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District Courts in Distress: A Cry for Reform

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India is a diverse country known for its rich cultural heritage, ancient history, and democratic governance. It features a mix of languages, religions, and traditions alongside rapid modernisation and economic growth. One of the cornerstones of Indian democracy is its Independent Judiciary, ensuring the rule of Law and Protection of Human Rights. The Supreme Court, which is the apex body in India to decide the course of law, acts as a watchdog of the Constitution and ensures no one acts above and beyond the Rule of law. The principle of Separation of Powers is followed, which is a fundamental principle that divides the responsibilities and functions of government into three distinct branches: the Executive, the Legislature, and the Judiciary. This framework is intended to prevent the concentration of power and establish a system of checks and balances, ensuring that no branch exceeds its authority or misuses its power for exploitation. In the judicial hierarchy, High Courts occupy the second position, serving as the primary civil courts of the states and playing a crucial role in India's legal system. It has the power to issue writs for enforcement and protection against unlawful actions by the state, thereby interpreting the Constitution and addressing significant legal questions, influencing the application of law across states. When discussing the foundational level of the Indian judicial system, we refer to the district courts. There are in total 351 district courts in operation, out of which 342 are of states while 9 are of union territories. They are the principal trial courts, serving as the backbone of the judicial system. They handle a wide range of cases, including civil, criminal, and family matters. Each district typically has a District Court, presided over by a District Judge, along with several subordinate courts. These courts play a crucial role in delivering justice to the local population, addressing grievances, and ensuring the enforcement of laws at the grassroots level. Such Courts are essential for maintaining access to justice and upholding the rule of law in the country. Furthermore, they act as the first point of contact for citizens in search of Justice,

and for many individuals, they are often the only judicial resource available due to economic constraints that prevent them from appealing to the High Court. The research study of the author aims to analyse the current state of these courts, as well as the challenges they face in delivering justice. Some of the prominent challenges faced by District courts throughout the country have been discussed at a stretch. This paper will explore potential measures and strategies to address the issues facing district courts today.

Keywords: *rule of law, separation of power, checks and balances, judiciary, district court.*

INTRODUCTION

The Constitution of India in Articles 233 to 237 deals with the appointment of District judges. Article 233¹ talks about the Appointments of persons to be, and the posting and promotion of, district judges in any State, which shall be made by the Governor of the State in consultation with the High Court exercising jurisdiction about such State. The said article specifies that the candidate should not already be in the service of the Union or the State and must have at least seven years of experience as an advocate or a pleader, or the High Court must recommend the candidate for appointment. The keynote of this article is that it represents the mechanism of Effective Consultation about the merit and judicial competence of a candidate, which subsequently manages the quality and independence of the Judicial system. In *Shankar Dass v Union of India*², the Court emphasised the procedure of appointment and promotion of District Judges to be conducted by the principles laid down in the relevant rules and statutes, including adherence to the criteria of merit and seniority. It emphasised that the selection process should be transparent and objective, ensuring that the most qualified candidates are appointed, and reiterated the principle that any deviation from established rules or unfair practices in promotions could undermine the integrity of the judiciary. Article 234³ deals with the recruitment of persons other than district Judges to the Judicial Service. Its primary aim is to facilitate the smooth functioning of the judicial system by providing an effective mechanism for recruiting qualified individuals into the judicial service, which is achieved by establishing a separate judicial service, enabling the formation of a distinct cadre of judicial officers. Article

