

EFFICIENCY AND ACCESSIBILITY OF THE INDIAN JUDICIAL SYSTEM: AN ANALYTICAL REVIEW

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Abstract: To provide justice to every Indian citizen, the efficiency of India's judicial system and access to it is key to protecting constitutional rights and the overall strength of democracy. This paper uses key indicators such as case backlog, delay in processing, electronic/digital court case management systems, capacity of courts, and equitable access to the legal profession to identify the challenges and progress that have occurred in this area of the country's legal system. In addition to secondary sources (including articles, reports, and other research), the article draws on relevant academic literature and the e-Courts Mission Mode Project to inform its findings. As it identifies barriers created by insufficient judge to population ratios, lengthy court processes, limited technological resources in lower courts, and socioeconomic barriers preventing access for marginalized groups, it also describes new initiatives that address some of these obstacles: the e-Courts website gives users access to electronic (digitally recorded) cases; ADR provides alternatives to going through the normal court system; fast track courts allow individuals who need a decision quickly to bypass lengthy procedure; legal aid services provide free assistance to people who cannot afford an attorney. The paper finds that, although technological and policy changes have increased transparency and reduced some bottlenecks in the delivery of justice in India, systemic issues will not be resolved without further change. A comprehensive and coordinated effort by all levels of the judiciary and administrative agencies must take place to develop capacity in all aspects of access to justice.

Index Terms: Indian judicial system, judicial efficiency, access to justice, legal awareness

Introduction:

The Indian judiciary system is one of the most extensive and intricate legal systems in the world. This system has a crucial responsibility of protecting the Constitution and resolving disagreements as well as upholding the Rule of Law. While the Indian judicial system was founded to provide justice on a timely and fair basis, the current state of this system indicates that there are still ongoing challenges to both effective operation and public access. As it stands today, the growing rate of case pendency, complexity of the rules, inadequacy of infrastructure, and unequal access to affordable legal resources have resulted in a general lack of confidence in the timely delivery of justice. Furthermore, the impacts of these issues are felt by the most vulnerable members of our society and have resulted in long-term barriers and obstacles to obtaining legal remedies that seem far away and often unattainable. To address these issues, the Government of India and the Indian judiciary have established numerous reforms with the intention of improving the delivery of justice. Examples include the E-Courts initiative, fast-track courts, alternative dispute resolution (ADR) methods, and free legal aid programs. Although these reforms have resulted in some improvements such as increased transparency, enhanced digitization, and increased institutional responsiveness; the effects of these reforms have been inconsistent and unevenly distributed across both states and levels of the judiciary system. This paper provides an analytical overview of the many elements that affect a person's ability to access and efficiently utilize the available resources within the judicial framework. In reviewing the trends, the challenges, and the potential opportunities that exist within the Indian justice system, this study will provide an overall perspective of how we can move towards creating a more inclusive, efficient, and citizen-oriented judicial system within India.

Objectives of the paper:

1. To examine the key factors influencing the efficiency of the Indian judicial system,
2. To assess the accessibility of the judicial system for different social groups,
3. To evaluate the impact of recent judicial reforms,

Methodology:

The descriptive and analytical methods of this research are based on secondary data, which may include such sources as government publications; judicial statistics; reports from National Judicial Data Grids (NJDG); policy documents; and published or produced research literature. Content analysis and comparison methodology was then used to assess, assess/explain, and explain how trends are developing with regard to the amount of cases pending (incomplete), infrastructure capacities (building space), technology used to support court operations and procedures, internet accessibility for each level or type of court throughout India.

Indian judicial system

The judicial system of India is a multi-tiered and complex hierarchy that protects the rights of Indian citizens and promotes the rule of law; while this foundation of the Indian Judiciary is solid due to the Constitutional framework that supports the Judiciary, many Challenges continue to hinder the operation of the Indian judicial system, including significant backlogs of cases in the courts at all levels (Department of Justice, Jan 2023). Low Judge-Population Ratios have also significantly impacted the judiciary's efficiency, making it difficult for judges to serve the growing population and create excessive demands upon the limited resources of the Indian Judiciary (Law Commission of India, 2014). Additionally, access to Justice remains a significant issue for many people throughout India, but especially those from Marginalised Communities that do not have the resources to access affordable Legal representation, have not received adequate education about their legal rights and/or the process of accessing Justice, and/or are located in remote areas (NALSA, 2022). The last few years have witnessed improvements in the efficiency of the judiciary through various reform initiatives, including the e-Courts initiative, Digital Case Management and Online Hearings, which have improved transparency and accessibility for many people throughout India; however, access to digital infrastructure is still lacking and hinders many people from accessing the benefits of these reforms (Sharma, 2021). Despite the improvements made by the reforms of the last several years, Continued Reforms in Holding capacity, Technology Integration and Expansion of Legal Aid/Assistance Programs are necessary to help ensure the timely, fair and equitable delivery of Justice to all Citizens of India.

