



Understanding Organisational Structure of Courts in India

NAME - KUMAR KOUNDILYA

COURSE – B.B.A LL.B.(H)

AMITY UNIVERSITY NOIDA

CHAPTER I

INTRODUCTION

Law (legal framework) is the foundational framework that regulates human conduct within a society. Its influence spans the entirety of an individual's life, extending from before birth to even after death, through rules related to inheritance, succession, and the disposal of property. In a democratic society, law (legal framework) plays an essential role in maintaining social order, protecting rights and freedoms, and resolving disputes in a structured manner. It is through the legal system that the rule of law (legal framework) is maintained and the balance of power among various organs of the government is upheld.

The concept of law (legal framework) is often distinguished from other forms of societal norms such as morality, customs, or religious prescriptions. What sets law (legal framework) apart is its enforceability through the state's coercive power. Courts, tribunals, and other quasi-judicial authorities act as the implementing mechanisms for legal rules and doctrines, ensuring that individuals and institutions are held accountable for their actions. Law (legal framework), in this sense, is not merely a theoretical abstraction but a living institution that interacts with the economic, political, and cultural realities of the time.

India, being the largest democracy in the world, has one of the most elaborate and complex legal systems. The Indian legal system is based on the common law (legal framework) tradition, inherited from the British colonial regime. However, it is also deeply influenced by ancient Indian jurisprudence, customary laws, and socio-political values embedded in the Constitution. The country's legal structure is composed of multiple layers of courts and tribunals, each having its own jurisdiction, authority, and procedural norms. These include the Supreme Court (judicial body), High Courts in each state, subordinate judiciary (court system) such as District and Sessions Courts, and grassroots mechanisms like Nyaya Panchayats in rural areas.

Historically, the administration of justice in India has undergone significant transformations. In ancient times, the king was considered the fountain of justice, and the administration was guided by religious texts like the Manusmriti and Arthashastra. With the advent of British colonial rule, this traditional system was overhauled and replaced with a structured, codified judicial system inspired by English jurisprudence. The Charter of

1726 issued by King George I led to the establishment of Mayor's Courts in the Presidency towns of Calcutta, Bombay, and Madras. This marked the formal beginning of a modern legal system in India.

Post-independence, the adoption of the Indian Constitution in 1950 laid the groundwork for an independent, impartial, and integrated judiciary (court system). The Constitution not only guarantees fundamental rights but also provides for their enforcement through constitutional remedies. The Supreme Court (judicial body) of India, at the apex of the judicial hierarchy, acts as the guardian of the Constitution. Below it are the High Courts, each operating within the territorial jurisdiction of a state or group of states. Further below are subordinate courts that deal with the majority of the country's civil and criminal litigation.

The hierarchical structure of the courts facilitates a system of appeals and revisions, thereby ensuring that legal errors or miscarriages of justice can be corrected. This structure also enhances uniformity and predictability in the application of laws. For instance, precedents set by the Supreme Court (judicial body) are binding on all subordinate courts, which fosters consistency in judicial decision-making. Additionally, the appellate mechanism serves as an important check on judicial arbitrariness.

Despite these strengths, the Indian judicial system is fraught with several challenges. One of the most pressing issues is the chronic backlog of cases. As per data from the National Judicial Data Grid (NJDG), over 4.5 crore cases are pending across various courts in India. This includes more than 70,000 in the Supreme Court (judicial body) alone and approximately 60 lakh in High Courts. The pendency of cases has reached such alarming levels that the judiciary (court system) is often perceived as being sluggish and inefficient.

The causes of judicial delay are manifold. These include inadequate infrastructure, shortage of judges, procedural complexities, frequent adjournments, and lack of digitization in court operations. The problem is particularly acute in the lower judiciary (court system), which handles nearly 90% of all litigation in the country. Moreover, the increasing litigiousness of the population, driven by greater awareness of rights and entitlements, has added to the caseload. Even well-intentioned legal instruments like Public Interest Litigations (PILs) have sometimes contributed to judicial overload.

The Supreme Court (judicial body), in its judgment in *Imtiyaz Ahmad v. State of Uttar Pradesh* (AIR 2012 SC 642), highlighted the urgent need for increasing the number of courts and judges to deal with the problem of pendency. The Court (judicial body) directed the Law (legal framework) Commission of India to examine the issue and make suitable recommendations. The Law (legal framework) Commission, in its 245th report, observed that the judge-to-population ratio in India is far below the ideal standards and called for immediate corrective measures.

Despite these challenges, the Indian judiciary (court system) continues to command considerable respect, both nationally and internationally. Its independence from the executive and legislature is a cornerstone of Indian democracy. The judiciary (court system) has often played a proactive role in protecting constitutional values, upholding fundamental rights, and advancing social justice. Landmark judgments such as *Kesavananda Bharati v. State of Kerala* (1973), *Maneka Gandhi v. Union of India* (1978), and *Navtej Singh Johar v. Union of India* (2018) exemplify the judiciary (court system)'s role as the sentinel on the *qui vive*.

This research aims to explore the organizational structure of courts in India in detail. It examines the historical evolution of the judicial system, the functions and jurisdiction of various courts, and the systemic issues that hinder the effective delivery of justice. Through a critical lens, the study also evaluates existing reforms and suggests pathways for strengthening judicial infrastructure and institutional capacity.

By doing so, this dissertation hopes to contribute meaningfully to the ongoing discourse on legal reforms and judicial accountability in India. It emphasizes the need for a responsive, efficient, and transparent judicial system that upholds the ideals enshrined in the Constitution and serves the interests of justice in a diverse and dynamic society.

Furthermore, the study seeks to bridge the gap between theoretical frameworks and practical challenges faced by the judiciary (court system) in contemporary times. As India continues to evolve as a constitutional democracy, it becomes imperative to ensure that its judicial institutions are capable of adapting to the changing socio-political and economic landscape. This requires a continuous evaluation of judicial structures, administrative functioning, and legal norms to ensure that justice remains not only a constitutional promise but also a lived reality for all citizens.

The organizational framework of courts must reflect both accessibility and accountability, particularly in a country marked by vast regional, linguistic, and socio-economic diversity. Delays in justice, procedural bottlenecks, and an overwhelming pendency of cases highlight the pressing need to revamp the judicial architecture. In this regard, a comprehensive understanding of the structure and functioning of the courts can aid in proposing reforms that are rooted in practicality and driven by constitutional values.

India's judicial system, while one of the largest and most complex in the world, is struggling to keep up with the growing population, increasing legal awareness, and the rise in the number of legal disputes. As of recent reports, there are over 30 million cases pending across courts in India, a staggering figure that highlights the severity of the crisis. The high case backlog results in delays in the delivery of justice, leaving litigants in a state of uncertainty for years. This delay often leads to frustration and erodes public trust in the judiciary (court system), further exacerbating the problem.

The root causes of these challenges are multi-faceted. First and foremost, the shortage of judges is a critical issue that has plagued the Indian judicial system for decades. Despite the large number of cases pending, the number of judges in the country remains insufficient to handle the caseload effectively. In fact, the ratio of judges to the population in India is one of the lowest in the world. This shortage results in a disproportionate workload for existing judges, leading to significant delays in court proceedings.

Another contributing factor to the judicial backlog is the complex and often outdated legal framework that governs India's legal proceedings. Many laws are antiquated and continue to be applied in a manner that is inconsistent with the needs of contemporary society. This inconsistency often results in protracted legal battles, especially when cases are appealed or challenged across multiple levels of courts. The legal process itself can be cumbersome, with long delays at each stage, including investigation, filing, hearings, and appeals. Furthermore, the slow pace of judicial reform has contributed to the persistence of these issues, as efforts to modernize the judicial system have been slow and inconsistent.

The undertrial prison population is another stark indicator of the inefficiency of India's judicial system. It has been reported that nearly 70% of prisoners in India are undertrials, many of whom have been incarcerated for years without being convicted. This alarming statistic reflects the inefficiency of the judicial process, as prolonged trials and legal delays result in significant human suffering and overcrowded prisons. The lack of proper legal representation for these undertrials further complicates the situation, as many are unaware of their rights or lack access to affordable legal aid.

The Indian judiciary (court system) also faces significant challenges related to the transparency and accountability of its functioning. While the judiciary (court system) is meant to act as an independent body that upholds the law (legal framework) impartially, concerns about corruption, lack of transparency in judicial appointments, and political interference have periodically raised questions about the credibility of the system. Several instances of judicial misconduct have sparked debates about the integrity of the judicial process, and the absence of clear, robust mechanisms for judicial accountability continues to be a pressing issue.

The government and judicial bodies have recognized these problems, and various reforms have been suggested over the years. These reforms aim to improve judicial efficiency, reduce case backlogs, enhance transparency, and modernize the legal framework. However, the implementation of these reforms has often been slow, and significant barriers remain in place, such as the lack of political will, bureaucratic resistance, and budgetary constraints.

In light of these issues, this dissertation seeks to analyze the current state of the Indian judicial system, identify the root causes of the challenges it faces, and propose potential reforms that could lead to more efficient and effective delivery of justice. Through a detailed exploration of key issues such as judicial appointments, case backlogs, infrastructure, and the role of legal professionals, this research aims to shed light on the underlying factors that impede judicial reform in India.

Additionally, the study will examine global best practices and compare them with the Indian context to suggest reforms that are both feasible and effective in addressing the unique challenges of the Indian judicial system. Ultimately, the goal of this dissertation is to provide actionable recommendations that can help bring about meaningful change in India's judicial landscape, thereby ensuring timely and equitable justice for all citizens, regardless of their socio-economic status.

The dissertation will also focus on the intersection of judicial reform and human rights, particularly in terms of improving access to justice for marginalized communities. It will explore how reforms in the judiciary (court system) could help in bridging the gap between different social groups, thereby promoting a more inclusive legal system.

This dissertation aspires to serve as a foundational academic resource for scholars, policymakers, and legal practitioners who are committed to strengthening the justice delivery system. Through a critical examination of judicial hierarchies, institutional roles, and comparative insights, it lays the groundwork for suggesting reforms that can reinforce public confidence in the judiciary (court system).

In conclusion, a study of this nature not only provides a structural overview but also carries the potential to influence broader legal reform initiatives in India. It aims to inspire informed debate and promote an inclusive vision of justice that is timely, transparent, and equitable for all sections of society.

CHAPTER II

HISTORICAL CONTEXT & EVOLUTION OF THE JUDICIAL SYSTEM IN INDIA

Understanding the historical evolution of India's judicial system is crucial to appreciating its present structure and functioning. The legal institutions that govern India today are the result of centuries of transformation—driven by indigenous customs, religious traditions, colonial interventions, and constitutional innovations. The Indian judiciary (court system) is a hybrid system that integrates ancient Indian jurisprudence with modern Anglo-Saxon legal doctrines, reflecting both continuity and change.

1. Judicial Administration in Ancient India

In ancient Indian society, law (legal framework) was inseparable from religion and ethics. The concept of Dharma encapsulated legal obligations, moral duties, and societal order. Dharma was derived from sacred texts such as the Vedas, Upanishads, Smritis, and Puranas. Among these, Manusmriti, Yajnavalkya Smriti, and Narada Smriti were especially influential in outlining legal norms on property, succession, contract, family law (legal framework), and crime.

The king (Raja) was seen as the upholder of Dharma and the supreme judicial authority. He administered justice with the help of ministers, religious scholars (purohits), and appointed judges. Courts operated at multiple levels: village panchayats resolved local disputes, while provincial and royal courts handled serious matters. Notably, arbitration played a key role, and decisions by councils of elders (panchas) were binding and respected.

Justice emphasized restitution over retribution. For example, theft was more often punished by restitution than imprisonment. Despite this relatively humane philosophy, the system had limitations—caste-based inequality, gender discrimination, and regional variation in enforcement created inconsistencies in access to justice.

2. Legal System During Sultanate and Mughal Period

The establishment of the Delhi Sultanate in the 12th century brought Islamic legal traditions to India. Islamic law (legal framework) (Sharia) became the basis for adjudicating disputes among Muslims. The Sultan or Emperor functioned as the highest judicial authority, assisted by Qazis (judges) and Muftis (legal advisors).

Their rulings were based on the Quran, Hadith (sayings of Prophet Muhammad), and other Islamic jurisprudential tools like Ijma (consensus) and Qiyas (analogy).

Under Mughal rule, a dual legal system emerged. Muslims were governed by Sharia law (legal framework) in matters of personal law (legal framework), while Hindus were governed by their religious customs. The Fatawa-e-Alamgiri, compiled under Aurangzeb, served as a comprehensive guide to Islamic jurisprudence. Civil and commercial matters were increasingly handled by secular courts, especially in urban centres.

The Mughal justice system introduced some institutional mechanisms such as the Diwan-e-Adalat (civil courts), Diwan-e-Faujdari (criminal courts), and Diwan-e-Mazalim (courts of public grievance). However, the centralization of power and lack of procedural standardization created obstacles to uniform justice delivery.

