



## Judiciary Reforms in India

### Description

#### What is Judiciary :-

- Judiciary is the system of courts that implements law in the name of the state. Judiciary of India is the guardian of the Constitution and fundamental rights of the people.

#### Merits of Indian Judiciary system :-

- The Constitution of India has a single and integrated judicial system. This kind of system helps the Supreme Court to run the judicial administration of our country. The Supreme Court is the highest court with lower levels like High Courts and other subordinate courts.
- The judiciary provides some salient features which makes it work independently. The features include: appointment for judges with high qualification by the President, removal of judges by tough impeachment, high salaries, pensions and other benefits for judges, adequate powers and functional autonomy for the judiciary and an independent establishment of the judiciary.
- The judiciary is actively bringing the 'Public Interest Litigation' system, the Lok Sabha and a few more groups into proper shape. The Supreme Court has been coming out with judicial decisions and directives aimed at active protection of public interest and human rights.
- Judiciary is separate from the other 2 branches of the Constitution– the Executive and the Legislative. It runs on the laws and orders received from the Supreme Court. Thus, it can stand individually and run independently.
- The Judiciary also acts as a protector of fundamental rights and freedom of the public. People have a Right to Constitutional Remedies under which court gives protection for violation or threat to rights.

#### Demerits of Indian Judiciary :-

- Indian Judiciary also comes in the list of corrupted. On one hand, crimes and scams are

increasing. On the other hand, the judiciary is growing more inefficient. The judiciary is biased towards the judges in most of the aspects till date.

- The inefficient judiciary has lead to a backlog of numerous pending cases. The number of pending cases is 30 million. Among those cases, 80% of them belong to the district and subordinate courts.
- Coming from the previous point, this backlog is primarily due to lack of judges in courts. The 80% of backlogged cases has a shortage of around 5000 judges. India has a total of 600 district courts but a massive deficit of judges.
- Another demerit of the judiciary is the lack of transparency. According to Transparency International, judicial corruption in India give rise to factors such as delays in the disposal of cases, shortage of judges and complex procedures, all of which are degrading by addition of new laws. Some analysts feel that a bigger reason for corruption is the opaque Judicial appointments through a collegium system.
- The prisoners who are undertrial, are kept in jails until their cases come to a proper conclusion. This mostly keeps the prisoners longer than their actual confinement in jails. Apart from confinement, the expenses and the pain of defending themselves in courts are difficult and hard too.
- The Indian judiciary is in isolation from the common people. It has no bridge or interaction with the society and public.

### Recommended Judicial reforms :-

- Cases must be enabled with a proper time constraint to avoid backlogging and increase efficiently. Cases must be prioritized according to its type and the court's ability of execution, and then be setting a time standard.
- In today's digital world, technology can serve as an option to increase productivity of courts. Technology offers us new packages like database, ERP tools, and court management practices for development of judiciary.
- Cases distributed to lower levels of courts will increase efficiency. More trial courts should be set up at the intermediate Panchayat level for the Gram Nyayalayas Bill. The court procedures must be simple, flexible and hence efficient enough to do away within six months of time.
- Lok Adalats can provide expense-free justice to the people for legal disputes at primary stages. It relieves the court with court-time for more important cases and disputes to worry about. The Legal Services Authorities Act made provisions to settle cases through Lok Adalats.
- A proper recruitment system should appoint judges. The court requires stricter judges to conserve court-time. Also, a major reform would be the removal of age restrictions of retirement of High and Supreme Court judges. This can hence, ensure more experience in the industry.

### Conclusion :-

An efficient and effective judiciary system is probably the important for the humankind. Since India's judiciary system does not seem very efficient, it requires reforms. Present Prime Minister Narendra Modi with his office PMO has been working on judicial reforms. The government

litigations constitutes nearly 46% of all the court cases. Hence, the PMO is pushing the judicial reform and national litigation policy under the supervision of Law Ministry.

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