

EDITORIAL

DATE :28th January

Revamping India's Judiciary: Tackling Appointments and Case Pendency

General Studies-2; Topic: Structure, Organization, and Functioning of the Executive and Judiciary

Introduction

- **Judiciary Under Strain:** India's judiciary is under significant stress due to rising **case backlogs**, especially in **High Courts**, leading to delays in justice delivery.
- **Critical Concern:** The **Department of Justice's 2023 report** revealed a strong correlation between **judicial vacancies** and mounting pendency, highlighting systemic inefficiencies in judicial administration.

Understanding the Background

The Debate on Appointments

- Judicial appointments in India are plagued by **delays** and **controversies**, worsening the pendency crisis.
- A **standoff** between the **executive** and **judiciary** has resulted in numerous **vacancies** in higher courts.

NJAC vs. Collegium System

1. **NJAC (National Judicial Appointments Commission):**
 - Introduced through the **99th Constitutional Amendment Act (2014)** to bring **transparency** and **accountability** in appointments.
 - Included a six-member panel:
 - **Chief Justice of India (CJI)** as Chairperson.
 - Two senior judges of the Supreme Court.
 - Union Law Minister.
 - Two eminent persons nominated by a committee.
 - **Judiciary's Opposition:** The **Supreme Court (2015)** declared NJAC unconstitutional, citing concerns over **judicial independence** and **executive overreach**.
2. **Collegium System:**
 - Judicial appointments are recommended by the **CJI** and four senior judges of the Supreme Court.
 - **Criticism:** Lack of **transparency**, **nepotism**, and **opaque decision-making processes**.
3. **Current Scenario:**
 - Debate persists over a reformed NJAC that balances **accountability** and **independence**.

Case Pendency: A Growing Crisis

Scale of the Problem

- **High Courts:** Over **60 lakh cases** pending (as of April 2023).
- **Lower Courts:** More than **4.4 crore cases** unresolved (National Judicial Data Grid, December 2023).

Judicial Vacancies

- **High Courts:** Nearly **30% of judge positions** remain vacant.
- **Lower Courts:** Over **5,000 positions** for judicial officers are unfilled.

Consequences of Pendency

- **Justice Delayed:** Results in **erosion of public trust** in the judiciary.
- **Social Impact:** Marginalized and economically weaker sections face **disproportionate hardships** in prolonged legal battles.
- **Economic Impact:** According to the **World Bank**, judicial inefficiencies cost India around **2% of GDP annually** due to delays in enforcing contracts and resolving commercial disputes.

Global Perspectives on Judicial Appointments

Comparative Models

1. **United Kingdom:**
 - Judicial Appointments Commission (JAC) with **15 members**, ensuring **fairness** and **diversity**.
 - Includes **judges, legal professionals, and laypersons** to maintain balance.
2. **South Africa:**
 - The **Judicial Service Commission (JSC)** advises the President on appointments.
 - Ensures representation from judiciary, academia, politicians, and civil society.
3. **France:**
 - The **High Council of the Judiciary** involves a mix of **judges, legal experts, and laypersons**, promoting **transparency** and **accountability**.

Key Lessons: International practices emphasize **diversity, judicial independence, and transparency**, which are critical for an effective judiciary.

Challenges and Opportunities

Challenges

1. **Judicial Independence vs Accountability:**
 - Balancing these two principles remains the **core issue**.
2. **Collegium System Criticisms:**
 - Lack of **objective criteria, opacity**, and allegations of **favoritism** weaken public trust.

Opportunities for Reform

- Revisit the **NJAC** or create a **new framework** with broader representation from civil society, academia, and judiciary.
- Use **global best practices** to devise a more effective judicial appointment process.

Way Forward

Reforming Judicial Appointments

- **Rework NJAC:**
 - Include members from the **judiciary, executive, and civil society**.
 - Safeguard judicial **independence** while ensuring **accountability**.
- **Enhance Collegium Transparency:**
 - Define clear **selection criteria**.
 - Make **appointment decisions public** to build trust.

Addressing Case Pendency

- **Alternative Dispute Resolution (ADR):**
 - Promote mechanisms like **mediation, arbitration, and lok adalats**.
 - Example: ADR mechanisms in **Delhi High Court** reduced pending cases by **24%** in 2022.
- **Leveraging Technology:**
 - Implement **AI-driven case management systems** to streamline court operations.
 - Example: **e-Courts Project** (Phase III) aims to digitize case records across all courts.

Adopting Global Best Practices

- Learn from **UK, South Africa, and France** to improve diversity, transparency, and inclusivity in judicial appointments.

Investing in Judicial Infrastructure

- Expand **courtroom capacity**, hire more **support staff**, and upgrade **court technology**.
- Example: The **India Justice Report 2022** ranked **Tamil Nadu** and **Karnataka** highest in judicial infrastructure, showcasing the impact of investment.

Impact

- Reducing **pendency** and streamlining judicial appointments will restore **public trust**, strengthen **rule of law**, and enhance India's global standing in **ease of doing business** (currently ranked **63rd**, World Bank 2023).

Conclusion

Addressing the dual challenges of **judicial appointments** and **case pendency** is essential to maintaining the **rule of law** and ensuring a **vibrant democracy**. By adopting **transparent appointment mechanisms**, leveraging **technology**, and improving infrastructure, India can build a **robust judiciary** capable of meeting modern demands and upholding **public confidence**.

MAINS QUESTION

Discuss the challenges associated with the National Judicial Appointments Commission (NJAC) and its implications for judicial independence. Do you think a reformed NJAC could strike a balance between independence and accountability?