3. Judicial Reforms Under British Rule

The British era marked a paradigm shift in India's judicial architecture. Initially, the East India Company used traditional Indian legal systems, but gradually, it introduced English common law (legal framework) principles. The Regulating Act of 1773 and the Charter Act of 1833 were pivotal in establishing a centralised, codified, and hierarchical judiciary (court system).

In 1774, the Supreme Court (judicial body) of Judicature was established in Calcutta, followed by similar courts in Madras and Bombay. These courts applied English laws and procedures to British subjects and, increasingly, to Indians. Over time, statutory laws replaced customary laws in many areas of civil and criminal justice.

The Indian High Courts Act of 1861 created the High Courts at Calcutta, Bombay, and Madras. These courts replaced the earlier Supreme Courts and Sadar Adalats, and were empowered with both original and appellate jurisdiction. The system of appeals to the Privy Council in London reinforced the British-style appellate structure.

Significant codification occurred during this time. Key legislations included the Indian Penal Code (1860), the Indian Evidence Act (1872), and the Codes of Civil and Criminal Procedure. These codes established uniform rules for litigation, evidence, and sentencing, which are still in use today, albeit with amendments.

However, the colonial judiciary (court system) was elitist and inaccessible. Court (judicial body) proceedings were conducted in English, fees were high, and indigenous legal customs were sidelined. Nevertheless, the British introduced ideas like judicial independence, rule of law (legal framework), and separation of powers—concepts that became foundational to post-independence India.

4. Federal Court (judicial body) and Government of India Act, 1935

The Government of India Act, 1935 marked a shift towards federalism and constitutional governance. It led to the creation of the Federal Court (judicial body) of India in 1937. This court was empowered to resolve inter-provincial disputes and interpret the federal law (legal framework), serving as a precursor to the Supreme Court (judicial body).

The Privy Council, based in London, remained the final appellate body until 1950. Despite being a foreign body, its judgments helped shape Indian legal principles, particularly in administrative law (legal framework), equity, and natural justice.

This period also witnessed increasing involvement of Indians in the legal profession. Leaders of the independence movement, including Mahatma Gandhi, Jawaharlal Nehru, and B.R. Ambedkar, were all trained lawyers, which influenced the drafting of the Constitution and post-independence legal reforms.

5. Post-Independence Judicial Reorganization

With the adoption of the Constitution of India in 1950, the judiciary (court system) was restructured into an independent, integrated, and impartial institution. The Supreme Court (judicial body) of India was established as the apex judicial body, replacing both the Federal Court (judicial body) and the Privy Council.

The judiciary (court system) was tasked with upholding the Constitution, interpreting laws, protecting fundamental rights, and resolving disputes between the Union and the States. The High Courts continued to function as the highest courts at the state level, while the subordinate judiciary (court system)—comprising district and sessions courts—was placed under the administrative control of the respective High Courts.

The Indian judiciary (court system) was built on the principles of:

- Judicial independence
- Separation of powers
- Judicial review
- Rule of law (legal framework)
- Access to justice

Articles 124–147 of the Constitution govern the Supreme Court (judicial body), while Articles 214–231 deal with High Courts. Subordinate courts are covered under Articles 233–237. The framers ensured the independence of the judiciary (court system) through fixed tenure, secure salaries, and a rigorous process for removal (impeachment).

6. Emergence and Impact of Public Interest Litigation (PIL)

One of the most transformative judicial innovations in post-independence India was the emergence of Public Interest Litigation (PIL) during the 1980s. Initially conceived to widen access to justice, PIL was pioneered by visionary judges like Justice P.N. Bhagwati and Justice V.R. Krishna Iyer. They relaxed the traditional doctrine of locus standi, allowing concerned citizens and social activists to file petitions on behalf of marginalized and voiceless populations. This was a radical shift from the adversarial legal system, where only those directly affected could seek judicial redress. PIL enabled judicial intervention in matters relating to bonded labour, prison conditions, custodial deaths, environmental degradation, child welfare, and women's rights. It transformed the Indian judiciary (court system) into a powerful tool for social change and justice. While some critics argue that PIL sometimes led to judicial overreach, it undeniably democratized access to justice and made courts more responsive to societal issues.¹

7. Expansion of Fundamental Rights Jurisprudence

Through a series of landmark PIL cases and constitutional interpretation, the Indian judiciary (court system) significantly expanded the scope of fundamental rights guaranteed under Part III of the Constitution. Article 21, which originally guaranteed the right to life and personal liberty, was interpreted liberally to include a wide range of derivative rights such as the right to livelihood, health, education, clean environment, shelter, privacy, and speedy trial. For example, in *Maneka Gandhi v. Union of India*, the Supreme Court (judicial body) held that the term “procedure established by law (legal framework)” must be just, fair, and reasonable, thereby injecting substantive due process into Indian constitutional law (legal framework).² These progressive interpretations transformed Article 21 into a dynamic source of socio-economic rights, reinforcing the judiciary (court system)'s role as the guardian of constitutional values.

8. Institutionalization of Judicial Review

Judicial review—the power of courts to examine the constitutionality of legislative and executive actions—became a cornerstone of the Indian legal system post-independence. The Constitution explicitly provides for judicial review under Articles 13, 32, and 226. Its scope was tested during the Emergency period (1975–1977), when civil liberties were suspended. The judiciary (court system) faced criticism for its weak stance in *ADM Jabalpur v. Shivkant Shukla* (1976), where it upheld the government's denial of habeas corpus. However, in the post-Emergency phase, courts took a more assertive approach. In *Minerva Mills v. Union of India* (1980), the Supreme Court (judicial body) struck down amendments that violated the basic structure of the Constitution, thereby reinforcing the doctrine of limited government and separation of powers. Judicial review has since evolved into a robust mechanism for upholding the rule of law (legal framework) and preventing legislative or executive excesses.

9. Creation of Environmental Jurisprudence

PIL became the vehicle through which Indian courts developed an expansive environmental jurisprudence. In a series of PIL cases, most notably *M.C. Mehta v. Union of India*, the Supreme Court (judicial body) laid down foundational principles of environmental law (legal framework) including the “polluter pays” principle, the “precautionary principle,” and “intergenerational equity.” These doctrines were not just judicial innovations but borrowed from international environmental law (legal framework) and adapted for Indian conditions. The court interpreted Article 21 to include the right to a clean and healthy environment, thereby constitutionalizing environmental protection. These rulings played a pivotal role in curbing industrial pollution, conserving forests and rivers, and regulating hazardous industries. The judiciary (court system), thus, emerged as a proactive enforcer of environmental norms, often stepping in where legislative and executive machinery failed.

10. Role in Electoral Reforms and Political Accountability

The Indian judiciary (court system), particularly the higher judiciary (court system), has played an instrumental role in advancing electoral reforms and ensuring political accountability through a series of landmark judgments. As democracy matures in India, it becomes increasingly important to hold electoral stakeholders to higher standards of transparency, integrity, and fairness. The judiciary (court system) has stepped into this space by interpreting constitutional provisions in a progressive manner and invoking its powers under Articles 32 and 226 to issue directions that have changed the electoral landscape of the country. Historically, electoral reforms in India were largely dependent on legislative will and parliamentary enactments. However, in the face of growing concerns over criminalization of politics, opaque campaign financing, and declining voter confidence, the judiciary (court system) began assuming a more proactive role. This intervention was driven largely through Public Interest Litigations (PILs), which enabled civil society groups, NGOs, and concerned individuals to approach the courts seeking remedies for systemic electoral issues.

One of the most significant contributions of the judiciary (court system) in this area was made through the judgment in *Union of India v. Association for Democratic Reforms* (2002). In this landmark case, the Supreme Court (judicial body) ruled that the right to know the background of candidates—including their criminal history, educational qualifications, and financial assets—is an essential part of the fundamental right to freedom of speech and expression under Article 19(1)(a) of the Constitution. The Court (judicial body) held that an informed electorate is the foundation of democracy, and that voters must be empowered with relevant information before casting their votes. This ruling obligated all candidates contesting elections to file affidavits disclosing their criminal, financial, and educational details at the time of nomination.

This decision marked a watershed moment in Indian constitutional jurisprudence. It expanded the scope of voter rights beyond the act of voting, emphasizing the quality of electoral choice. In doing so, the Court (judicial body) elevated democratic participation from mere formality to a meaningful and informed exercise. The ruling also strengthened the autonomy and responsibilities of the Election Commission of India, urging it to enforce these disclosures strictly and make the information publicly accessible.

The constitutional validity of this decision was later affirmed by a five-judge bench in *People's Union for Civil Liberties v. Union of India* (2003), where the Court (judicial body) reiterated that secrecy in public life and politics must give way to transparency and accountability. The judiciary (court system) thus took a clear stand that the electoral process must align with constitutional principles of equality, integrity, and participatory governance.

Another major contribution of the judiciary (court system) came in the form of the NOTA (None of the Above) provision. In the case of *People's Union for Civil Liberties v. Union of India* (2013), the Supreme Court (judicial body) ruled that voters have a right to reject all candidates in an election if they find none of them suitable. The Court (judicial body) directed the Election Commission to include a NOTA option in electronic voting machines (EVMs), allowing voters to express dissatisfaction with the available candidates.

This ruling was significant not only for broadening voter choice but also for reinforcing democratic values. It gave teeth to the principle that elections are not just about participation but also about genuine representation. While the NOTA vote does not yet carry the power to annul elections or disqualify candidates, it sends a strong signal about public sentiment and can influence political parties to nominate cleaner candidates.

These judicial interventions are noteworthy for several reasons. First, they underscore the role of the judiciary (court system) as a guardian of constitutional democracy. In the absence of sufficient legislative or executive will to address the criminalization of politics and voter disenfranchisement, the judiciary (court system) stepped in to fill the gap. Second, they illustrate the potential of PILs as a tool for institutional reform. Many of these reforms were initiated not by political actors but by public interest groups that used the PIL route to press for systemic change.

Third, these cases reflect an evolving judicial philosophy that views electoral rights as fundamental to the democratic process. The Court (judicial body)'s willingness to interpret the right to information and the right to vote through the lens of Article 19(1)(a) signals a shift toward greater judicial activism in matters of democratic governance. This trend is consistent with global jurisprudence, where courts in democracies like the United States, South Africa, and Canada have played a similar role in securing electoral integrity and political accountability.

However, judicial interventions in electoral matters have not been free from criticism. Some legal scholars argue that the judiciary (court system) may be overstepping its constitutional mandate by issuing directions that are legislative in nature. They caution that such activism could undermine the principle of separation of powers. Yet, others contend that in a system where legislative inertia is often the norm, judicial action becomes necessary to uphold constitutional values.

From a practical perspective, these reforms have had a mixed impact. While disclosure norms are now part of the election process, enforcement remains patchy. Many candidates underreport or misrepresent information, and the Election Commission's capacity to verify and act on discrepancies is limited. Similarly, while NOTA provides symbolic value, its effectiveness is curtailed by the fact that it does not affect electoral outcomes. Nevertheless, these reforms have succeeded in raising public awareness and pressuring political parties to be more selective in candidate nominations.

Furthermore, these judicial efforts have spurred further activism and research on electoral reform. Civil society organizations such as the Association for Democratic Reforms (ADR) continue to analyse candidate data and educate voters. Media outlets, too, have begun giving greater coverage to candidate disclosures, thereby increasing voter awareness and engagement.

It is also important to recognize the ripple effects of such judicial reforms. By placing the voter at the center of the democratic process, these rulings have elevated the discourse around political ethics and accountability. They have inspired further litigation on related issues such as election expenditure, paid news, use of religion in campaigning, and disqualification of convicted legislators. Thus, the judiciary (court system)'s involvement has created a legal and moral ecosystem that fosters cleaner politics and a more informed electorate.

11. Digital Transformation and E-Governance in the Judiciary (court system)

In recent years, India's judicial system has undergone significant digital transformation aimed at increasing efficiency, transparency, and accessibility. The e-Courts Project, launched in 2005 under the National e-Governance Plan, represents a major step towards digitizing the Indian judiciary (court system). It aims to computerize courts at the district and subordinate levels, provide online access to case information, enable e-filing, and develop an integrated Case Information System (CIS).

The Supreme Court (judicial body) and many High Courts have adopted e-filing systems, virtual hearings, and online cause lists, especially after the COVID-19 pandemic necessitated remote functioning. Courts across the country began using platforms such as Zoom, Webex, and Vidyo to conduct proceedings, significantly reducing pendency in certain cases and enhancing procedural flexibility.

Additionally, the National Judicial Data Grid (NJDG) has become a key tool in judicial administration. It provides real-time data on pending and disposed cases across all courts, aiding in performance monitoring and resource allocation. As of 2025, the NJDG hosts data on over 4 crore cases, reflecting an unprecedented move toward data-driven judicial management.

Despite these technological advancements, digital justice is unevenly distributed. Rural and remote areas face challenges related to internet infrastructure, digital literacy, and language barriers. To address this, the judiciary (court system) and government are now exploring localized language interfaces, mobile court applications, and training programs for stakeholders, ensuring that the move toward digital justice does not exacerbate existing inequities.

