

VAID'S ICS LUCKNOW

Daily Answer Writing Programme (DAWP):

Topics-Editorials from the Hindu/ET

(Q of 08/08/2019)

Q. The Indian Judiciary has been facing huge number of pending cases for a long time. In this regard give your **suggestions to reform the judiciary? 250 words**

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Model Answer:

The Indian judiciary is marked by pendency of large number of cases which account for around **60000, 42 lakh & 2.7 crores in SC, HCs & Lower courts** respectively.

The reasons for large number of pending cases are-

✓ Inadequate number of Judges & vacant posts-

It is in the ratio of **10 to 1 million** against the prescribed limit by law commission report of 1987 i.e. 50 to 1 mn. Around **5300 posts** are vacant in lower courts with highest in Uttar Pradesh.

- ✓ The RTI & PIL have also led to increase the number of legal matters in the courts as people are now more aware of their legal rights.
- ✓ Insufficient resources with Indian judiciary. India needs more courts and benches
- ✓ Only 0.1-0.4% budgetary allocation to judiciary
- ✓ Modernization and computerization not reached courts yet
- ✓ Low judicial quality at lower courts

Way forward-

➤ **The criminal justice system must be reformed:**

The procedures & methodology of any case from FIR to Trial is complex & time taking so it needs to be simplified & should be progress in a definite time bound manner.

➤ **Establishment of all India Judicial services:**

To bring the uniformity & to have sharp & quality minds in the judiciary ,The recruitment should be through the **UPSC**.

➤ **The government is the biggest litigant in India:**

The prevention is better than cure. To that end, effective citizen charters in administration, inbuilt feedback and grievance redressal mechanisms, social audits, wide ranging policy debates etc. could reduce the number of cases against the state

➤ **The Modernization Of Judicial System:**

Proper application of advance technology & accordingly skilled/experts staff can bring significant changes in judiciary.

➤ The Judicial proceedings should be **audio and video recorded** in all courtrooms across the country as it will more transparency.

➤ **229th Law commission report** proposed establishing separate benches to hear appeal and constitutional matters should be implemented.

➤ Law commission has also suggested establishing regional SC benches to hear appeal from HC.

➤ **Alternate Judicial Mechanism:**

Courts must have fast track/Lok adalats for the cases pending for more than 10 years.

➤ Keep courts open for **365 days a year**

➤ Lawyers must be penalized for delaying cases without reasons

➤ Transfer of cases must be allowed only **in special circumstances**

Judiciary is one of important pillars of democracy whose prestige lies in the fast & speedy justice. It needs a comprehensive & effective steps do bring the desirable result. As we all know '**Justice delayed is Justice denied.**

