

Steering reform in clogged courts

The spotlight was on the Bombay High Court in early May when [one of its judges sat well past midnight hearing cases](#) before the month-long summer break kicked in. While this was a rare occasion in the court's 156-year history, the incident highlights the systemic issues common to courts in India. Ad hoc measures such as what the judge did, though laudable and well meaning, hardly resolve these issues. Instead, they can only be addressed through a transformation of court processes.

While there is general acceptance that the Indian judicial system suffers from case delay and the use of antiquated methods, the discourse on judicial reform remains focussed on areas such as appointments and vacancies. It is time that organisational barriers and court processes that also contribute to case delay are studied. We focus on two areas that greatly affect court efficiency: case listing practices and court infrastructure.

The need to scientifically determine how many cases should be listed per day cannot be stressed enough. It is not uncommon to see over 100 matters listed before a judge in a day. When a judge is pressed for time, not only does the quality of adjudication suffer but it also means that several cases will inevitably go unheard. Matters listed towards the end (usually cases near the final stage of hearing) tend to be left over at disproportionate rates and often end up getting stuck in the system.

The consequences are manifold, affecting judges, lawyers, registry staff and, ultimately, case disposal. The uncertainty around which cases will come up for hearing means neither judges nor lawyers can plan their preparation. This situation compels lawyers to waste time waiting in court and enables them to cite the simultaneous listing of multiple cases as an excuse for adjournments. Registry staff must manage the massive task of re-listing leftover matters in an already bulging docket, instead of streamlining case flow.

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The second issue is infrastructure: from inadequate support staff for judges to the dearth of basic courtroom facilities. Without research and secretarial support, judges are unable to perform their functions in a timely manner. For instance, in a private interview, a judge said that even though he managed to hear close to 70 cases in a day, it took two days for the stenographers to finish typing the orders. A 2016 report published by the Supreme Court showed that existing infrastructure could accommodate only 15,540 judicial officers against the all-India sanctioned strength of 20,558. The lack of infrastructure also raises serious concerns about access to justice.

A [recent Vidhi study on district courts in the National Capital Region](#) found that even basic needs such as drinking water, usable washrooms, seating and canteen facilities are often not available in court complexes.

Solutions for such challenges will require a fundamental shift in how courts are administered.

Courts must become more open to applying management principles to optimise case movement and judicial time. In this, external support agencies competent in strategic thinking should be allowed to work with judicial officers to understand and help the institution function better. This is already a widely-adopted practice in executive departments across the country. Courts have partially realised this need and created dedicated posts for court managers (MBA graduates) to help improve court operations. But more often than not, court managers are not utilised to their full potential, with their duties restricted to organising court events and running errands.

Gender disparity in lower judiciary, shows study

Judicial policymakers will also have to expand their reliance on empirical data and courtroom technology. On the former, there appears to be little quantitative evidence available to back judicial policies, from how long cases at various stages actually stay in the case pipeline to audits of judicial infrastructure. Recording and analysing appropriate court-related data is thus the first step in addressing any problem that plagues courts — from arriving at reasonable case listing limits to improving infrastructure. Second, court processes must be modernised, and the role of technology is critical. Courts have taken various initiatives over the years to digitise case records and filing; the case information system (CIS) 2.0 is currently being implemented across the country. But as a judge rightly pointed out, using technology in courts cannot remain limited to digitising records alone but must affect how cases actually move through the system. Initiatives such as CIS must be supplemented with file-tracking and knowledge management systems, to help courts achieve an optimal level of functioning.

For courts in India to dispense speedy justice, there must be a change in leadership thought and the willingness to seek help where it is evidently required.

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