12. Strengthening Access to Justice: Legal Aid and Lok Adalats

One of the core objectives of the Indian judiciary (court system) is to provide access to justice for all, particularly for economically and socially marginalized communities. To fulfill this constitutional promise, Article 39A of the Directive Principles of State Policy mandates the provision of free legal aid.

The Legal Services Authorities Act, 1987, led to the formation of the National Legal Services Authority (NALSA) and its state counterparts. These bodies are responsible for organizing legal literacy camps, providing legal representation, and running legal aid clinics in courts and educational institutions.

A key innovation in this regard has been the institutionalization of Lok Adalats (People's Courts)—an alternative dispute resolution mechanism that aims to resolve cases amicably, without the burden of formal litigation. Lok Adalats operate at national, state, district, and taluk levels and primarily deal with compoundable offences, civil disputes, and motor accident claims.

Since their inception, Lok Adalats have helped dispose of millions of cases, significantly reducing judicial backlog. The success of Lok Adalats lies in their informality, speed, and cost-effectiveness. However, critics have raised concerns about pressure to settle and lack of legal awareness among litigants, which can undermine the voluntary nature of settlements.

In parallel, Mobile Lok Adalats and Gram Nyayalayas (village courts) have been introduced to extend justice to rural and remote areas. While their implementation remains uneven due to funding and administrative challenges, they embody the spirit of decentralized and participatory justice.

13. Judicial Infrastructure and Pendency

One of the enduring challenges facing the Indian judicial system is the massive backlog of cases. As of early 2025, more than 5 crore cases are pending across courts in India. This backlog affects the timeliness and credibility of justice delivery and contributes to public disillusionment.

Several structural and infrastructural issues contribute to this crisis:

- Judicial vacancies remain a major problem. The sanctioned strength of judges at both High Court (judicial body) and lower court levels is often not met due to delays in appointments and lack of institutional support.
- Court (judicial body) infrastructure is often inadequate, especially in rural and semi-urban areas. Many courts lack basic facilities like internet access, separate toilets for women, secure record rooms, or barrier-free access for persons with disabilities.
- Inefficient case management systems, outdated procedures, and frequent adjournments also compound delays.

To address these issues, the National Mission for Justice Delivery and Legal Reforms was launched to modernize judicial infrastructure, streamline processes, and enhance judge-to-population ratios. However, the success of these reforms is contingent on sustained political and financial commitment.

Judicial delays also impact undertrial prisoners—individuals incarcerated without conviction, often due to prolonged legal proceedings. As of 2024, over 75% of India's prison population are undertrials, many of whom are poor, Dalit, or from minority communities. Speedy trial, a right under Article 21, remains elusive for many.

14. Judicial Appointments and Collegium Controversy

Another critical area in the evolution of India's judiciary (court system) is the process of judicial appointments, particularly to the higher judiciary (court system). The Collegium System, operational since the 1990s, empowers the Chief Justice of India and senior judges to recommend appointments and transfers of judges to the Supreme Court (judicial body) and High Courts.

While this system was intended to preserve judicial independence, it has been criticized for lack of transparency, accountability, and diversity. Repeated calls for reform culminated in the National Judicial Appointments Commission (NJAC) Act, 2014, which sought to replace the collegium with a broad-based selection body. However, in 2015, the Supreme Court (judicial body) struck down the NJAC as unconstitutional, citing threats to judicial independence.

The debate over the collegium continues to this day, with suggestions ranging from setting up an independent judicial commission, to greater public scrutiny and stakeholder involvement. Critics argue that the judiciary (court system) should not have unfettered control over its own composition, while defenders warn against executive overreach into the judicial domain.

15. Comparative Perspectives: India and Other Legal Systems

India's judicial evolution reflects a unique synthesis of indigenous legal traditions, colonial influences, and constitutional modernity. While sharing roots with common law (legal framework) systems like the UK and the US, Indian courts have developed distinct doctrines such as the Basic Structure Doctrine, transformative constitutionalism, and social action litigation.

In comparison:

- The United States follows a presidential system with lifetime appointments of judges, robust jury trials, and strong judicial activism.
- The UK maintains parliamentary sovereignty and has relatively limited judicial review, but a deeply entrenched tradition of common law (legal framework).
- Germany and other civil law (legal framework) countries operate with codified statutes, inquisitorial trial systems, and specialized constitutional courts.

India's judiciary (court system) has often drawn from these systems while evolving its own hybrid model. For instance, PILs are more expansive and frequent in India than in most democracies. The use of suo motu powers—where courts initiate proceedings on their own—is another hallmark of Indian judicial practice, rarely seen in Western legal traditions.

Such comparisons help underscore both the achievements and the limitations of the Indian judiciary (court system). While India has pioneered inclusive jurisprudence and public access, issues of pendency, politicization, and resource constraints continue to limit its full potential.

In conclusion, the Indian judiciary (court system) has played a pivotal role in reshaping the contours of electoral democracy through its proactive and reform-oriented approach. By enforcing disclosure norms, introducing NOTA, and expanding the interpretation of voter rights, the courts have enhanced transparency, encouraged voter empowerment, and promoted political accountability. While implementation challenges persist, these reforms represent a critical step toward realizing the constitutional ideal of free and fair elections. As India continues to confront complex challenges in its democratic journey, the judiciary (court system)'s commitment to safeguarding electoral integrity remains indispensable.

1

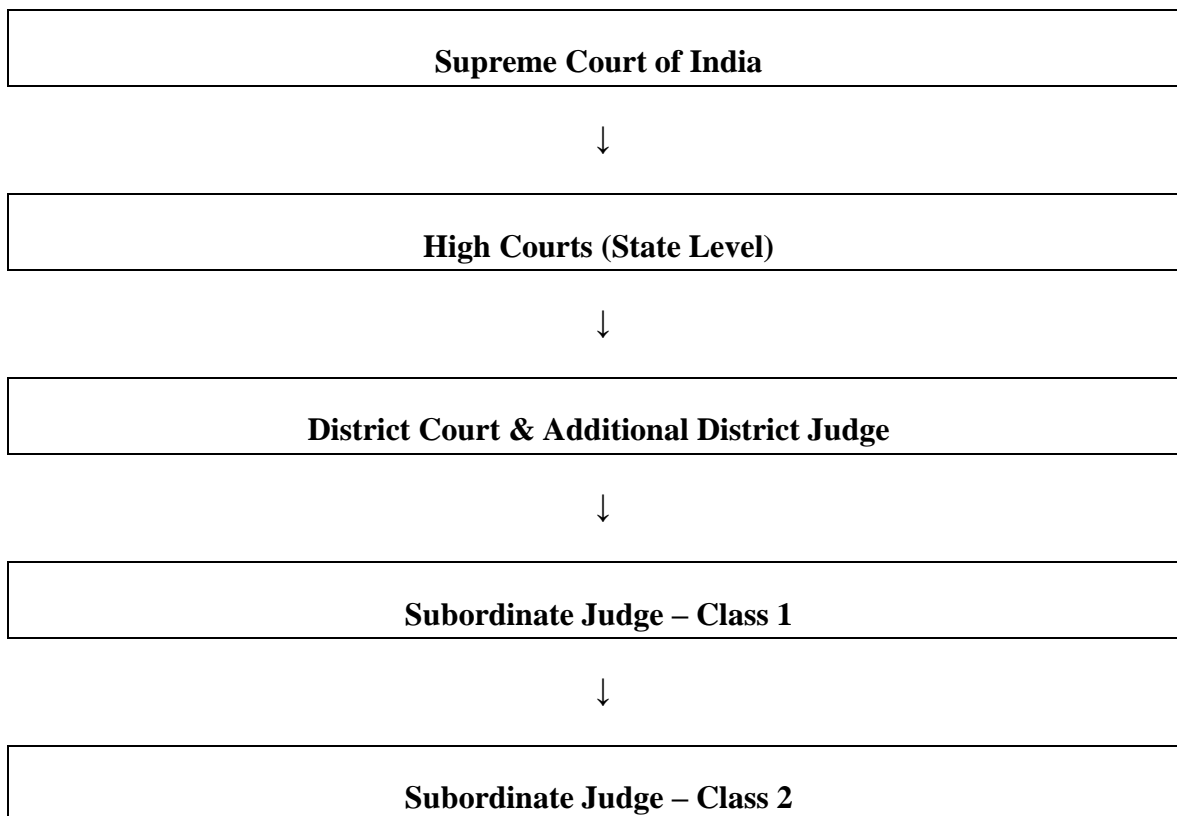
CHAPTER III

NATURE, SCOPE, AND FUNCTIONS OF JUDICIAL HIERARCHY IN INDIA

The Indian judiciary (court system) operates through a meticulously structured hierarchy that defines the scope, authority, and functions of each level of the court system. This multi-tiered legal system is enshrined in the Constitution and is intended to promote judicial efficiency, accountability, and accessibility. Each tier is designed with specific powers and jurisdictions to ensure that justice is administered smoothly, appeals are systematically processed, and the principles of the rule of law (legal framework) are upheld.

India's judiciary (court system) serves not just as a dispute resolution mechanism but also as the custodian of constitutional rights, the protector of democratic governance, and a check on arbitrary state power. Its hierarchical design allows for consistency in legal interpretation and provides a pathway for redressal, review, and correction of judicial errors.

Organisational Structure of Courts in India



1. ¹ B.P. Singh, "Electoral Reforms in India: Need of the Hour," *Indian Journal of Public Administration*, Vol. 64, No. 3 (2018), pp. 405–420.
2. *Union of India v. Association for Democratic Reforms*, (2002) 5 SCC 294
3. *People's Union for Civil Liberties v. Union of India*, (2003) 4 SCC 399.
4. *People's Union for Civil Liberties v. Union of India*, (2013) 10 SCC 1.



Court of Small Causes (for Metropolitan Cities)	Munsif's Court / Sub-Judge Class 3 (Third Class)
--	---

The Supreme Court (judicial body) of India

At the top of the judicial pyramid is the Supreme Court (judicial body) of India, established under Article 124 of the Constitution. It is the final court of appeal, the ultimate interpreter of constitutional provisions, and the guardian of fundamental rights. The authority of the Supreme Court (judicial body) extends across the entire territory of India, and its decisions are binding on all subordinate courts.

The Supreme Court (judicial body) functions under three broad heads:

1. **Original Jurisdiction:** This includes cases involving disputes between the Union and one or more states or between two or more states. Additionally, under Article 32, individuals can approach the Court (judicial body) directly for enforcement of fundamental rights through writ petitions.
2. **Appellate Jurisdiction:** The Court (judicial body) hears appeals from High Courts in civil, criminal, and constitutional matters. This is the most frequently exercised function of the Court (judicial body).
3. **Advisory Jurisdiction:** Under Article 143, the President of India may seek the Court (judicial body)'s opinion on matters of public interest or constitutional interpretation. Though such opinions are not binding, they carry persuasive authority.

The Court (judicial body) also holds review and curative powers, enabling it to revisit its judgments to correct manifest errors. It is also a Court (judicial body) of Record, which means its rulings set binding precedents. The Court (judicial body) has contempt powers to maintain respect for the judicial process and ensure compliance with its orders.

High Courts

High Courts, provided for under Article 214, function as the top courts at the state level. Each High Court (judicial body) has jurisdiction over a particular state or union territory, and in some cases, over multiple states (as in the case of common High Courts).

The functions of the High Court (judicial body) are divided as follows:

Original Jurisdiction: High Courts can directly hear certain matters, particularly those involving the enforcement of rights under Article 226. Unlike Article 32, which only allows writs for fundamental rights, Article 226 permits writs for both legal and fundamental rights.

Appellate Jurisdiction: High Courts hear appeals from the subordinate courts within their territorial jurisdiction. These include first appeals, second appeals, and revisions in both civil and criminal cases.

Supervisory Jurisdiction (Article 227): High Courts exercise supervisory powers over all subordinate courts and tribunals. They can inspect court records, issue directions to lower courts, and oversee the functioning of the judiciary (court system) in the state.

Administrative Functions: The High Court (judicial body) controls the posting, promotion, and discipline of members of the subordinate judiciary (court system). Judges are appointed by the President in consultation with the Chief Justice of India and the Governor of the respective state.

Like the Supreme Court (judicial body), High Courts are Courts of Record and have the power to punish for contempt. They are crucial in maintaining legal consistency within the states and act as an intermediary appellate body between subordinate courts and the Supreme Court (judicial body).

District and Subordinate Courts

District and subordinate courts form the base of the judicial structure and are the first point of contact for most citizens. These courts are essential for providing access to justice at the grassroots level and are responsible for the bulk of litigation in the country.

District Court (judicial body): The principal court of original jurisdiction in civil and criminal matters in a district is the District Court (judicial body). It is headed by a District Judge, who also acts as the Sessions Judge when deciding criminal cases. District Judges are appointed by the Governor in consultation with the respective High Court (judicial body).

Subordinate Courts: Below the District Courts are several other courts based on the nature of disputes and monetary value. These include:

- Civil Judge (Senior Division): Handles higher-value civil suits.
- Civil Judge (Junior Division) or Munsif Courts: Deals with lower-value civil matters.
- Judicial Magistrate (First and Second Class): Deals with criminal cases of varying seriousness.
- Chief Judicial Magistrate and Metropolitan Magistrate: Operate in larger urban areas.