¹ Constitution of India 1950, art 233

² *Shankar Dass v Union of India* (1985) 2 SCC 358

³ Constitution of India 1950, art 234

235⁴ specifies the control over district courts and courts subordinate thereto, including the posting and promotion, granting leave, disciplinary control over subordinate Judicial Officers prescribing rules and procedures for the subordinate courts, and inspecting the lower courts. This article is in pursuance of the Separation of Powers doctrine, as it placed the civil judicial mechanism of a state under the control of the High Court rather than the executive. The main aim of this article is to ensure there is transparency in the functioning of the subordinate courts. It creates a sense of Accountability concerning the functioning of such courts. In the State of *West Bengal v Nripendra Nath Bagchi*, the court emphasised the appointments to the position of District Judge must follow the prescribed constitutional and statutory guidelines and the process must ensure fairness, merit, and transparency. Article 236⁵ defines the term 'Judicial Service'. The term 'District Judge' includes the following: judge of a city civil court, additional district judge, joint district judge, assistant district judge, and chief judge of a small cause court. Article 237⁶ empowers the Governor to apply the provisions of this Chapter to any class or classes of magistrates in a State. All these articles are embedded in Part VI of the Indian Constitution, which is crucial for the functioning of state governments, outlining the structure, powers, and responsibilities of the executive, legislature, and judiciary at the state level. It ensures a system of governance that upholds democratic principles and the rule of law. Overall, it encompasses the legal situation of the District courts.

In examining the social and economic landscape of District Courts, we identify several challenges, including an increasing backlog of cases, limited accessibility for the public, low literacy and legal awareness, and inadequate resources for efficient functioning. These issues will be discussed in depth in the following sections of this research study, which serves as the foundation for this exploration.

INFRASTRUCTURE AND RESOURCES

The infrastructure of any institution is crucial, especially for judicial authorities. Adequate facilities, such as spacious courtrooms, clean restrooms, and sufficient support staff, are vital for effective operations. The successful functioning of any institution relies on the coordination of

⁴ Constitution of India 1950, art 235

⁵ Constitution of India 1950, art 236

⁶ Constitution of India 1950, art 237

various stakeholders working towards a common goal. There is a clear link between good infrastructure and the effective delivery of justice. Despite consistent efforts and investments from both the central and state governments, tangible improvements have been limited. In such situations, a well-structured physical framework becomes essential for ensuring justice for the public. Justice N.V Ramana, former Chief Justice of India, has time and again spoken about the need for the creation of a National Judicial Infrastructure Authority to fix the abysmal quality of judicial infrastructure at the district level.

According to data from the National Judicial Data Grid⁷, the sanctioned strength of judges is 24,280. At present, however, there are only 20,143 court halls available, of which 620 are rented. The number of halls under construction is 2,423. The shortage of housing for judicial officers is acute, with only 17,800 units available and nearly a quarter of them being rented. Accessibility in lower and subordinate courts is a major concern, as only a small percentage offer tactile pathways, guide maps, or help desks for the visually impaired. Moreover, many courts lack basic facilities like dedicated record-keeping rooms and libraries. Public transport accessibility is a major issue for lower court complexes. A report by Vidhi⁸ revealed that a significant number of lower court complexes in Gujarat, Sikkim, and Tripura lack public transport access. This report is broadly based on the National Court Management System Committee report published by the Supreme Court⁹ in 2012. In Sikkim, all four lower court complexes lack parking spaces, and only one is accessible by public transport. In Tripura, while most court complexes have parking areas, none are accessible by public transport. The report found that half of the courtrooms surveyed had washrooms that were fully functioning. Many district courts have inadequate facilities, with 26 percent lacking running water in women's washrooms and only 11 percent of washrooms being accessible to people with disabilities. As per the report¹⁰, out of the 665 district courts surveyed, only 27 percent had ramps for persons with disabilities. This shows that the condition of courts in India is appalling. The public faces difficulties in accessing judicial institutions, and judicial officers are also suffering due to inadequate rest houses and often

⁷ Niranjana Sahoo and Jibran A Khan, 'Improving India's Justice Delivery System: Why Infrastructure Matters' (*Observer Research Foundation*, 16 August 2023)

<<https://www.orfonline.org/public/uploads/posts/pdf/20230816153738.pdf>> accessed 08 September 2024

⁸ *Ibid*

⁹ *Ibid*

¹⁰ *Ibid*

having to stay in substandard premises. There have been judicial directives on addressing infrastructural issues. In *Imtiyaz Ahmad v State of U.P. & Ors*¹¹ in 2017, the Supreme Court directed the Law Commission to make recommendations on the immediate measures that need to be taken by way of the creation of additional courts and other allied matters to help in the elimination of delays, speedy clearance of arrears, and reduction in costs.

