

## Turning the Tide: Supreme Court Cuts Backlog in 100-Day Efficiency Drive

The Supreme Court has recently achieved a significant milestone by **reducing its case pendency by 4.83% in just 100 days** through a series of well-planned reforms.

### Reforms taken in India's Justice Delivery System: A Stakeholder Approach

This framework organizes the reforms around the primary groups who interact with and are affected by the judicial system. **( This will improve the way you generate the point in exam hall )**

#### 1. For the CITIZEN / LITIGANT (The Justice Seeker)

The goal is to make justice more **accessible, affordable, and understandable**.

- **Improved Access & Convenience:**
  - **eSewa Kendras:** Provide physical help to navigate digital services, bridging the digital divide.
  - **Tele-Law Programme:** Offers free legal advice to citizens in remote areas through Common Service Centres (CSCs), connecting them with lawyers via video conferencing.
- **Faster Resolution:**
  - **Fast Track Courts (FTCs):** Prioritize sensitive cases involving citizens like women, children, and senior citizens for quicker trials.
  - **Lok Adalats:** Provide a platform for citizens to resolve disputes (e.g., insurance, family, minor civil matters) amicably, quickly, and for free.
- **Reduced Burden & Decriminalization:**
  - **Jan Vishwas Act, 2023:** Decriminalizes many minor offences, ensuring citizens and small businesses don't face protracted criminal trials for trivial violations.

#### 2. For the JUDICIARY (Courts & Judges)

The goal is to enhance **efficiency, reduce pendency, and aid decision-making**.

- **Case Management & Efficiency Tools:**

- **National Judicial Data Grid (NJDG):** Provides judges and court administrators with real-time data to track case pendency, identify bottlenecks, and manage workflows better.

Currently, it covers case details of **18,735 District and Subordinate Courts** across India.

- **Video Conferencing (VC):** Allows courts to conduct proceedings remotely, saving time and logistical hassle for all involved (e.g., producing accused from jail, examining expert witnesses from abroad).
- **Reduced Caseload Pressure:**
  - **Alternative Dispute Resolution (ADR):** Mandatory **Pre-institution Mediation (PIM)** and promoted arbitration divert cases away from the traditional court system *before* they become filed cases, reducing the inflow.
  - **Jan Vishwas Act, 2023:** By decriminalizing many offences, it prevents a large category of cases from ever entering the judicial pipeline. (decriminalised 183 provisions across **42 Central laws** under 19 ministries/departments, helping reduce the judiciary's burden. )

### 3. For the LEGAL PROFESSION (Lawyers & Advocates)

The goal is to provide **better tools and define new roles**.

- **Digital Tools & Infrastructure:**
  - **e-Courts Project:** Provides lawyers with digital tools for e-filing, online case status tracking, and access to digital records, making their practice more efficient.
  - **WAN Connectivity:** Reliable internet in court complexes enables lawyers to use VC and digital resources effectively.
- **New Avenues for Practice:**
  - **ADR Mechanisms:** The growth of mediation and arbitration creates new professional opportunities for lawyers to act as mediators, arbitrators, and conciliators.
- **Pro Bono Culture:**
  - **NyayaBandhu Platform:** Provides a structured technological framework for advocates who wish to volunteer for pro bono cases, making it easier to contribute to legal aid.

### 4. For the GOVERNMENT & LEGISLATURE (The Policy Maker)

The goal is to **create a robust legal framework and institutional structure** for reform.

- **Institutional Creation:**

- **National Mission for Justice Delivery:** The government established this mission to provide a strategic, coordinated framework for all reforms, ensuring they are performance-driven.

- **Legislative Action:**

- **Amending Laws:** The government has passed key legislative amendments (e.g., **Commercial Courts Act, Arbitration Act, Criminal Laws**) to create the legal foundation for faster processes, stricter timelines, and specialized procedures.
- **Jan Vishwas Act, 2023:** A proactive legislative exercise to rationalize the statute book and reduce unnecessary litigation that burdens the state's prosecutorial machinery.

## 5. For the **ACCUSED & PRISON SYSTEM**

The goal is to **enhance rights and improve logistics**.

- **Video Conferencing:** Allows accused individuals to appear for routine hearings from jail, significantly improving security, reducing transportation costs and risks, and minimizing disruption to prison schedules.

## 6. For the **BUSINESS & COMMERCIAL SECTOR**

The goal is to **ensure speedy enforcement of contracts and dispute resolution** to improve Ease of Doing Business.

- **Specialized Procedures:**

- **Commercial Courts Act:** Establishes dedicated courts and procedures for commercial disputes, understanding their need for urgency.

- **Mandatory ADR:**

- **Pre-institution Mediation (PMS):** Offers businesses a chance to resolve disputes confidentially and quickly without entering prolonged litigation.

- **Timely Arbitration:**

- **Arbitration and Conciliation (Amendment) Act:** Prescribes strict timelines for arbitral proceedings, making this popular business alternative more reliable and effective.