These courts have clearly demarcated pecuniary (monetary value), territorial, and subject-matter jurisdiction. Their functioning is regulated by the Code of Civil Procedure, 1908, and the Code of Criminal Procedure, 1973.

Quasi-Judicial and Special Tribunals

In addition to conventional courts, India has established tribunals to handle specific disputes. These include:

- Central Administrative Tribunal (CAT) for service-related issues of government employees,
- National Company Law (legal framework) Tribunal (NCLT) for corporate matters,
- National Green Tribunal (NGT) for environmental cases,
- Income Tax Appellate Tribunal (ITAT) and others.

These bodies offer a more specialized and faster alternative to conventional litigation. Though they function outside the formal judiciary (court system), their decisions are subject to review by High Courts and the Supreme Court (judicial body).

Nature and Inter-Relationship Between Courts

The hierarchical structure ensures a flow of authority and legal reasoning from top to bottom. Judgments delivered by superior courts bind the lower courts through the principle of stare decisis (precedent). This maintains uniformity in the application of laws.

Each level of the judiciary (court system) complements the others. While the Supreme Court (judicial body) ensures constitutional validity and uniformity, High Courts supervise and guide the functioning of the state judiciary (court system). Subordinate courts, in turn, ensure that justice reaches the doorstep of the common citizen.

This structure also allows for:

- Appeals: An aggrieved party can seek redress against a lower court's decision.
- Revisions: Higher courts can correct legal errors.
- References: Lower courts may seek clarification on legal questions from High Courts.

Importantly, India follows a unitary judiciary (court system) despite being a federal state. Unlike the U.S., where state and federal courts operate independently, Indian courts form an integrated system with the Supreme Court (judicial body) at the top.

Conclusion

The judicial hierarchy in India is a well-organized, constitutionally mandated structure designed to deliver justice, uphold the rule of law (legal framework), and provide a mechanism of checks and balances essential to a functioning democracy. Its pyramid-like configuration, with the Supreme Court (judicial body) at the apex, followed by High Courts, and beneath them the District and Subordinate Courts, reflects a deeply entrenched commitment to judicial decentralization and accessibility. Each tier plays a distinct and indispensable role in the administration of justice and the interpretation of laws. This multilayered framework ensures that justice is not only administered but also accessible at different levels of society, from the grassroots to the national level.

The Supreme Court (judicial body), as the highest judicial authority, is not merely a court of last resort but also the guardian of the Constitution. It exercises original, appellate, and advisory jurisdiction and has the power to interpret the Constitution and safeguard fundamental rights under Article 32. Its judgments are binding on all other courts, and its role extends far beyond adjudication to influencing public policy, shaping jurisprudence, and protecting constitutional governance. The High Courts, in turn, exercise similar powers at the state level. They serve as courts of record and enjoy wide-ranging original and appellate jurisdiction under Articles 226 and 227. They have supervisory authority over all subordinate courts within their jurisdiction, thereby maintaining judicial consistency and coherence in the application of laws.

Below the High Courts are the District and Sessions Courts, which form the core of India's trial judiciary (court system). These courts are the first point of contact for the majority of citizens seeking justice. Civil and criminal matters originate here, and judges at this level are often the face of the judicial system for ordinary litigants. District Judges handle a broad spectrum of disputes and are vested with both original and appellate jurisdiction depending on the nature of the case. The Subordinate Judiciary (court system)—comprising Civil Judges, Munsifs, Judicial Magistrates, and Courts of Small Causes—deal with more localized matters. These courts are instrumental in the day-to-day administration of justice, and their proximity to the population makes them vital for ensuring legal remedies are accessible to all. One of the key strengths of this hierarchical framework is the clarity it offers in terms of jurisdiction and appeals. The defined procedural pathways allow litigants to escalate grievances through successive levels of judicial review, which serves as a safeguard against arbitrariness and judicial error. This multilayered system, however, is not merely a procedural necessity—it also reflects the democratic ethos of layered scrutiny and accountability. The appellate mechanism ensures that errors at the lower level can be corrected at higher forums, thus promoting justice and judicial integrity. Despite its structural robustness, the Indian judicial hierarchy faces numerous systemic and operational challenges. The most pressing among them is the massive backlog of cases that afflicts every level of the judiciary (court system). According to the National Judicial Data Grid, as of 2023, over 4.5 crore cases are pending across various courts in India, with the District and Subordinate Courts accounting for the bulk of this burden. This congestion affects the speed and quality of justice, often resulting in inordinate delays and legal uncertainty. In many instances, justice delayed is indeed justice denied.

Another significant issue is the shortage of judges and support staff across all levels. The judge-to-population ratio in India remains one of the lowest in the world, hovering around 21 judges per million people. This shortage hampers case disposal rates and often overwhelms existing judicial officers. While the higher judiciary (court system) has often emphasized the need for increasing sanctioned strength and timely appointments, actual implementation at the ground level remains slow and inconsistent, frequently hindered by bureaucratic inertia and political considerations. Infrastructure is yet another area of concern. Many courts, particularly at the district and subordinate levels, operate in outdated or inadequate facilities. Lack of basic amenities, poor courtroom conditions, inadequate seating arrangements, and insufficient technological integration impede judicial productivity and discourage public confidence. Although the e-Courts project launched by the Government of India seeks to digitize court procedures and improve accessibility, its reach and implementation remain uneven across different states and districts.

Moreover, the quality of legal education and judicial training has a direct impact on the efficiency and integrity of the judicial system. The preparation and continuing education of judicial officers, especially at the lower levels, are often overlooked. While institutions like the National Judicial Academy and various State Judicial Academies exist, there is a pressing need for more rigorous, standardized, and technology-driven training programs. Continuous judicial education is essential to ensure that judges remain updated with evolving laws, technology, and global best practices. Furthermore, the procedural complexity and legal formalism prevalent in many courts discourage access to justice, especially for the poor and marginalized. The judicial system often appears intimidating to ordinary citizens due to its use of technical language, rigid procedures, and dependence on legal counsel. This makes it less inclusive and accessible, contradicting the constitutional vision of justice for all. While mechanisms like Legal Services Authorities and Lok Adalats attempt to address these barriers, their scope and effectiveness remain limited.

In light of these challenges, it is crucial to view judicial hierarchy not just as a structure of power and function, but as an evolving institution requiring continuous reform. Several reform measures can be proposed to strengthen the system. First, there must be a concerted effort to fill judicial vacancies promptly and expand the sanctioned strength of judges across all levels. Second, significant investments in judicial infrastructure, especially in lower courts, are necessary to create an environment conducive to speedy and effective justice. Third, judicial processes need to be simplified and made more citizen-friendly through procedural reforms, digitization, and the promotion of alternative dispute resolution (ADR) mechanisms. Moreover, public trust in the judiciary (court system) must be enhanced through greater transparency and accountability. While the higher judiciary (court system) enjoys constitutional protection and independence, mechanisms for performance evaluation and disciplinary action should be strengthened, especially for lower judiciary (court system) where allegations of inefficiency or corruption are more common. The establishment of an independent judicial complaints body, regular performance audits, and greater public engagement can contribute to this objective. Finally, the hierarchical judiciary (court system) must embrace technology not only as a support tool but as a transformative force. E-filing, virtual hearings, AI-driven case management systems, and online dispute resolution mechanisms should become mainstream rather than experimental. The COVID-19 pandemic demonstrated the viability of remote adjudication, and this momentum must be sustained to bridge accessibility gaps, especially for litigants in rural and remote areas. In conclusion, while the Indian judicial hierarchy is structurally sound and constitutionally entrenched, its operational challenges require urgent attention. A responsive, transparent, and efficient judiciary (court system) is essential to uphold the ideals enshrined in the Preamble—justice, liberty, equality, and fraternity. Strengthening the judiciary (court system) at all levels through meaningful reforms will not only improve justice delivery but also reinforce democratic governance and the rule of law (legal framework). The subsequent chapter will explore the systemic grey areas and critical problems plaguing the Indian judicial system, with an emphasis on possible reform trajectories.

CHAPTER IV

JUDICIAL SYSTEM IN INDIA: A CRITICAL ANALYSIS OF THE GREY AREAS

India's judicial system stands as one of the most intricate and pivotal pillars of its democracy. It plays a crucial role in ensuring justice, equality, and accountability, with its foundation laid on constitutional values. However, despite its robust framework, the system continues to grapple with a series of deep-seated challenges that hinder timely justice, erode public faith, and strain the fabric of legal institutions. These challenges often lead to a crisis in the judiciary (court system), one that requires both immediate attention and systemic reform.

The Overwhelming Backlog of Cases

One of the most persistent and critical issues facing the Indian judicial system is the alarming backlog of cases. The backlog has reached a crisis point, with more than 3 crore cases pending across various courts in the country. These pending cases span a broad spectrum of legal matters, from simple civil disputes to complex criminal cases and constitutional matters. The backlog has been accumulating for decades, and despite various measures aimed at addressing it, there has been little significant progress. The problem is compounded by the shortage of judges, procedural delays, limited access to legal aid, and high litigation costs, all of which contribute to the growing problem.

Statistics and the Scale of the Crisis

As of recent estimates, India has around 15,000 judges serving in various courts, which is significantly below the sanctioned strength of approximately 17,641 judges. With the population of India exceeding 1.4 billion, this equates to just 10.5 judges per million people, a number far lower than the global average. For comparison, countries like the United States and Brazil have a much higher judge-to-population ratio, which enables them to manage their caseloads more effectively.

The backlog is particularly acute in the lower courts, where over 2.7 crore cases remain unresolved. The District Courts, which handle the bulk of the country's legal disputes, are overwhelmed by an ever-increasing influx of cases. High Courts are also grappling with an additional 42 lakh cases pending, while the Supreme Court (judicial body) of India faces more than 60,000 pending cases, with many cases having been unresolved for years.

This backlog not only frustrates litigants but also undermines the efficiency and credibility of the entire judicial process. Many cases in India remain unresolved for decades, and in some instances, litigants die before receiving justice. Such delays are not just an inconvenience; they result in real human suffering, especially for the underprivileged and marginalized sections of society who cannot afford prolonged legal battles.

Factors Contributing to the Backlog

Several key factors have contributed to the growth of the case backlog in India:

1. Inadequate Number of Judges:

- As previously mentioned, the shortage of judges is one of the most significant reasons for the backlog. Judicial vacancies, often left unfilled for years, exacerbate the situation. The Centre and state governments frequently argue over the responsibility for judicial appointments, leading to further delays in the recruitment process. This chronic shortage of judges creates a situation where the existing judicial staff is overburdened, slowing down the judicial process and prolonging the resolution of cases.

2. Archaic and Inefficient Court (judicial body) Procedures:

- The procedures followed in Indian courts are often outdated and cumbersome, requiring multiple adjournments and procedural delays. This inefficiency is further compounded by the lack of coordination between various levels of courts. The existing framework does not allow for the swift disposal of cases, leading to delays in even the simplest of matters.

3. Increased Legal Awareness and Litigation:

- Over the past few decades, there has been a rise in legal awareness among citizens. While this is a positive development in terms of safeguarding rights and ensuring justice, it has also led to an increase in the number of cases being filed. The expansion of rights, such as the Right to Education and the Right to Information, has prompted more individuals to seek judicial remedies. Additionally, the advent of Public Interest Litigations (PILs) has contributed to a surge in cases, further straining the courts.

4. Social and Institutional Trends:

- Socio-economic conditions have improved, leading more individuals to seek legal redress. With better access to information and education, people are more likely to understand their rights and approach the judiciary (court system) for resolution. However, the judicial system has not kept pace with this increasing demand for justice.
- The lack of adequate infrastructure in courts is another significant impediment. Most courts are poorly equipped, with limited resources, inadequate staffing, and outdated facilities. This not only delays the progress of cases but also affects the quality of justice delivered.

5. Delayed Judicial Appointments and Transfers:

- Another contributing factor is the delayed process of judicial appointments and the frequent transfers of judges, which disrupt the continuity and efficiency of court operations. These transfers often lead to delays in the disposal of cases and result in a lack of specialization among judges in particular areas of law (legal framework).

Consequences of the Case Backlog

The repercussions of an overburdened judicial system are far-reaching and multifaceted:

1. Loss of Public Confidence:

- The most significant consequence of the backlog is the erosion of public trust in the judicial system. The delay in justice often leads to frustration among citizens, who feel that the judicial system is unable to address their grievances in a timely manner. This loss of confidence can undermine the very foundation of democracy, as citizens begin to perceive the judiciary (court system) as ineffective or unreliable.

2. Injustice to the Underprivileged:

- The backlog disproportionately affects the poor and marginalized sections of society. These individuals often cannot afford long and expensive legal battles, and as a result, they remain trapped in a system that does not provide timely relief. In some cases, undertrial prisoners languish in jail for years awaiting trial, a clear violation of their basic human rights. This is particularly evident in overcrowded jails, where the lack of timely trials leads to inhumane conditions for those awaiting justice.