Regarding human resources in district judiciaries, there is a lack of attention to ensuring that properly qualified staff are appointed. Between Judicial Officers and clerical staff, there is no Officer level recruitment of officials. The government sets a fixed minimum number of staff for each court, regardless of the actual workload. Joint Courts typically have only one Bench Clerk, one Assistant Bench Clerk, one Stenographer, and two Peons to support the Judicial Officer. This same staff is responsible for handling all files, regardless of the volume, whether it's 800 or 8000 files. Despite the increasing workload, the number of staff remains unchanged. Even in courts with high average case pendency, Principal District Judges lack the authority to create additional Assistant Bench Clerk positions. In many places, there is no clear determination of the ideal number of cases per court. Recruitment Policy, Standard Staffing Patterns, and Training Policies for Staff working in Courts need to be settled. There is a need for a “Human Resource Department” to be established at the district level.

Shedding light on the inadequate state of IT infrastructure in courtrooms, the report noted that only 45% of judicial officers surveyed reported having electronic display facilities, while 20% indicated that installations are still in progress. Regarding the availability of video conferencing facilities in jail, around 32.7% of judicial officers responded that they do not have any such facility available in their district court complex. The Centrally Sponsored Scheme (CSS) for Development of Infrastructure Facilities for Judiciary is a scheme that covers the cost of construction of courtrooms and residential units for the district judiciary. The report¹² suggested that 89 percent of the lower courts’ websites upload case lists, case orders, and case statuses. However, only 36 percent of the websites featured court maps, and an even lower 32 percent listed the names of judges on leave. A significant digital divide exists in India regarding access to court websites, which can provide users with court information at the click of a button.

¹¹ *Imtiyaz Ahmad v State of U P and Ors* (2017) 1 SCC 986

¹² Sahoo (n 7)

Notably, northeastern states do not even have a functioning website for district courts. Only a few states like Maharashtra, Haryana, Punjab, and Goa, have adequate navigating features on their website. Given the significant shift to online methods, especially after the COVID-19 pandemic, it is crucial to focus on the digital development of district courts. This provides an opportunity to establish a clear framework and pathway for making courtrooms and legal procedures more technology-driven.

CASELOAD AND DELAYS

A well-planned institution requires reliable and complete data on essential factors. For the judiciary, this includes the number of pending cases, judicial officers, staff members, and court halls. The National Judicial Data Grid (NJDG) is the official website that provides real-time data on the Indian judiciary. It offers a comprehensive database of information on various aspects of the judicial system. Concerning District Courts, a total of 4,45,77,092 cases have been filed, of which 63.12% of cases are more than one year old. Approximately 17% of all cases filed have been pending for 5 to 10 years and around 9% have been pending for more than 10 years. Around 76.2% of the total cases filed in district courts have been pending as of today. The data reveals a growing burden on district courts, with caseloads rising day by day. It's interesting to note that the delays in justice are not due to a shortage of judges in courtrooms. Instead, the national judicial data grid indicates that the primary reason for these delays has been the unavailability of counsel for years. This highlights that while there may be a significant number of lawyers practising today, they are contributing to the problem of delayed justice.

Delays in legal proceedings are often attributed to the absence of necessary records or documents. Delays in the administration of justice can result in a denial of justice for litigants, particularly those who are vulnerable or economically disadvantaged and can erode public trust in the legal system. It can have significant economic costs, affecting businesses, individuals, and the overall economy, and have social implications, such as increased crime rates and social unrest.

