

Reform in Judicial System in India

Dr. Ajai Veer

Assistant Professor, Faculty of Law, Shia P.G. College, Lucknow

Dr. Prabodh Kumar Garg

Assistant Professor, Faculty of Law, Shia P.G. College, Lucknow

Introduction

Independence of the judiciary is directly linked with human rights and liberties of the society. Rights, decision and liberties would be reduced to the level of no more than just laws, when they are not enforced by courts. So, the judicial systems must be safeguarded, protected, strengthened and streamlined right from the bottom. An independent and impartial judiciary, and a speedy and efficient system are the very essence of civilization. However, our judiciary, by its very nature, has become ponderous, excruciatingly slow and inefficient. Our laws and their interpretation and adjudication led to enormous misery for the litigants and forced people to look for extra-legal alternatives

Why we need reforms ?

Practical and effective reforms in consonance with basic features of the Constitution

- Accountability of the judiciary
- Speedy justice
- Reduction in costs of litigation
- Systematic running of the courts
- Faith in the judicial system
- Judicial procedure is very complex, costly and dilatory putting the poor at a distance from justice.
- Huge pendency of cases
- Better Investigation



- Faster Trial

What are the solutions?

It is urgent to bring in certain judicial reforms in our country. It is not just important for social welfare, but also economic welfare as a sound and efficient dispute resolution and justice delivery system will attract more foreign investors as well. Indian judiciary into a service that provides legal justice for all. To ensure a greater degree of independence the following steps may be adopted-

- Develop the alternate dispute resolution methods;
- Improve the quality of the judges appointed, and employ qualified staff and adequate resources and equipment;
- Promote the values of equality, speed and quality which should be practiced by judges and lawyers;
- Prescribe time limits for all court cases in order to deal with the issue of pendency;
- Utilise technology to develop an efficient digital resource management system and to increase the productivity of courts;
- Establish an internal institutional mechanism to deal with corruption among judges;
- Further develop the use of fast-track courts; and
- Increase the number of trial courts at the intermediate panchayat level, and provide 'mobile courts' to bring justice to people's doorsteps.
- There is a need for a national policy decision whereby a percentage of the government funds must be allotted towards the judiciary.
- Judiciary must be included separately in the Plan by the Planning Commission and separate allotment be made by the Planning Commission and the Finance Commission.
- A National Judicial Council and State Judicial Councils must be set up as recommended by the National Commission to review the working of the Constitution.
- A more effective use of information technology can enable the judiciary in reducing time on the process.



Conclusion:

With regard to the judicial reforms, it is necessary to follow the recommendations of 230th and 245th Law Commission Report as well. Also, it is important for courts to understand that certain types of cases be tried as soon as possible like in rape cases, the victim must not wait for 10-20 years for justice, in terrorism cases where the chances of prosecuting innocents are high due to pressure on police to act promptly, the courts must try such cases as soon as possible so that the State itself doesn't give birth to victims as mentioned above while providing justice to many other victims. When today lack of professional ethics is a big problem that even the Bar itself is facing, in legal education, one just not needs to be taught what law is but also, how it has to be practised honestly and ethically, is an urgent judicial reform needed today. Failure of the judiciary to deliver justice within a time frame has brought about a sense of frustration amongst lawyers and litigants. The overflowing dockets of the courts are not a sign of failure of the system but a sign of faith in the administration of justice. Public resort to court to suppress public mischief is a tribute to the justice-delivery system. The problem of delay in the disposal of cases, however, is a real problem. It is also a challenge.

References:

- Lakshmanan J.A., 2008, 'Reforms in the Judiciary: An Overview', Halsbury's Law Monthly
- <https://www.hindustantimes.com/analysis/how-to-reform-the-judicial-system/story-mCyeVh58HL7TbcLUMaDS3K.html>
- <https://www.outlookindia.com/magazine/story/india-news-70-years-of-indian-judiciary-opinion-the-courts-must-reform-so-that-they-can-preserve-seven-must-dos/302680>
- <https://www.thehindu.com/opinion/op-ed/testing-judicial-reforms/article30279727.ece>
- <https://www.indialegallive.com/top-news-of-the-day/news/a-long-overdue-reform-in-all-india-judicial-service-79888>



- <https://economictimes.indiatimes.com/blogs/cursor/why-there-is-an-urgent-need-to-reform-indias-judicial-system/>
- <https://iasscore.in/national-issues/judicial-reforms>
- <https://www.civilserviceindia.com/subject/Essay/why-india-needs-judicial-reforms.html>
- <https://www.thinkpragati.com/think/manifesto/7515/legal-reforms-start-with-the-lower-judiciary/>