3. Economic Consequences:

- The delay in resolving legal disputes has a direct impact on the economy. Commercial disputes, especially those related to contracts and land, can hold up economic activities, including business operations and foreign investment. Investors are reluctant to invest in a country where the legal system is slow and inefficient. This affects the broader economic landscape, including the government's 'Make in India' initiative, which aims to promote India as a hub for manufacturing and business.

4. Impact on Constitutional and Social Reforms:

- The backlog of cases also hampers the timely resolution of constitutional matters, which are critical to the evolution of Indian democracy. Social reforms, such as those related to women's rights, caste discrimination, and labor laws, often get delayed due to the slow pace of judicial proceedings. This stifles progress in crucial areas of social justice and reform.

5. Justice Delayed is Justice Denied:

- The saying "justice delayed is justice denied" captures the essence of the crisis facing India's judicial system. Prolonged legal battles deprive individuals of their right to timely and effective justice. On the other hand, the famous adage "justice hurried is justice buried" reminds us of the dangers of rushing through cases to clear backlogs. The challenge, therefore, lies in striking a balance between expedience and fairness, ensuring that the pursuit of efficiency does not come at the cost of justice.

Corruption in the Judicial System

Corruption within the judiciary (court system) is another persistent problem that undermines the credibility and integrity of India's legal system. Corruption is deeply ingrained in several layers of the judicial process and can manifest in a variety of ways, from judicial bribery to the manipulation of court procedures.

Cases of Judicial Corruption

One of the most significant instances of judicial corruption in recent years was the impeachment of Justice Soumitra Sen of the Calcutta High Court (judicial body). Justice Sen became the first sitting judge to be impeached in Indian history for financial misconduct. He was found guilty of misappropriating funds and falsifying documents, a scandal that sent shockwaves through the judiciary (court system). His impeachment highlighted the vulnerabilities of the judicial system, especially in terms of accountability and transparency.

Beyond individual cases, the judiciary (court system) has also been tainted by reports of judicial bribery, where litigants or their representatives pay judges to influence the outcome of a case. These corrupt practices not only undermine the integrity of the legal system but also perpetuate inequality, as those with financial resources can often “buy” justice.

Systemic Causes of Corruption

The reasons behind judicial corruption are multi-faceted and complex:

1. Lack of Transparency:

- One of the main contributors to judicial corruption is the lack of transparency in the judicial process. Court (judicial body) proceedings, especially in lower courts, are often shrouded in secrecy. This lack of visibility provides an opportunity for corrupt practices to thrive. Judicial appointments, too, are made behind closed doors, with little public scrutiny, leading to accusations of favoritism and nepotism.

2. Inadequate Accountability Mechanisms:

- Judicial independence is a cornerstone of the Indian legal system, but it often comes at the cost of accountability. The absence of a robust and independent mechanism to oversee judicial conduct means that corrupt practices often go unchecked. There is no uniform system of evaluation for judges, and their conduct is rarely questioned unless a major scandal occurs.

3. Overwork and Stress:

- Judges, particularly in lower courts, are often overburdened with cases, leading to stress and fatigue. The overwhelming workload can create opportunities for corruption, as some judges may resort to unethical practices to cope with the pressure. Additionally, the lack of sufficient infrastructure and support staff further exacerbates the problem.

Global Comparisons and Solutions

To tackle judicial corruption, India can look at international examples. For instance, countries like the United States have developed strong systems for monitoring judicial conduct, including judicial performance evaluations and public access to case records. Similarly, in countries like South Korea and Brazil, judicial oversight bodies have been established to monitor the conduct of judges and ensure transparency in the judicial process.

In India, creating a transparent judicial appointment system, implementing regular performance evaluations for judges, and strengthening the accountability mechanisms could help mitigate corruption within the judiciary (court system). Public access to court proceedings and a more transparent system of judicial appointments would also go a long way in addressing this issue.

.Access to Justice and Legal Aid

India’s Constitution guarantees equal access to justice under Article 39A, yet the legal system remains out of reach for millions, particularly those from marginalized and economically weaker sections. The Legal Services Authorities Act, 1987, aimed at institutionalizing free legal aid, has had a limited impact due to lack of awareness, inconsistent quality of legal representation, and poor infrastructure at the state and district levels.

Free legal aid is essential not only for undertrials but also for victims of crimes, women in domestic disputes, and communities facing land acquisition. However, government-appointed lawyers often lack training or motivation, leading to a gap between legal rights and their enforcement. In rural India, the absence of paralegals and language barriers further alienates litigants from formal courts.

Judicial Appointments and Collegium System

A recurring theme in the judicial backlog is the opaque system of appointments. The collegium system, although intended to uphold judicial independence, has come under criticism for lack of transparency and accountability. Multiple vacancies remain unfilled for months, sometimes years, as recommendations by the collegium await action from the executive.

The National Judicial Appointments Commission (NJAC) was a failed attempt to reform this system, with the Supreme Court (judicial body) striking it down as unconstitutional in 2015. This episode highlights the friction between the judiciary (court system) and legislature. A more balanced, transparent mechanism involving diverse stakeholders might ensure efficiency without compromising independence.

Global Comparisons: Learning from Other Jurisdictions

India's judicial backlog and systemic issues invite comparisons with other countries. For instance, the United States employs a jury system for criminal trials and a larger base of judicial officers, ensuring quicker trials. Japan uses the Saiban-in system (a mix of laypersons and judges) to bring community representation and faster resolution.

In countries like Singapore and the UK, digitized courts, time-bound procedures, and stringent case management techniques contribute to greater efficiency. India can draw from such models to reduce pendency through structured reforms, especially in case scheduling and performance-based evaluation of judges.

Judicial Infrastructure: The Missing Foundation

The physical and digital infrastructure of Indian courts is outdated and inadequate. Most district courts function from colonial-era buildings with insufficient courtrooms, lack of waiting areas, and no facilities for differently-abled individuals. This impacts not only efficiency but also the dignity of court proceedings.

A 2020 report by NITI Aayog emphasized the need for infrastructural investment in lower courts. The e-Courts Mission Mode Project under the Digital India initiative has shown some promise, with electronic filing and cause list updates, but these reforms need scaling and standardization across the country.

The Undertrial Population: Prisoners Without Conviction

A major consequence of judicial delay is the large number of undertrial prisoners. As per the National Crime Records Bureau (NCRB) data, nearly 75% of India's prison population comprises undertrials. Many remain incarcerated for years without conviction, violating Article 21 of the Constitution.

Factors contributing to this include police inefficiency, lack of legal aid, poor bail systems, and procedural delays. In 2021, the Supreme Court (judicial body) advocated for regular undertrial review committees, yet implementation remains inconsistent. Fast-track bail hearings and alternative sentencing options can reduce this humanitarian crisis.

Public Interest Litigation (PIL): Boon or Bane?

PILs have democratized justice in India, allowing any citizen to approach the courts on matters of public concern. Landmark PILs have expanded the ambit of rights—from environmental protection to prison reforms. However, the increasing misuse of PILs for political or publicity motives has led to judicial caution.

There is growing concern that frivolous PILs divert judicial time from genuine disputes. The judiciary (court system) has often reiterated that PILs must be filed with clean hands and sincere intent. Introducing a filtration mechanism or penalties for frivolous PILs may help strike a balance between access and accountability.

Gender Justice in the Judiciary (court system)

The judicial system has often been criticized for its inadequate sensitivity toward gender justice. Cases related to sexual violence, marital rape, and domestic violence are subject to long delays and victim-blaming narratives in courtrooms. A low number of women judges further contributes to gender imbalance in judicial interpretation.

Despite laws like the Protection of Women from Domestic Violence Act, 2005, enforcement remains weak. Fast-track courts for sexual assault cases have been proposed and implemented, but success is limited due to lack of trained staff and infrastructure. A gender audit of court proceedings and feminist legal training for judges and lawyers could bridge this gap.

Customary Justice and Informal Systems

In several parts of India, especially in tribal and rural areas, people rely on informal justice systems like panchayats and caste councils. While these offer quicker dispute resolution, they often violate constitutional rights, especially in cases involving women, Dalits, or inter-caste marriages.

The challenge lies in harmonizing these informal systems with constitutional principles. Rather than blanket criminalization, integrating them under a regulated legal framework can make justice more accessible while ensuring fundamental rights.

Media Trials and Judicial Independence

With the rise of 24x7 media and social media platforms, high-profile cases often become subjects of public debate. While this can increase awareness, it also risks compromising fair trial rights. Media trials can influence public opinion and even judicial decisions, undermining due process.

The judiciary (court system) has emphasized the importance of restraint and responsible reporting, but there is little by way of formal regulation. Clear guidelines on sub judice matters and contempt laws need better enforcement to maintain the sanctity of court proceedings.

Judicial Reform Reports: A Review

Several committees and commissions have proposed judicial reforms over the decades, including the Law (legal framework) Commission of India, the Malimath Committee on Criminal Justice Reform, and more recently, the Justice Lokur-led E-Committee for digital courts.

Key recommendations include:

- Performance auditing of judges
- Greater specialization (commercial benches, family courts)
- Streamlined procedures under the Civil and Criminal Procedure Codes
- Setting up a National Judicial Infrastructure Authority
- Judicial impact assessment of new legislation

Judicial Delays and the Economic Impact: A Deeper Insight

Beyond the abstract principles of justice and rights, the ripple effects of judicial delays on India's economic growth have been significant. The economic cost of a slow judiciary (court system) is often underestimated in public discourse. According to a 2020 report by the Vidhi Centre for Legal Policy, delays in court proceedings cause bottlenecks in enforcing contracts, resolving business disputes, and settling land titles, all of which are fundamental for a thriving investment climate. In the World Bank's Ease of Doing Business rankings, India has consistently scored low on the "Enforcing Contracts" indicator, with average resolution times nearing 1,445 days—nearly four years.

Investors, particularly foreign investors, are cautious about placing capital in jurisdictions where dispute resolution mechanisms are slow and uncertain. In sectors like infrastructure, real estate, and banking, legal clarity and timely resolution of conflicts are essential. Judicial backlogs, especially in commercial courts, directly hinder project execution timelines and inflate costs. Consequently, this discourages new entrants and puts undue pressure on existing businesses, affecting the country's economic competitiveness.

To mitigate this, specialized commercial benches have been proposed and established in metropolitan cities under the Commercial Courts Act, 2015. However, these courts face similar resource constraints—limited manpower, inadequate case management systems, and procedural rigidity. There's a pressing need to develop arbitration and mediation as alternative dispute resolution (ADR) mechanisms. Institutional arbitration centres such as the Mumbai Centre for International Arbitration (MCIA) and the Delhi International Arbitration Centre (DIAC) have begun to play a role, but India still lacks a strong culture of ADR adoption across the board.

The Burden on Women Litigants and Family Courts

One of the less examined aspects of judicial backlog is its impact on women, especially those involved in family and matrimonial cases. In Indian society, where women continue to face systemic inequality and patriarchal norms, prolonged litigation exacerbates their vulnerability. Divorce, maintenance, domestic violence, and child custody cases often stretch over several years, leaving women in legal and financial limbo.

Family courts were established under the Family Courts Act, 1984, to provide speedy and sensitive redressal. However, most of these courts are under-equipped and overburdened. A 2019 survey conducted by the Centre for Social Research found that over 60% of women litigants reported multiple adjournments, lack of legal support, and procedural insensitivity from judges and court staff. Despite legal provisions like Section 125 CrPC (maintenance), and the Protection of Women from Domestic Violence Act, their implementation remains sporadic and inconsistent.

Judicial training with a gender lens, increased representation of women in the judiciary (court system), and mandatory time frames for family-related disputes could improve access to justice. Additionally, legal aid clinics and counselling cells attached to family courts could be strengthened to support emotionally and financially distressed litigants.

Tribal Justice and the Fifth Schedule Areas

India's tribal population, primarily residing in the Fifth Schedule areas under the Constitution, often finds the formal judicial system alien and inaccessible. These communities rely heavily on customary justice mechanisms such as tribal councils or gram sabhas. While these mechanisms offer speedy and culturally relevant resolutions, they are frequently criticized for violating fundamental rights, particularly of women and marginalized groups.

The PESA Act, 1996 (Panchayats Extension to Scheduled Areas), allows for customary law (legal framework) and traditional practices in governance, including dispute resolution. However, there exists a critical gap between customary justice and constitutional safeguards. Courts have occasionally intervened when such practices contravened human rights, yet blanket criminalization or dismissal of these systems is not a sustainable solution.

A hybrid model, where customary systems are regulated under state supervision and aligned with constitutional values, could promote inclusion. Legal awareness programs, mobile courts, and training for tribal leaders in legal principles could bridge this divide while preserving cultural autonomy.

Children in Conflict with Law (legal framework): Juvenile Justice Bottlenecks

Juvenile justice is another area facing severe procedural delays. The Juvenile Justice (Care and Protection of Children) Act, 2015, mandates time-bound inquiry and rehabilitation. However, the lack of Juvenile Justice Boards (JJBs), trained staff, and child-friendly infrastructure has led to violations of these mandates.