# Major Challenges in the Indian Judiciary: A Stakeholder Analysis

## 1. For the CITIZEN / LITIGANT (The Justice Seeker)

For this stakeholder, the challenges translate to **denied access, unaffordable costs, and a loss of faith.**

- **Mounting Pendency and Delayed Justice:** The core issue. With over **5 crore cases pending** and some cases older than 50 years, citizens are effectively denied "timely justice," a fundamental right. The phrase "*tareekh pe tareekh*" (date after date) encapsulates their frustrating experience.
- **Barriers to Accessing Justice:**
  - **Inadequate Legal Aid:** While 80% of the population is eligible for free legal aid, only **1% access it** due to poor implementation, lack of awareness, and procedural hurdles.
  - **Undertrial Prison Crisis:** 76% of India's jail population are undertrials (awaiting trial), meaning thousands are in jail not because they are guilty, but because they are poor and cannot secure bail or a speedy trial.
- **Lack of Diversity:** A homogenous judiciary (lack of gender, caste, and regional representation) can affect a citizen's perception of fairness and understanding, especially for cases from marginalized communities.

## 2. For the JUDICIARY (Judges & Courts)

For judges, the challenges create an **impossible working environment, immense pressure, and ethical dilemmas.**

- **Persistent Judicial Vacancies:** High Courts operate with **~33% vacancies**. This places an unsustainable workload on sitting judges, leading to burnout and making it physically impossible to clear the backlog.
- **Inadequate Infrastructure and Technology:** Judges lack the basic tools to work efficiently:
  - Shortage of **4,250 courtrooms** and **6,021 residential units**.
  - **Technological Gaps:** Only 41% of court complexes have proper video conferencing facilities, hampering modern practices like virtual hearings.
- **Threats to Independence & Integrity:**
  - **Executive Interference:** Delays in appointments, selective transfers (e.g., Justice Muralidhar), and post-retirement appointments (e.g., nominating a

former CJI to Rajya Sabha) create perceptions of pressure and "quid pro quo."

- **Accountability Deficit:** The near-impossible impeachment process and the lack of a transparent system to address minor misconduct (e.g., data on complaints not maintained) place judges in a unique position with little oversight.

### 3. For the LEGAL PROFESSION (Lawyers & Advocates)

Lawyers navigate a system that is **archaic, inefficient, and sometimes non-transparent**.

- **Systemic Delays:** Lawyers must manage client expectations amidst endless adjournments and delays, which hurts their practice and reputation.
- **Opaque Appointments (Collegium System):** The collegium system's lack of transparency can lead to perceptions of favoritism and the '**Uncle judge syndrome**', undermining meritocracy and demoralizing talented lawyers.
- **Technological Divide:** While e-filing and digital tools exist, **poor connectivity and untrained personnel** in courts mean lawyers often struggle with the very systems designed to help them, wasting time and effort.

### 4. For the ACCUSED & PRISONER

This group faces the **harshest consequences of systemic failure**, often losing their liberty and rights.

- **The Undertrial Crisis:** Making up **76% of the prison population**, most accused are not convicted criminals but individuals awaiting trial, sometimes for periods longer than the maximum sentence for their alleged crime.
- **Lack of Effective Legal Aid:** Without proper access to legal representation, the accused cannot navigate the complex legal system, often remanded to custody without understanding their rights.

### 5. For the GOVERNMENT & LEGISLATURE (The Executive)

The government faces criticism for **failing to collaborate effectively** with the judiciary and for perceived overreach.

- **Executive-Judiciary Tension:** The core conflict revolves around appointments (Collegium vs. NJAC), where government delays in clearing names and selective transfers are seen as interference in judicial independence.

- **Inadequate Funding & Infrastructure:** As the primary funder, the government is responsible for the critical shortage of courtrooms, judicial housing, and technological infrastructure, directly contributing to inefficiency.
- **Legislative Overload:** The legislature's failure to repeal outdated laws and simplify complex procedures (partly addressed by the Jan Vishwas Act) clogs the system with avoidable litigation.

## 6. For SOCIETY & THE NATION

The collective impact of these challenges **erodes the rule of law and hinders national progress.**

- **Erosion of Public Trust:** Chronic delays, perceived corruption ('Uncle judge syndrome'), and a lack of accountability make the public cynical about the rule of law, which is dangerous for a democracy.
- **Impediment to Economic Growth:** A slow judiciary enforces contracts poorly, discourages foreign investment, and hampers the ease of doing business. Investors require a reliable mechanism to resolve disputes quickly.
- **Debate on Judicial Role:** Instances of **judicial activism** (e.g., Electoral Bonds case, Vishaka guidelines) spark a national debate on whether the judiciary is overstepping into the domain of the executive and legislature, challenging the separation of powers.

## Reforms for the Indian Judiciary: A Stakeholder Roadmap

### 1. For the JUDICIARY (Judges & Court Administration)

**Goal:** Empower judges with better tools, infrastructure, and training to manage their workload effectively.

- **Technology-Driven Case Management:**
  - Fully implement and expand **AI-powered tools** like SUVAS (for translation) and SUPACE (for research) to all levels of courts to assist judges in processing information and drafting orders faster.
  - Mandate the use of the **FASTER system** for all courts to ensure instant transmission of orders, especially for bail and urgent relief.