Global and national experience shows that the number of new cases filed into a judicial system increases with literacy and economic wealth (for example, Kerala, with a literacy rate of over 90%, has some 28 new cases per thousand population as against some 4 cases per thousand

population in Jharkhand which has a literacy rate of some 53%). As India's literacy rate and per capita income increase, the number of new cases filed per thousand population is likely to increase from the current rate of about 15 (up from roughly around 3 cases per thousand cases some three decades ago) to about 75 cases in the next three decades. Hence, to accommodate this contingent caseload and manage the existing one, a well-planned system of judicial management and administration is of utmost importance.

INADEQUATE FUNDING

The Central Government launched a scheme in 1993-94 to support the development of infrastructure facilities for district and subordinate courts. This initiative was in response to the increasing need for justice following economic liberalisation. The Department of Justice administers the scheme, providing financial assistance to states and union territories for building court halls and residential units. The funding is divided between the Centre and the States, with a higher share from the Centre for Northeastern and Himalayan States and Union Territories. To understand the funding for judicial infrastructure, let's examine the budget allocation for the Centrally Sponsored Scheme (CSS) under Law and Justice. In 2024, the CSS received 998 crores, compared to 1051 crores in 2023-24 and 857 crores in 2022-23. The problem arises when the funds are not utilised and are left unspent. Only a negligible part of the allocated budget gets utilised for building complexes and establishments; the rest goes to the payment of salaries to the staff and legal aid concerning fees of the lawyers so engaged. Another reason is that the CSS requires states to match 40 percent of the grant from the central government; most states have routinely failed to fulfil this commitment. A 2019 report identified poor coordination among key departments as a major reason for unspent funds allocated to district courts. The departments involved include Finance, Law, Home, District Collector, and Public Works. According to a 2018 report¹³, the inability of the Indian state to deliver timely justice and ensure the rule of law resulted in preventable violence, which cost India as much as 9% of its annual GDP. Hence, it is pertinent to note that an increase in the allocation of funds is not a main idea, but efficient use of allocated funds with collaboration between various stakeholders is quintessential.

¹³ *Ibid*

JUDICIAL CORRUPTION

Corruption is rampant in India's courts. According to Transparency International, judicial corruption in India is attributable to factors such as delays in the disposal of cases, shortage of judges, and complex procedures, all of which are exacerbated by a preponderance of new laws. It can take various forms in the institutions. Judges may accept bribes in exchange for favourable rulings or other benefits and may demand bribes or other favours from litigants or their attorneys. Favouritism and abuse of power are some of the common forms of wrongdoing. Such acts may erode public trust, leading to a loss of faith in the rule of Law. It can perpetuate inequality and injustice, as wealthy or influential individuals may be able to buy favourable rulings. The most grave consequence is the imprint of the Judiciary in the minds of common citizens where they no longer trust the process and it subsequently leads to social unrest.

POLICY DIRECTIVES

Instead of concentrating on constructing world-class infrastructure, the Indian judiciary should aim to make the legal system accessible to everyone. This study offers multiple solutions to this problem, avoiding the blame game on administrators or concerned authorities. At the central level, the conceptualisation of a scheme for renovation and maintenance of older, existing court complexes to align with universal design principles should take place. Well-maintained washrooms, clean drinking water in the establishments, adequate seating arrangements and ventilation are some of the basic designs that every court establishment must have. Followed by creating a feedback mechanism to generate a loop from users of court complexes. Such a platform should provide features where a user can upload photos of courts, write complaints, etc. In addition to this, this idea would only bear fruits if such feedbacks are scrutinised and efforts have been taken to address the concerns of litigants and ordinary citizens. At the district level, an infrastructure grievance redressal cell should be initiated and an appropriate authority from the Registry within the court complexes should be in charge of such actions taken to solve the issues of people and it would report to the committee at the central level. When district-level authorities are unable to resolve issues during regular operations, they are escalated to higher authorities for guidance or decision-making. Prepare annual reports on infrastructure based on

requirements laid down by parent High Courts, as it would enable transparency and accountability of district courts concerning their governance and administration.