Children in conflict with law (legal framework), especially from urban slums or vulnerable communities, are often subjected to extended stays in observation homes due to delay in inquiry or absence of legal representation. Moreover, the distinction between juvenile offenders and adult criminals often blurs during police investigation, leading to human rights violations.

Dedicated benches in High Courts to monitor juvenile cases, mandatory reporting on inquiry timelines, and better coordination between JJBs, Child Welfare Committees (CWCs), and NGOs are critical reforms needed to address this issue. Further, child rights sensitization programs for judicial and police officers should be institutionalized.

Case Management and Technology: Underutilized Tools

Case management systems are critical to improving judicial productivity. While the National Judicial Data Grid (NJDG) and e-Courts initiatives represent important digital interventions, their usage varies widely across states. Many judges and lawyers remain untrained in digital processes. Data inconsistencies and lack of integration between court levels weaken the utility of these systems.

Adoption of Artificial Intelligence (AI) and machine learning in judicial administration can enhance decision-making, identify bottlenecks, and predict case timelines. For example, AI-driven tools can assist in legal research, classification of cases, scheduling, and even drafting of routine orders, thereby reducing clerical burdens.

Estonia, for example, has implemented an AI judge system for small claims. While such technology is far from mainstream acceptance in India, pilot projects on predictive justice or chatbot-based legal aid could be rolled out in select jurisdictions to test viability.

The Role of the Bar: Ethical and Structural Issues

The judiciary (court system) does not operate in isolation. The conduct and competence of the legal fraternity significantly impact the judicial process. Delays are often a result of poor case preparation, intentional adjournments, and unethical practices by lawyers. Many legal professionals exploit procedural loopholes, file frivolous appeals, or seek adjournments as a tactic to stall cases, especially in high-stakes civil disputes.

Bar councils, tasked with regulating professional conduct, often lack the will or resources to take disciplinary action. Strengthening ethical oversight, making continuing legal education mandatory, and incentivizing early disposal of cases can improve the quality of legal practice.

Additionally, the idea of "court managers"—trained administrative professionals who handle logistics and scheduling—has been introduced but remains underutilized. Their widespread deployment can free up judicial time for core functions.

Restorative Justice and Community Mediation

India's adversarial legal system often escalates conflicts instead of resolving them. The growing interest in restorative justice offers a more empathetic and rehabilitative approach, especially in juvenile, family, and minor criminal cases. Community mediation centres, like those run under the Delhi Mediation Centre model, have demonstrated success in reducing pendency and improving litigant satisfaction.

Restorative justice emphasizes reconciliation between victim and offender and addresses the social context of the offence. Although not a replacement for formal trials in serious crimes, it can complement the system in select categories. Codifying guidelines for restorative justice and incentivizing parties to opt for mediation before litigation can reduce court burden while fostering social harmony.

Judicial Vacancies and the Need for a National Judicial Service

Judicial vacancies remain a bottleneck despite increasing caseloads. One often-suggested reform is the creation of an All-India Judicial Service (AIJS), akin to civil services, to ensure merit-based recruitment, uniform training, and transparent postings. The idea, first proposed in the 1960s and endorsed by the Law (legal framework) Commission, faces resistance from High Courts citing concerns over federal structure and judicial independence.

However, with appropriate safeguards and collaboration between state and central judiciaries, AIJS can address regional disparities, bring professionalism, and create a robust talent pipeline. The National Judicial Academy in Bhopal could be designated as the central training institution under this service.

Environmental Litigation: Green Benches and Judicial Overreach

Environmental cases form a growing category of litigation in India, handled primarily by the National Green Tribunal (NGT). While the NGT has passed progressive orders on pollution control, forest conservation, and climate change, its limited jurisdiction and lack of enforcement capacity hinder its impact.

There is also concern that courts occasionally encroach upon executive domains, resulting in judicial overreach. While judicial activism has upheld environmental rights, critics argue that technocratic decision-making (like halting infrastructure projects) without policy analysis can lead to economic and social trade-offs.

Strengthening the NGT, ensuring interdisciplinary staffing, and creating state-level green benches can improve ecological jurisprudence. At the same time, institutional checks must balance environmental protection with development needs.

The Indian judiciary (court system), envisioned as the guardian of constitutional values and the bulwark of democratic integrity, stands at a critical juncture. While its foundational principles remain intact, the operational machinery is strained by systemic inefficiencies, pendency, and structural gaps. The multifaceted analysis in this chapter has demonstrated that judicial delay is not merely a legal issue but a deeply embedded socio-economic challenge that affects diverse sectors—from business and family welfare to environmental governance and tribal autonomy.

The examination of judicial delays revealed an alarming economic cost and an adverse impact on investor confidence. Women litigants, undertrial prisoners, juveniles, and marginalised communities face disproportionate hardships, further highlighting the system's inequities. Moreover, underutilised case management tools, inconsistent adoption of technology, and an overburdened bar contribute to a vicious cycle of inefficiency and stagnation.

At the same time, potential solutions lie within reach. Strengthening legal aid, empowering family and environmental courts, embracing restorative justice, and institutionalising court management practices can pave the way for a more responsive and resilient judiciary (court system). The integration of artificial intelligence and data analytics, if applied ethically and systematically, could revolutionise case processing and resource allocation.

A deeper commitment to judicial reforms—including addressing vacancies, reviving the idea of a National Judicial Service, and promoting alternative dispute resolution mechanisms—can bridge the widening gap between legal ideals and on-ground realities. The judiciary (court system) must evolve not just as an institution of legal adjudication but as a facilitator of inclusive, equitable, and timely justice.

In essence, judicial reform in India is not a singular event but an ongoing process. It demands collaboration among the judiciary (court system), executive, legislature, legal fraternity, and civil society. Only then can the promise of justice—“accessible, affordable, and timely”—be truly fulfilled for every citizen, regardless of their socio-economic standing. The road ahead may be long, but the need for transformation has never been more urgent or more necessary.

Despite consensus on many issues, implementation remains slow due to political hesitancy and institutional inertia. Public engagement with these reports and legislative will are essential to translate recommendations into action.

CHAPTER V

CONCLUSION AND SUGGESTIONS

India's judicial system stands as a critical pillar of its democratic framework, rooted in the principles of justice, equality, and constitutional supremacy. Despite its robust constitutional backing and independent institutional architecture, the Indian judiciary (court system) continues to confront serious structural, procedural, and functional challenges. These include, most notably, massive pendency of cases, inadequate judicial personnel, infrastructural limitations, lack of transparency, procedural complexities, and the rising costs of litigation. The disparity between the aspirations embedded in the Constitution and the lived realities of litigants underscores the urgent need for comprehensive reforms.

This chapter synthesizes the findings and arguments presented in earlier sections and proposes multifaceted recommendations to address the systemic inefficiencies plaguing the judiciary (court system). The goal is to reinvigorate public faith, streamline case disposal, and ensure the effective delivery of justice—particularly at the grassroots level.

Recapitulation of Key Challenges

Before venturing into the recommendations, it is important to succinctly outline the principal issues identified in the previous chapter:

1. **Case Backlog and Delay:** With over 5 crore cases pending across all levels of courts as of 2024, the justice delivery mechanism is under severe strain.

2. **Judicial Vacancies:** A shortage of judges—both in higher and lower judiciary (court system)—translates into delayed hearings, adjournments, and lack of attention to individual cases.
3. **Inadequate Infrastructure:** Most district and subordinate courts continue to operate in dilapidated conditions without modern digital facilities, affecting case management and data recording.
4. **Lack of Accountability:** While judicial independence is protected by the Constitution, mechanisms for accountability remain underdeveloped.
5. **Limited Legal Literacy:** A significant portion of India's population lacks awareness about their legal rights and court procedures.
6. **High Litigation Costs:** For many marginalized groups, the cost of accessing justice remains prohibitive, undermining the promise of equal justice under law (legal framework).
7. **Procedural Inefficiencies:** Colonial-era procedural codes like the CPC and CrPC still govern the system with limited innovation, leading to unnecessary delays.
8. **Overuse of Adjournments:** Excessive adjournments stall proceedings and are often used as a tool for delaying justice, especially by powerful litigants.

Judicial Reforms: Recommendations for Systemic Overhaul

Increasing Judicial Strength

One of the foremost recommendations is to increase the number of judges to meet the demands of a growing population. As per the Law (legal framework) Commission, India needs at least 50 judges per million people, yet current figures hover around 21. This shortage is especially critical in the subordinate judiciary (court system), where the maximum caseload lies.

Suggestions:

- Immediate recruitment drives to fill all existing judicial vacancies.
- Institutionalization of the All-India Judicial Services (AIJS) to ensure merit-based appointments across states.
- Periodic review of judge-population ratio and dynamic adjustment in sanctioned strength.

Strengthening Judicial Infrastructure

Modernizing physical and digital infrastructure is essential to improve the efficiency of courts.

Recommendations:

- Increased budget allocation for the judiciary (court system) (currently <0.5% of GDP).
- Construction of model court complexes with videoconferencing, e-filing, and real-time case tracking systems.

- Better record management using AI and machine learning tools to sort, archive, and retrieve files.
- Improved courtrooms with air-conditioning, waiting areas, and digital displays for litigants.

Case Management and Time-Bound Disposal

Delays in case resolution can be countered with robust case-flow management systems.

Actionable Measures:

- Digitally schedule hearings with fixed time slots for lawyers.
- Introduction of “Case Managers” in courts to streamline schedules and oversee progress.
- Enforce the “no undue adjournment” policy as prescribed in the Ramrameshwari Devi v. Nirmala Devi case.
- Introduce sunset clauses for long-standing cases to ensure periodic review and disposal.

Ensuring Transparency and Judicial Accountability

Judicial accountability is critical in preserving the integrity of the justice system. While the judiciary (court system) enjoys institutional independence, mechanisms to ensure transparency and check misconduct are underdeveloped.

Proposed Judicial Reforms for Accountability:

- Judicial Performance Commission: Set up an independent statutory body to review the conduct, performance, and efficiency of judges.
- Declaration of Assets: Mandatory annual declaration of assets by judges, made publicly available.
- Open Court (judicial body) Proceedings: Live-streaming of hearings (already initiated in some High Courts and the Supreme Court (judicial body)) should be institutionalized to promote openness.
- Annual Reports: All courts should release performance audit reports detailing case disposal rates, types of cases, and average time taken.

Promoting Alternate Dispute Resolution (ADR) Mechanisms

Alternative mechanisms such as mediation, arbitration, and conciliation can significantly reduce court burden and ensure swift justice, especially in civil and commercial disputes.

Strategies:

- Institutionalize ADR cells in all district courts.
- Make pre-litigation mediation mandatory in select disputes, as per Section 12A of the Commercial Courts Act.

- Capacity-building of mediators and arbitrators through certified legal education programs.
- Expand the ambit of Lok Adalats beyond motor accident and civil compensation cases to include matrimonial and tenancy disputes.

Legal Aid and Empowerment of Marginalized Groups

Despite constitutional guarantees, access to justice remains a distant dream for marginalized communities.

Policy Suggestions:

- Strengthen the Legal Services Authorities (LSAs) under the Legal Services Authorities Act, 1987.
- Legal aid clinics in villages, schools, and prisons.
- Mobile legal services and paralegal training to reach remote areas.
- National Legal Literacy Mission with regional language campaigns to spread awareness.

Use of Technology and Artificial Intelligence

The COVID-19 pandemic demonstrated the potential of digital transformation in court functioning. The momentum must continue.

Technology Integration:

- E-Courts Phase III: Full digitization of subordinate courts, online case filings, digital evidence submission, and mobile court apps.
- AI-Assisted Legal Research: Tools like SUPACE (developed by the Supreme Court (judicial body)) must be scaled up for legal analytics and judgement drafting.
- Blockchain: Introduce blockchain-based timestamping of evidence and documents to prevent tampering.

Revisiting Procedural Laws and Judicial Attitudes

Legal Modernization:

- Replace or amend the Code of Civil Procedure, 1908 and the Code of Criminal Procedure, 1973 to reduce redundancies.
- Codify the process of adjournments and case transfers to prevent misuse.
- Periodic training and orientation programs for judges to keep pace with evolving laws and jurisprudence.

Judicial Attitudinal Reform:

- Shift from adversarial to inquisitorial approach in select cases (e.g., family law (legal framework), domestic violence, etc.).
- Judges must take a proactive role in ensuring that justice is served substantively, not merely procedurally.

Addressing Undertrial Prisoners and Custodial Justice

India has one of the highest numbers of undertrial prisoners, many of whom languish in jail for years.

Solutions:

- Monthly review by District Legal Services Authorities of undertrial cases.
- Bail reform to reduce dependency on sureties or property.
- Use of technology to conduct virtual bail hearings and legal aid interviews.

Role of Judiciary (court system) in Promoting Socio-Economic Rights

Courts must not only resolve disputes but also function as institutions of social transformation. The proactive role played by the Indian judiciary (court system) in expanding the scope of Article 21 is commendable.

Examples:

- *Olga Tellis v. Bombay Municipal Corporation* – Right to livelihood.
- *Paschim Banga Khet Mazdoor Samity v. State of West Bengal* – Right to health.
- *Mohini Jain v. State of Karnataka* – Right to education.

