

Judicial Infrastructure, a Neglected Case

Syllabus- GS 2: Important Aspects of Governance; Structure, Organization and Functioning of the Judiciary

Why in news:

- ❖ Chief Justice of India suggests one **central agency**, with a degree of autonomy, for overseeing infrastructure development of subordinate courts in India.
- ❖ Of a total of **₹981.98 crore** sanctioned in 2019-20 under the Centrally Sponsored Scheme (CSS) to the States and Union Territories for development of infrastructure in the courts, only **₹84.9 crore** was utilized, rendering the remaining **91.36% funds unused**.
- ❖ The **judge-population ratio** in the country is not very appreciable.
 - ✚ While for the other countries, the ratio is about **50-70 judges per million** people, in India it is **20 judges per million** heads.

More information:

- ❖ This underutilization of funds is **not an anomaly induced by the COVID-19 pandemic**. The issue has been plaguing the Indian judiciary for nearly three decades when the CSS was introduced in 1993-94.
- ❖ This is one of the reasons why the Chief Justice of India, N.V. Ramana, recently proposed creation of a **National Judicial Infrastructure Authority of India (NJIAI)**, which will take control of the **budgeting and infrastructure development** of subordinate courts in the country.
- ❖ The Indian judiciary's infrastructure has not kept pace with the sheer number of litigations instituted every year. A point cemented by the fact that the total sanctioned strength of judicial officers in the country is **24,280**, but the number of court halls available is just 20,143, including 620 rented halls.
 - ✚ Also, there are only 17,800 residential units, including 3,988 rented ones, for the judicial officers.
- ❖ As much as :
 - ✓ **26%** of the court complexes do **not** have **separate ladies toilets**,
 - ✓ **16%** do not have **gents toilets**,
 - ✓ **Only 32%** of the courtrooms have separate record rooms and
 - ✓ **Only 51%** of the court complexes have a library.
 - ✓ **Only 5%** of the court complexes have basic medical facilities.
- ❖ Only **27 per cent of courtrooms in the subordinate judiciary have computers** on judges' dais while there are still **10 per cent courts that do not have access to proper internet facilities**.

- ❖ The posts in the judiciary are **not filled up as expeditiously as required**. The process of judicial appointment is delayed due to delay in recommendations by the **collegium** for the higher judiciary. Delay in recruitment made by the state commission/high courts for lower judiciary is also a cause of the poor judicial system.

While the pandemic has forced most of the courts to adopt a hybrid system — physical and videoconferencing mode — of hearing, only 27% of the courtrooms have a computer placed on the judge's dais with videoconferencing facility.

- ❖ **Greater Autonomy**: CJI stressed on the need for “**financial autonomy of the judiciary**” and creation of the **NJIAI** that will work as a **central agency** with a degree of autonomy. The lack of one particular coordinating agency means each year the funds get lapsed. It remains underutilized.

❖ **NALSA model**:

- ✚ The proposed NJIAI could work as a central agency with each State having its own State Judicial Infrastructure Authority, much like the National Legal Services Authority (NALSA) model.
- ✚ It has also been suggested that the **Chief Justice of India could be the patron-in-chief of the NJIAI**, like in NALSA, and one of the Supreme Court judges nominated by the Chief Justice could be the executive chairman.
- ✚ But, unlike NALSA which is serviced by the Ministry of Law and Justice, the proposed **NJIAI should be placed under the Supreme Court of India**.
- ✚ In the NJIAI there could be a few High Court judges as members, and some Central Government officials because the Centre must also know where the funds are being utilized.

Reasons behind infrastructural lag:

- ❖ To develop judicial infrastructure, funds are extended by the central government and states under the Centrally-Sponsored **Scheme for Development of Judiciary Infrastructure**, which began in **1993** and **was extended for another five years** in July this year.
 - ✚ Sources noted, **states do not come forward with their share of funds** and consequently, money allocated under the scheme is often left unspent with them and lapses.
 - ✚ States have also ***transferred part of the fund for non-judicial purposes***.
- ❖ Most district judges, who head trial courts, **do not vigorously pursue development projects** due to **short-term appointments and transferable jobs** among others.