major impediment to the delivery of justice.
- While there is a huge backlog of pending cases in courts from the district level to the apex court, various studies have also revealed that the legal system is too expensive for most litigants.
- Both Judiciary and Government have taken several initiatives to deal with these issues. However, more needs to be done to further improve the Justice Delivery system in our country.

For more information on the Indian Judiciary, read here: [Indian Judiciary](#)

### Summary of President Murmu's speech:

- The President shifted from the English language to the Hindi language during her speech and narrated her personal experience as an MLA and a member of the Standing Committee in Odisha, where she got the opportunity to analyze the matter in detail.
- She made an emotional appeal to the entire judiciary including the Chief Justice of India, the Law Minister, Judges of the Supreme Court, Bar Council Members, etc.
- She conveyed that reforms should be undertaken to make the justice system more accessible to the common citizen.
- She also raised concerns about the prison conditions and the cost of litigation.
- The highest Constitutional Authority raising questions on the Judiciary highlights the importance of the matter.

### Obstacles in Justice Delivery System:

- The inefficiency and the ineffectiveness of the justice delivery system have been raised multiple times by different authorities, reports, and committees.
- One of the major reasons for the increased number of cases is that the population of India has increased considerably.
- Moreover, the increased education and literacy have made people aware of their rights.
- The time period of a case has increased because of the multiplicity of tribunals and the complexity of laws. It should be noted that a couple of decades ago there were only two appeals available and a [Special Leave Petition](#) facility for Supreme Court. But in the present scenario, there are administrative tribunals, then Alternate Dispute Redressal mechanisms, quasi-judicial bodies, and then the entire hierarchy of the District Courts, High Courts, and the Supreme Court.
- The period around the year 2006 was significantly good for the Indian Judiciary as the introduction of fast-track courts, Legal Aid System (like Lok Adalat), and initiatives like Gujarat's evening court helped in resolving several cases. However, this could not continue for a long period of time.
- Several other obstacles in the justice delivery system include the number of judges and inadequate facilities for the judiciary.
- Another issue is the competency crunch at the level of the executive, and the judiciary that dispenses ambiguous and unobjective decisions in several cases.
- The inefficiency of various judges in disposing of the cases.
- India will witness a litigation explosion as more people will assert their rights. Moreover, the rise in income is another reason for increased litigation. It is argued by many stakeholders that the judiciary is unprepared to deal with this scenario.

- There is a shortage of manpower at all levels of the judiciary beginning with district courts to the Supreme Court (currently seven vacancies). A mechanism should be established to consider these vacancies six months in advance so that justice delivery is not hampered.
- The quality of lawyers for the assistance of weaker sections is also a cause for the pendency of cases.

**Counter Arguments favouring Judiciary:**

- The judicial system in India has improved considerably in the previous few decades. The system of disposal of cases is very fast as compared to the prior position of the Indian judiciary. However, there are a few exceptions.
  - The litigations have increased due to an increase in the population but there is a limit to the number of judges.
  - Judges are generally performing their responsibilities and duties to the best of their ability.
  - None of the parties including judges, lawyers, and litigants is interested in delaying justice.
  - NALSA is proactively providing free legal assistance to the vulnerable sections of society making the justice delivery system affordable.
  - A trial also gets elongated due to the multiplicity of steps enumerated in the [CrPC](#) and the inability of the witnesses to turn up to the courts on the day of the hearing.
  - The judicial system is improving gradually and will be transformed in the coming decade.
  - Though the provision of [NALSA](#) is great, however, awareness should be increased among the rural and otherwise unaware citizens of the country.
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