Going forward, the courts must strengthen the enforceability of socio-economic rights and ensure government accountability through continuing mandamus and judicial monitoring.

Case Laws Illustrating Need for Reform

Hussainara Khatoon v. State of Bihar (1979)

Exposed the plight of undertrial prisoners and laid the foundation for the right to speedy trial under Article 21.

Rajiv Gandhi Assassination Case (Nalini v. State of Tamil Nadu, 1999)

Highlighted the necessity of expeditious mercy petition processing, leading to later SC rulings fixing timelines for clemency decisions.

Justice K.S. Puttaswamy (Retd.) v. Union of India (2017)

Established privacy as a fundamental right, emphasizing the evolving scope of Article 21 and the importance of judicial intervention in contemporary rights issues.

Suggestions from Law (legal framework) Commissions and Committees

- Malimath Committee (2003): Proposed reforms to criminal justice including victim participation, witness protection, and plea bargaining.
- National Judicial Appointments Commission (NJAC) Proposal: Though struck down, highlighted the debate around transparency in judicial appointments.
- Arrears Committee Reports: Stressed upon the need for time-bound case disposal frameworks.
- E-Committee Reports: Roadmaps for e-courts, digitization, and virtual hearings.

Way Forward: A Transformative Vision for Justice

India's judiciary (court system) must evolve into a citizen-centric, responsive, and technology-driven institution. For that, collaborative action from the executive, legislature, judiciary (court system), and civil society is crucial.

Key Targets for 2030 Vision:

- Clearance of 90% backlog within five years.
- 100% digitization of all courts.
- Minimum of 40 judges per million people.
- Establishment of National Judicial Infrastructure Authority.
- Integration of legal aid, social welfare, and digital governance.

Judicial Reforms and Legislative Changes

The evolution of judicial reforms in India has been a subject of significant political, legal, and public discourse, particularly since the post-independence era. These reforms aim to address the increasing backlog of cases, the growing demand for judicial independence, the push for transparency in judicial appointments, and the broader question of judicial accountability.

- National Judicial Appointments Commission (NJAC): Introduced as part of the 99th Constitutional Amendment Act of 2014, the National Judicial Appointments Commission (NJAC) was a major reform aimed at making judicial appointments more transparent and inclusive by involving the executive branch of government. The NJAC Bill proposed to have members from both the executive and judiciary (court system). The Prime Minister, the Union Law (legal framework) Minister, and two senior judges would have been part of the commission, which was designed to limit the power of the judiciary (court system) in appointing judges and bring about greater transparency in the selection process. This initiative came in response to concerns regarding the perceived lack of transparency in the Collegium System, where senior judges select their replacements without sufficient oversight from the executive.

- However, the Supreme Court (judicial body) of India struck down the NJAC through a majority decision in 2015, arguing that it violated the doctrine of judicial independence, a cornerstone of the Indian legal system. The Court (judicial body) maintained that such a system would undermine the judicial prerogative to select judges and allow for excessive executive interference, which could compromise the fairness and autonomy of judicial decisions.
- Despite the failure of the NJAC, discussions about the need for reforms to the Collegium System persist. Some argue that while judicial independence is essential, there is also a need for greater transparency and accountability in judicial appointments. A parliamentary committee proposed reforms in 2018, which included the creation of a Judicial Appointments Commission that would balance the roles of both the executive and judiciary (court system) in judicial appointments without jeopardizing judicial independence. However, the proposal remains contentious, with the Collegium System still functioning as the main mode of judicial appointments.
- Judicial Accountability and Transparency: The Judicial Accountability Bill, introduced in 2010, sought to create a formal structure to investigate complaints against judges and ensure accountability within the judiciary (court system). Despite widespread discussions on its merits, the bill was not passed due to concerns over the potential infringement on judicial independence. The bill proposed the creation of an independent body that would investigate complaints of judicial misconduct. This body, however, would not have the power to remove judges from office, which was seen as an essential part of the process of ensuring transparency and accountability.
- In parallel, Judicial Performance Evaluation has gained attention in several reports and legal discourses. The Law (legal framework) Commission in its 230th report recommended that the judicial performance of judges be evaluated periodically, particularly regarding efficiency and the handling of cases. While the idea has been proposed, its practical implementation has been slow, as concerns about judicial independence and the subjective nature of performance reviews have prevented concrete action.
- Court (judicial body) Modernization: The E-Courts Mission Mode Project launched in 2005 aimed to modernize the judicial system by introducing technology into courtrooms and improving case management. The implementation of e-filing systems, video conferencing, and online case tracking were integral components of this project. These initiatives have been instrumental in reducing delays in legal proceedings, improving accessibility, and enabling litigants, particularly in remote areas, to file cases and track their status without physically appearing in court.
- The National Judicial Data Grid (NJDG) was also introduced under the E-Courts Project, allowing real-time tracking of pending cases across all levels of the judiciary (court system). The E-Courts Project has been particularly valuable in light of the COVID-19 pandemic, as courts were forced to adapt to remote operations and digital hearings, further demonstrating the potential of technology to drive judicial reforms. However, while technological integration in the judiciary (court system) has been a positive development, challenges such as inadequate infrastructure, digital illiteracy, and resistance to change persist in some areas.
- Judicial Independence and Accountability
The principle of judicial independence is enshrined in the Indian Constitution, underlining that the judiciary (court system) should be free from external interference. This is crucial in ensuring that the judiciary (court system) can function impartially, delivering justice without fear or favor. However, in recent years, the question of judicial independence has been increasingly intertwined with calls for greater judicial accountability.
- Collegium System vs. NJAC: One of the key debates surrounding judicial independence centers on the Collegium System for judicial appointments. While the system was designed to safeguard judicial independence by allowing the judiciary (court system) to select its own members, it has been criticized for its lack of transparency and accountability. The process is largely internal, and the public or other branches of government have limited access to information regarding how judges are selected. The National Judicial Appointments Commission (NJAC) was proposed as a means to address this issue

by ensuring a broader and more transparent process that would involve members from the executive branch. However, as mentioned earlier, the Supreme Court (judicial body)'s ruling in 2015 invalidated the NJAC, leaving the Collegium System in place, albeit with ongoing debates about its fairness and transparency.

- **Judicial Accountability Mechanisms:** In a bid to introduce more transparency in the judicial system, the Judicial Standards and Accountability Bill was introduced. This bill aimed to establish a framework for investigating complaints against judges, setting standards for judicial conduct, and ensuring that judges could be held accountable for misconduct. Despite its introduction and subsequent debate, the bill faced resistance on the grounds that it might undermine judicial independence. While there is a clear need for greater accountability within the judiciary (court system), critics argue that mechanisms for holding judges accountable should be carefully balanced to avoid any encroachment on the judiciary (court system)'s ability to function independently.
- **Impeachment Process:** The impeachment process for judges in India has often been seen as both overly complex and ineffective. While the Constitution of India provides a detailed procedure for the impeachment of judges for misconduct, the process requires a two-thirds majority in both houses of Parliament. This high threshold has made it difficult to remove judges, even in cases where there have been credible allegations of misconduct. The Case of Justice V. Ramaswami in the 1990s, in which impeachment proceedings were initiated but ultimately failed, exemplifies the challenges involved in holding judges accountable. The failure to impeach in such cases has raised concerns about the efficacy of the impeachment process and the ability to maintain the integrity of the judiciary (court system).
- **Judicial Backlog and Case Pendency**
India's judiciary (court system) faces a massive backlog of cases, with estimates indicating that more than three crore cases are pending across the country's courts, from the Supreme Court (judicial body) down to the district courts. This backlog has grown steadily over the years due to various factors, including a growing population, an increasing number of legal disputes, and inadequate judicial infrastructure.
- **Factors Contributing to Case Pendency:** One of the primary reasons for the backlog is the insufficient number of judges relative to the population. As of the most recent estimates, India has only about 20 judges per million people, which is far below the global standard of around 50 to 70 judges per million people. This imbalance has led to an overburdened judicial system that struggles to process cases efficiently. In particular, lower courts, which handle the majority of cases, are facing acute staff shortages and a lack of resources.
- **Technological Interventions:** The E-Courts Project has been an essential part of the solution to address the backlog. By digitizing court records, creating an online case management system, and enabling e-filing and virtual hearings, the judiciary (court system) has been able to make some progress in reducing delays. The National Judicial Data Grid (NJDG) allows the public to access real-time data on the status of pending cases, which has improved transparency and accountability. However, technology alone is not a panacea for the backlog problem. Additional reforms, such as increasing the number of judges, improving court infrastructure, and introducing more specialized courts to handle specific types of cases, are essential.
- **Alternative Dispute Resolution (ADR):** To alleviate the burden on courts, the Indian judiciary (court system) has increasingly turned to Alternative Dispute Resolution (ADR) mechanisms. Mediation, arbitration, and Lok Adalats (People's Courts) have been established as methods of resolving disputes outside of traditional courtrooms. Lok Adalats have proven particularly effective in settling matters related to family disputes, land disputes, and small claims, offering a quicker and more accessible way for litigants to resolve their issues. However, the effectiveness of ADR mechanisms is still constrained by the voluntary nature of participation, as well as the reluctance of some litigants to engage in out-of-court settlements.

- **Judicial Reforms in Case Management:** One critical area of focus for judicial reforms is improving case management within courts. The Judicial Reforms Committee has recommended the creation of specialized courts for different types of cases, including commercial courts, family courts, and environmental courts. These specialized courts could help expedite the resolution of certain types of cases, which would ease the burden on general courts. Additionally, the introduction of time-bound case resolution, which mandates specific timelines for disposing of cases, has been suggested as a way to further streamline the judicial process.
- **Access to Justice**
Access to justice is one of the fundamental rights guaranteed by the Indian Constitution. However, despite significant legal and policy efforts to ensure justice for all, several barriers remain that hinder access to the judicial system, especially for the underprivileged and marginalized sections of society.
- **Legal Aid and the Role of NALSA:** The National Legal Services Authority (NALSA) was established under the Legal Services Authorities Act, 1987 to provide free legal assistance to people who cannot afford legal representation. NALSA plays an important role in ensuring access to justice, particularly in rural areas where people often lack the knowledge and resources to access legal aid. However, NALSA's effectiveness is limited by awareness issues, insufficient funds, and lack of local legal representation.
- **Public Interest Litigation (PIL):** Public Interest Litigation (PIL) has significantly improved access to justice, allowing individuals or organizations to petition the court on behalf of those whose rights are violated. The PIL system has led to landmark rulings on issues such as pollution control, women's rights, and child labor, ensuring that the judiciary (court system) plays an active role in addressing societal problems. However, concerns about the potential misuse of PILs for personal or political gain have been raised. The Supreme Court (judicial body) has often been criticized for expanding its role in policy matters, sometimes intervening in areas that might be better suited for legislative or executive decision-making.
- **Social Justice and the Marginalized:** The judiciary (court system) has also played a crucial role in upholding the rights of marginalized communities, including scheduled castes, scheduled tribes, women, and religious minorities. The judiciary (court system) has issued several landmark judgments that have expanded the scope of constitutional protections for these groups, such as in the case of *Vishaka v. State of Rajasthan* (1997), which laid down guidelines for the prevention of sexual harassment at the workplace. Moreover, the introduction of fast-track courts and specialized courts has aimed to address issues such as domestic violence, rape, and child abuse, which disproportionately affect marginalized communities.

Conclusion

India's judicial system has stood the test of time by preserving the Constitution and safeguarding individual rights. Yet, the existing institutional and procedural limitations threaten its very credibility and efficacy. To uphold the ideals of justice, liberty, and equality, the judiciary (court system) must undergo substantial reform—ranging from increased human resources to procedural rationalization, digital transformation, enhanced accountability, and grassroots empowerment.

Only a multifaceted and time-bound reform agenda, backed by political will, adequate resources, and judicial commitment, can realize the constitutional promise of justice for all. With sustained efforts, the Indian judiciary (court system) can indeed transform from a colonial legacy into a 21st-century institution capable of addressing the needs and aspirations of 1.4 billion citizens.

1. Kesavananda Bharati v. State of Kerala (1973) 4 SCC 225

The Kesavananda Bharati case is widely regarded as the most significant constitutional decision in the history of independent India. Decided by a 13-judge bench—the largest ever constituted in the Supreme Court (judicial body)—this judgment laid down the ‘Basic Structure Doctrine’, which continues to guide the constitutional jurisprudence of the country. The case arose when Swami Kesavananda Bharati, the head of the Edneer Mutt in Kerala, challenged the Kerala Land Reforms Act, 1963, which affected his rights to property and religious management. However, the issues quickly evolved into a broader constitutional debate about the extent of Parliament’s power to amend the Constitution under Article 368. The immediate legal background included a string of constitutional amendments—the 24th, 25th, and 29th Amendments—which sought to curtail the power of judicial review and expand Parliament’s amending authority, especially in matters related to property rights.