The efficiency of the Indian judicial system

The efficiency of the Indian judiciary is influenced by numerous factors, including the nature and structure of courts and how efficiently they provide justice. The greatest contributor is the increasing number of pending cases at all levels of the judiciary, with estimates indicating that more than 50 million cases are currently pending throughout India, contributing to excessive delay in resolving disputes, decreasing public confidence in the judicial system (Sources: Department of Justice, 2023). Also contributing to the large number of pending cases is a low judge-to-population ratio, which continues to be below international minimum guidelines (Law Commission of India, 2014), thus contributing to an uneven distribution of workload among judges and an overall slower resolution of cases. The lack of adequate human resources, in addition to infrastructure challenges, such as insufficient courtroom facilities, inadequate administrative support, and an antiquated method of record keeping, further restrict judicial performance. Rural and lower courts tend to be particularly affected by infrastructure deficiencies that limit their ability to effectively deliver timely justice (National Court Management Systems, 2020). The use of technological advancements, such as e-filing, virtual hearings, and digital case management, has emerged as means to improve the operational efficiency of the judiciary through the implementation of judicial technology. While e-Courts have both provided improved access to justice as well as greater transparency regarding court operations, there are certain challenges that remain. These challenges include issues related to digital literacy, uneven implementation of e-Courts throughout the Nation and a significant disparity between metropolitan courts and rural courts (Mehta, 2021). Furthermore, for successful Integration of e-Courts into judicial systems, all three of the following factors need to be consistently supported: Continuous Training; Adequate Funding and Policy Support. An understanding of how these three factors interact with each other will assist with evaluating the effectiveness of the entire system. Therefore, by analysing Case Pendency data, Human Resource availability and adequacy, Infrastructure Readiness and Advancement of Technology, we can provide a More Holistic Approach in determining whether the Indian Judicial System has the Quality and Capacity Necessary to deliver Timely and Equal Justice. This analysis will provide a base of Information to Policy Makers, Judicial Administrators and Academic Researchers involved in improving Institutional performance and providing a more Effective Justice System.

Assess the accessibility of the judicial system for different social groups

To evaluate how accessible the Indian judicial system is for different social groups, it is important to have an overall view of the many obstacles stemming from the socioeconomic, geographic and institutional situations of these groups, in relation to their ability to obtain justice through the system. A key factor impacting access to the court system is legal literacy; large segments of the population, particularly those in rural and marginalised communities, do not have sufficient knowledge regarding their rights, available remedies and the processes involved in obtaining them. Legal literacy will limit many potential litigants from even questioning court proceedings or seeking timely intervention. According to the National Legal Services Authority, many potential litigants lack sufficient legal literacy to even seek recourse through the court system (National Legal Services Authority, 2022).

Affordability is also a major barrier to accessing the judicial system. The costs associated with litigation, including those of the court system, lawyers, transportation, and the loss of time for lengthy time frames associated with litigation, will deter those with low incomes from obtaining justice. Most research conducted to date shows that legal costs are a major contributor to the unequal access of the court system; as a result, many people will abandon their disputes or rely on informal methods of resolution that do not guarantee fair treatment (Singh, 2020).

The geographic location of a person is also a challenge to accessing the judicial system. In particular, persons who live in remote or rural areas will have difficulty accessing courts because of the distance to the courthouse, lack of access to public transportation to reach the courthouses, and problems associated with the extremely long administrative delay involved in getting to court. The Ministry of Law and Justice (2023) finds that the travel time and logistical burdens that rural residents face are far greater than those of Urban Residents and cause many rural residents to engage less frequently with the formal justice system. Mobile courts and circuit benches have been implemented to mitigate this problem, but their geographical scope remains narrow. Furthermore, Legal Aid service effectiveness is critical to ensuring that vulnerable members of the community have an opportunity to access the same level of service as other less vulnerable members in the community. Under National Legal Services Authority (NALSA), legal aid has improved accessibility for low and middle-income groups. However, while legal aid has improved accessibility for many groups,

including women, Dalits, Adivasis, and people with disabilities; there are still gaps in awareness, co-ordination, and institutional capacity to deliver the best-quality services possible. This continues to create compounded barriers to access for those who require legal aid and to hinder overall effectiveness of legal aid services to disadvantaged populations (Verma, 2021).

Examining these variables provides a better understanding of how structural inequities affect access to the courts, and is necessary for developing comprehensive policy reform that addresses all of these areas. To improve access to justice for all, efforts must include initiatives designed to promote legal empowerment, alleviate financial obstacles to accessing the legal system, improve access to rural court systems and improve the quality of services provided by legal aid providers throughout India.