- **Specialized Courts & Tribunals:** Establish more specialized courts for domains like commercial disputes, cybercrime, and environmental law, allowing judges to develop expertise and resolve complex cases more efficiently.
- **Enhanced Training & Sensitivity:**
  - The **National Judicial Academy** should implement mandatory, continuous training in **judicial compassion**, case management, and emerging areas of law.
  - Enforce the use of the **Supreme Court's handbook on gender-unjust language** and integrate sensitivity training to ensure a more equitable courtroom environment.
- **Infrastructure Authority:** Establish a **National Judicial Infrastructure Authority of India (NJIAI)** to ensure judges have the necessary courtrooms, technological hardware, and residential facilities to perform their duties without hindrance.

## 2. For the LEGAL PROFESSION (Lawyers & Advocates)

**Goal: Equip lawyers with modern tools and define their role in a reformed, efficient system.**

- **Mandatory Continuing Professional Development (CPD):** Institute a **mandatory CPD scheme** (like Singapore's) for lawyers to stay updated on legal reforms, technology (e-filing, e-evidence), and ethical standards.
- **Pro Bono Institutionalization:** Strengthen the **NyayaBandhu platform** and formally recognize pro bono work as a criterion for senior designations, incentivizing lawyers to contribute to legal aid.
- **ADR Training:** Provide specialized training and certification for lawyers to act as **mediators and arbitrators**, creating new career paths and helping divert cases from overburdened courts.

## 3. For the CITIZEN / LITIGANT (The Justice Seeker)

**Goal: Make justice accessible, affordable, understandable, and timely for the common person.**

- **Strengthened Legal Aid Ecosystem:**
  - Reform the **National Legal Services Authority (NALSA)** to function like the Netherlands' model, providing **subsidized legal aid based on income levels**, not just for the destitute.
  - Expand **Tele-Law** and mobile legal clinics to rural areas, ensuring remote access to legal consultation.

- **Promotion of ADR for Citizens:** Actively promote and incentivize **Lok Adalats** and mediation centers as the first resort for common disputes (family, property, petty civil cases), offering a faster, less formal, and cost-effective alternative.
- **Enhanced Transparency & Communication:**
  - Expand **live-streaming** of cases of public importance and issue summaries of judgments in **regional languages** to demystify the process and build trust.
  - Conduct nationwide **legal literacy campaigns** to inform citizens of their rights and the mechanisms available to them.

#### 4. For the GOVERNMENT & LEGISLATURE (The Policy Maker)

**Goal: Create a supportive policy and fiscal environment for judicial reform.**

- **Judicial Appointments Reform:** Revamp the appointment system by establishing a **transparent and representative Judicial Appointments Commission** to replace the opaque collegium system, ensuring appointments are made swiftly and diversity is prioritized.
- **Legislative Action:**
  - Accelerate the implementation of the **Mediation Act, 2023**, by allocating funds for mediation centers and trained mediators.
  - Continue the legislative review to **decriminalize trivial offences** (following the Jan Vishwas Act model) to prevent the judiciary from being clogged with unnecessary cases.
- **Flexible Funding & Audit:** Introduce **flexibility in fund utilization** for court infrastructure under schemes like the CSS and mandate a **CAG audit** to ensure funds are used effectively and not left unutilized.
- **Create All India Judicial Service (AIJS):** Consider establishing an **AIJS** under Article 312 to attract talented lawyers into the lower judiciary through a standardized, merit-based process.

#### 5. For the EXECUTIVE (The Government as Appointer & Administrator)

**Goal: Ensure timely collaboration with the judiciary to uphold its independence.**

- **Cooperative Appointments Process:** Avoid delays in processing and appointing judges recommended by the collegium (or a future commission) to ensure vacancies are filled promptly.



- **Non-Interference:** Respect judicial independence by avoiding actions that create perceptions of a "quid pro quo," such as post-retirement appointments for sitting judges, which can undermine public trust.

## 6. For SOCIETY & THE NATION

**Goal: Build a justice system that upholds the rule of law and fosters economic growth.**

- **Diversity in Judiciary:** Implement policies to ensure the judiciary reflects the nation's social, gender, and regional diversity, which is crucial for earning broad public legitimacy and understanding complex social issues.
- **Accountability Mechanisms:** Develop a transparent system for **judicial performance evaluation** (inspired by models in the U.S.) and a feasible mechanism to address minor complaints against judges, balancing accountability with judicial independence.
- **Economic Enabler:** A reformed, efficient judiciary is a key pillar for **ease of doing business**, as it ensures contract enforcement and dispute resolution are predictable and swift, attracting investment and boosting the economy.

For India to truly thrive, judicial reform must become a collective national mission, not just an institutional goal. **This urgency is underscored by the profound role of the judiciary, which Dr. A.P.J. Abdul Kalam described as “the Angel and the Marshal” safeguarding our democracy and civilized life.** To remain worthy of the nation's gaze from its exalted pedestal, the system must be transformed with decisive speed. The ultimate objective is clear: to make justice accessible, swift, and undeniable for all.

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“YOUR SUCCESS, OUR COMMITMENT”