In a sharply divided verdict (7:6), the Supreme Court (judicial body) held that Parliament could amend any part of the Constitution, including Fundamental Rights, but it could not alter the basic structure or essential features of the Constitution. While the term “basic structure” was not exhaustively defined, the Court (judicial body) identified several elements that formed part of it, including the supremacy of the Constitution, the republican and democratic form of government, secularism, separation of powers, and the independence of the judiciary (court system). One of the critical contributions of this judgment is its affirmation of the role of the judiciary (court system) as the ultimate guardian of the Constitution. The Court (judicial body)’s assertion that it has the power to review constitutional amendments marked a watershed moment in Indian constitutional law (legal framework). It preserved the principle of checks and balances and ensured that no single organ of the state—especially the legislature—could override the core principles that underpin the Constitution. Importantly, the judgment reinforced the structural integrity of the Indian judicial system. The recognition of judicial independence as part of the basic structure meant that Parliament could not legislate in a way that undermined the autonomy or impartiality of the courts. This has had long-term implications for the institutional structure of the courts, ensuring that both the Supreme Court (judicial body) and High Courts retain their ability to function without undue interference from the executive or legislature.

The Kesavananda Bharati case continues to influence Indian constitutional law (legal framework) and is frequently cited in subsequent rulings, especially when legislative or executive actions are challenged as being violative of the basic structure. It has acted as a constitutional safeguard against authoritarian tendencies and helped maintain the delicate balance of power between different state organs. From the perspective of the organizational structure of the judiciary (court system), the judgment served to strengthen the court’s role not merely as an interpreter of laws but as the sentinel of constitutional morality. It empowered the judiciary (court system) to supervise the constitutional behavior of other organs, thereby fortifying its position within the democratic setup of India.²

2. S.P. Gupta v. Union of India (1981 Supp SCC 87)

(First Judges Case)

The S.P. Gupta v. Union of India, also known as the First Judges Case, is a foundational judgment in the discourse on the appointment and transfer of judges in India. Decided by a seven-judge bench of the Supreme Court (judicial body) in 1981, this case addressed multiple constitutional issues concerning judicial independence, executive power, and the functioning of the higher judiciary (court system), particularly in relation to Articles 124 and 217 of the Constitution. The case arose when a series of communications between the executive and the judiciary (court system) regarding judicial appointments and transfers were disclosed to the public. These communications sparked concerns about the extent of executive influence over the appointment and transfer of judges in the High Courts and Supreme Court (judicial body). The central legal question was whether the President of India was bound by the opinion of the Chief Justice of India (CJI) when

1. ² *Kesavananda Bharati v. State of Kerala* (1973) 4 SCC 225

2. *S.P. Gupta v. Union of India* (1981 Supp SCC 87)

making such appointments or transfers. The Supreme Court (judicial body), in a majority opinion, held that the President is not bound by the advice of the CJI, and that the executive held primacy in the process of judicial appointments. The judgment emphasized that the CJI's opinion was to be treated with "great weight," but was not binding. This interpretation gave the executive a dominant role in selecting and transferring judges, provided the consultation process was genuine and meaningful.

The Court (judicial body) also made significant observations on transparency and accountability. It held that the government documents relating to judicial appointments could be disclosed in the public interest, unless their release posed a threat to public security or national interest. This recognition of the right to information was a progressive step in promoting administrative transparency, though it sparked apprehensions about the erosion of judicial autonomy. While the Court (judicial body) sought to uphold executive accountability, its ruling gave rise to widespread criticism. Legal scholars, jurists, and former judges expressed concern that this would lead to politicisation of the judiciary (court system), as the executive could potentially influence judicial decisions by rewarding or penalising judges based on political considerations. This imbalance was seen as a direct threat to the principle of separation of powers and the independence of the judiciary (court system), which are cornerstones of the constitutional framework. The implications of the S.P. Gupta judgment were far-reaching. It became evident over time that the system allowed executive arbitrariness in judicial appointments and transfers, affecting the morale and functioning of the judiciary (court system). The organizational structure of courts became vulnerable to political manipulation, and there were growing demands for reform. These concerns eventually led to reconsideration of the decision in later cases, most notably the Second Judges Case (1993), where the Supreme Court (judicial body) overruled the S.P. Gupta ruling and introduced the collegium system. This marked a decisive shift in favor of judicial primacy in appointments, correcting the imbalance that the First Judges Case had created.

Despite its eventual overruling, the S.P. Gupta case remains a crucial milestone in the evolution of India's judicial structure. It prompted a nationwide debate on the distribution of power between the judiciary (court system) and executive and played a pivotal role in shaping subsequent reforms. From a structural point of view, it highlights a transitional phase in India's constitutional journey where the integrity and independence of the judiciary (court system) were placed under scrutiny, ultimately leading to a more robust and autonomous system in the future.

3. Supreme Court (judicial body) Advocates-on-Record Association v. Union of India (1993) 4 SCC 441

(Second Judges Case)

The Supreme Court (judicial body) Advocates-on-Record Association v. Union of India, commonly known as the Second Judges Case, was a watershed moment in Indian constitutional law (legal framework). Decided in 1993 by a nine-judge bench, this case fundamentally reshaped the institutional structure of the higher judiciary (court system), especially with regard to the appointment and transfer of judges in the Supreme Court (judicial body) and High Courts. It overturned the decision in the First Judges Case (S.P. Gupta v. Union of India, 1981) and laid the foundation for the collegium system, which continues to govern judicial appointments today. The case was brought by the Supreme Court (judicial body) Advocates-on-Record Association, which challenged the dominance of the executive in judicial appointments. The key constitutional provisions under scrutiny were Articles 124(2) and 217(1), which deal with the appointment of judges to the Supreme Court (judicial body) and High Courts, respectively. The petitioners argued that judicial independence—a component of the basic structure doctrine—was being compromised due to excessive executive control over judicial appointments.

In a majority judgment (7:2), the Court (judicial body) ruled that the term "consultation" with the Chief Justice of India, as mentioned in Articles 124 and 217, should be interpreted to mean "concurrence". The judgment held that the opinion of the Chief Justice of India, formed after consultation with the two senior-most judges of the Supreme Court (judicial body), would be binding on the President. This interpretation effectively removed executive primacy and vested the primary authority in the judiciary (court system) itself for the selection and transfer of judges. The Court (judicial body) institutionalized this consultative mechanism into what is now known as the collegium system. This system ensured that appointments and transfers would be made based on the collective opinion of senior judges, rather than individual discretion. The decision aimed to safeguard judicial independence, protect judges from political pressures, and ensure merit-based appointments. One of the most profound structural impacts of this judgment was that it transformed the process

of judicial appointments from an executive-dominated model to a judicially-controlled one. By doing so, it reasserted the doctrine of separation of powers and affirmed the judiciary (court system)'s autonomy as a co-equal branch of government. The ruling emphasized that the judiciary (court system) must not only be independent in its functioning but must also appear to be independent in the eyes of the public.

The Second Judges Case also clarified the procedure for transferring judges. It stated that no judge should be transferred without the consent of the Chief Justice of India, further ensuring that the executive could not arbitrarily move judges for extraneous reasons. This judgment has had a lasting impact on the organizational structure and internal governance of the judiciary (court system). It brought about a culture of internal accountability and collegial decision-making within the judiciary (court system), although it also sparked debates about transparency and opacity in the functioning of the collegium itself. Over time, there have been calls for reforms to introduce greater transparency, which led to the attempted replacement of the collegium by the National Judicial Appointments Commission (NJAC)—a move ultimately struck down in the Fourth Judges Case (2015) for violating the basic structure.

In sum, the Second Judges Case redefined judicial independence by placing the power of appointment and transfer squarely in the hands of the judiciary (court system). It fortified the organizational structure of the courts and provided a constitutional shield against executive overreach, securing the judiciary (court system)'s position as the final interpreter and protector of constitutional values.

4. *Intiyaz Ahmad v. State of Uttar Pradesh* (2012) 2 SCC 688

This case focused on the issue of judicial delay and pendency in subordinate courts. The petitioner sought directions to address delays in criminal trials, particularly under Section 376 IPC. The Court (judicial body) acknowledged the systemic backlog and recommended the establishment of additional courts and the use of scientific methods for case management. The judgment underscored the need to strengthen subordinate courts and improve administrative efficiency. It highlighted the organizational bottlenecks within the lower judiciary (court system) and proposed data-driven reforms.

5. *All India Judges' Association v. Union of India* (1992) 1 SCC 119

This judgment concerned the service conditions, pay structure, and working conditions of the subordinate judiciary (court system). The Supreme Court (judicial body) recognized the disparities in service conditions across states and directed uniformity in pay and infrastructure. The judgment led to the formation of the Shetty Commission, which recommended several reforms. It reinforced the principle that the independence of the judiciary (court system) extends to all levels and cannot be ensured without proper infrastructure, training, and remuneration for lower court judges. This case played a significant role in strengthening the foundation of judicial organization in India.

6. *R. C. Poudyal v. Union of India* (1994) Supp (1) SCC 324

This case dealt with the constitutional validity of the electoral process in Sikkim, where certain seats were reserved for Bhutia-Lepcha and Sangha communities. The petitioners contended that this reservation violated the principle of universal adult suffrage. The Supreme Court (judicial body) upheld the validity of the reservations, observing that Indian democracy allows for the accommodation of cultural and ethnic diversity through judicially scrutinized mechanisms. The case re-emphasized the role of courts in ensuring that structural mechanisms within the judiciary (court system) and the larger political system preserve constitutional harmony and minority representation.

7. *K. Veeraswami v. Union of India* (1991) 3 SCC 655

This case dealt with whether a sitting High Court (judicial body) judge could be prosecuted for corruption without prior sanction. The Supreme Court (judicial body) held that no criminal investigation or prosecution could be initiated against a judge of the High Court (judicial body) or Supreme Court (judicial body) without the prior consent of the Chief Justice of India. This judgment is significant for reinforcing judicial independence while also clarifying limitations on criminal proceedings involving members of the higher judiciary (court system). It contributed to the structural framework ensuring internal accountability within the judiciary (court system).

8. T. C. Basappa v. T. Nagappa AIR 1954 SC 440

This early case is notable for interpreting the scope of Article 226 of the Constitution, which grants High Courts the power to issue writs. The Court (judicial body) held that writ jurisdiction under Article 226 is not confined to the traditional prerogative writs but extends to enforcing legal rights. The ruling emphasized the supervisory role of High Courts over subordinate courts and administrative tribunals. It laid a foundation for the structural role of High Courts in ensuring justice and legality at the state level.

9. Ramrameshwari Devi v. Nirmala Devi (2011) 8 SCC 249

This case addressed the issue of procedural delays in civil litigation. The Court (judicial body) made critical observations about the misuse of procedural laws and adjournments by litigants to delay trials. It emphasized judicial discipline and recommended case management practices to be followed by trial courts. The ruling is crucial in the context of structural reform as it laid down guidelines to streamline case hearings, control unnecessary adjournments, and encourage trial courts to take an active role in administering speedy justice.

10. Prakash Singh v. Union of India (2006) 8 SCC 1

Although primarily concerning police reforms, this judgment had structural implications for judicial oversight mechanisms. The Supreme Court (judicial body) directed states to set up State Security Commissions, Police Establishment Boards, and complaints authorities. It also advocated for insulating investigative processes from political interference. The judiciary (court system), by monitoring the compliance of states with these directions, highlighted the importance of institutional accountability. This case expanded the organizational oversight capacity of the courts, especially in matters relating to public justice systems.

Bibliography/ Research Methodology:

This section outlines the research methodology and sources used in the development of this dissertation, which explores the structure, challenges, and potential reforms within the judicial system of India. The research adopts a comprehensive approach, utilizing both qualitative and quantitative methods to examine the issues at hand. It involves an extensive review of secondary sources, including scholarly articles, case law (legal framework), government reports, and judicial commentaries, alongside empirical studies that provide a nuanced understanding of the practical challenges faced by India's judiciary (court system). The methodology also includes interviews with legal professionals and experts in the field, along with an analysis of comparative judicial systems to identify best practices that could be applied in the Indian context. Through this multi-faceted approach, the research aims to present a well-rounded perspective on the judicial system's effectiveness, the obstacles it faces, and actionable suggestions for reform.

- Prof. (Dr.) V.Balakista Reddy 'General Principles of Law (legal framework)' 2018, M.A.ALATM, NALSAR, University of Law (legal framework), Hyderabad
- Robert Moog, The Significance of Lower Courts in the Judicial Process, in THE OXFORD INDIAN COMPANION TO SOCIOLOGY AND ANTHROPOLOGY (2003).
- The Constitution of India, National Law (legal framework) University-Delhi
- MP Singh, Situating the Constitution in the District Courts, 8 DELHI JUDICIAL ACADEMY JOURNAL, 47 (2012).
- Theodore Eisenberg, Sital Kalantry, and Nick Robinson, Litigation as a Measure of Well Being, 62(2) DEPAUL LAW (legal framework) REV. 247 (2013).
- 'Outlines Of Indian Legal and Constitutional History', M.P. Jain
- Krishna Iyer, V.R.; Justice At Crossroads; Deep And Deep publications; Chapter: 8 Glasnost and Perestroika for Judicial India; p:128