The impact of recent judicial reforms

To fully appreciate the effect of recent Judicial reforms in India, we need to closely look at the benefits of all available Methods of Improving Transparency, Reducing Delay, and Strengthening Delivery of Justice through court systems in India and the ways that e-Courts Project, ADR, and Fast Track Courts have improved those methods. The e-Courts Mission Mode Project has brought dramatic changes to the Judiciary in India by creating new digital tools (e-Filing, Virtual Hearings, Online Case Status Portals, and Digital Orders) which provide increased access to Court Information and enhance transparency to the citizens, significantly improve public access to the Courts and reduce procedural bottleneck (Department of Justice, 2022). According to research, Virtual Hearings maintained judicial continuity throughout the COVID-19 pandemic, but it has created challenges for lower courts due to technology divides and the lack of available technology (Sharma, 2021). ADR Mechanisms such as Mediation, Arbitration, and LokAdalats are being used by the Judiciary as effective methods to alleviate the Burden of Cases in the Courts. Studies indicate that LokAdalats alone annually dispose of Millions of Cases by providing a fast and cost-effective way to resolve disputes and improve public satisfaction (NALSA, 2021). Mediation Centres located in the Courts are also providing greater availability of resources for parties to Work Together to Resolve Disputes and Reduce Pressure on the Courts.

While there have been improvements in civil cost sharing through ADR or Fast-tracking cases through "Fast Track Courts" that expedite the disposal of serious offenses - such as Rape, Corruption and Gender-Based Violence - the degree of ADR adoption varies greatly across different regions, due in part to the varied level of institutional capacity, awareness and acceptance among litigants (Rao 2020). Studies show that Fast-Track courts have been able to reduce the number of pending criminal cases, while simultaneously increasing Conviction Rates in many jurisdictions. However, the overall effectiveness of Fast-Track courts is hampered by a lack of resources/staff and adequate Monitoring (MHA, 2023).

Taken together, all these Reforms indicate a measurable Improvement on India's Justice Delivery System in areas of Efficiency, Reduced Delays and Increased Trust by the Community in India's Judicial System. The full potential of these Reforms will only be realized with Continued Implementation, Improved Digital Infrastructure, Adequate Training of Judges and Continued Policy Support to Ensure Uniformity in Adoption across All States and Courts. A

Discussion and Suggestions

The analysis of the judicial system's efficiency and accessibility in India shows that the continuing existence of major structural constraints prevents timely access to justice, even after implementation of a number of significant reforms aimed at improving the judicial system. Unresolved issues like excessive waiting lists, lack of legal staff, deficient organizational resources, and unequal access to and use of technology hinder greater efficiencies (Department of Justice, 2023). Access issues are still prominent in particular for those individuals from disadvantaged backgrounds who cannot afford to access the legal system and have limited knowledge of their legal rights and for those who are geographically isolated (NALSA, 2022). Significant progress has been made through a variety of initiatives, including, e-Courts, alternative dispute resolution mechanisms and fast track courts to reduce waiting times and increase transparency within the judicial system; however, the impact of each initiative has been inconsistent across all states due to differences in infrastructure and inconsistent implementation (Sharma, 2021). As a result, the following recommendations have emerged from the findings identified in this report. First, the judicial system must significantly increase both the number of judges and administrative support personnel to keep pace with the growth of the population and to reduce the burden of cases on the judiciary. Second, the government must expand its digital infrastructure and the amount of training delivered to rural courts/tribunals to enable equal opportunities for all courts/tribunals to use these various tools for e-justice. Third, it is important that additional campaigns to increase legal awareness and community-based legal education programs be established to help increase public understanding of their legal rights. Fourth, legal aid services must be improved through improved oversight, increased training for the staff delivering these services, and enhanced outreach to those who are provided these services (Verma, 2021).

Conclusion

Analysis indicates that while judicial reforms made by India through e-Court programme, alternative dispute resolution (ADR) mechanisms, and fast-track courts have improved judicial system efficiency and accessibility, much work still has to be done to make improvements. Significant gaps still exist: continuing cases waiting to be decided, lack of sufficient human and material resources, lack of the necessary facilities, and continuing disparities in the level of access to justice for individuals and communities all hinder timely delivery of justice. There is an urgent need to build upon the foundation of digital infrastructure, expand awareness of legal rights, enhance the delivery of legal aid to the public, and increase judicial capacity, in order to sustain all judicial improvement efforts going forward. To create a fairer, more equitable and citizen-centric (or "people-oriented") judiciary capable of adapting to the ever-changing needs of society, continuing to implement reforms and enhancing the use of data to assess and monitor these reforms will be critical.

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