There needs to be more emphasis on improving old court infrastructure apart from building newer court complexes. This is crucial given the constraints on the availability of land and other resources integral to the creation of new court infrastructure. More attention also needs to be paid to court infrastructure as an issue affecting judicial performance and should be treated at par with pendencies and delays, given its direct, tangible impact on access to justice. Public modes of transport should be made accessible to all to increase accessibility to judicial institutions. Equip district courts with modern technology, including case management systems, video conferencing facilities, and digital record-keeping. Regular assessments to identify infrastructure needs at the district level, taking into account factors such as caseload, population growth, and accessibility requirements. Create comprehensive infrastructure development plans that outline specific goals, timelines, and resource requirements. Incorporate sustainable design principles and materials in new construction projects to reduce environmental impact and long-term maintenance costs. Invest in energy-efficient systems and technologies to reduce operating costs and environmental footprint. Explore public-private partnerships to leverage private sector resources and expertise for infrastructure development to improve costs and quality. Encourage collaboration among district courts in a region to share resources, best practices, and infrastructure development plans. Utilise economies of scale to reduce costs and improve efficiency in infrastructure projects.

Concerning the allocation of the budget, regular audits must be conducted and reviewed to ensure that funds are being used efficiently and effectively. Efforts need to be taken to identify and implement cost-saving measures, such as streamlining procedures, reducing administrative expenses, and optimising resource allocation. By ensuring transparency in the allocation and use of funds and holding judicial officials accountable for their financial stewardship, the difficulty of management of funds can be tackled effectively.

Robust mechanisms to hold judicial officers accountable should be introduced to deter future wrongful actions. Establish independent judicial commissions to investigate and address allegations of corruption. Increase public access to court records to enhance transparency and

accountability. Enforce stricter ethical codes for judges and judicial staff. Conduct regular training programs to educate judges and judicial staff on ethical principles and best practices. Foster a culture of integrity and accountability within the judiciary. By identifying and collaborating with international organisations to share best practices and experiences in combating judicial corruption, ratifying international conventions on corruption and implementing their provisions, change can be witnessed.

India needs to do more to attract high-quality candidates to fill judicial posts. The country's court system is already struggling to find enough qualified candidates to fill existing judicial vacancies, let alone thousands of new lower-level judgeships. The problem is not a shortage of lawyers but the existence of plenty of lawyers. Very few lawyers choose to take and pass Judicial Services Examinations and contrastingly, India needs talented, highly qualified law graduates to pursue judicial careers in the lower courts. But there is little incentive for them to do so: after studying for and passing the gruelling examinations, successful applicants are rewarded with uncompetitive salaries, crushing workloads, and dismal prospects for advancement. Giving lower court judges more opportunities for advancement, along with higher salaries, would encourage bright and ambitious law graduates to apply for these vacant positions that so desperately need to be filled. Such changes would also motivate sitting judges to work faster and more efficiently.

India has a shockingly low number of judges per capita, which is about 21 judges per million people; by comparison,¹⁴ the US and the UK have 107 and 50 judges per million people, respectively. The first step to address this problem would be to fill a large number of existing judicial vacancies. By some estimates, there are close to 5,000 open judicial seats that need to be filled, which is nearly a quarter of the entire lower judiciary. But despite recent assertions, just filling existing vacancies is unlikely to be enough as there are large case backlogs in states with relatively fewer judicial vacancies, and backlogs would likely persist even if all existing judicial posts were filled. What India needs to do is to dramatically increase the number of judgeships. A former Chief Justice suggested nearly doubling the number of lower court judges to 40,000,

¹⁴ Joshua Jordan, 'Reforming the Indian Judiciary from the Bottom Up' (*The Global Anticorruption Blog*, 31 March 2022) <<https://globalanticorruptionblog.com/2022/03/31/reforming-the-indian-judiciary-from-the-bottom-up/>> accessed 09 September 2024

compared to around 24,000 today – a change that would bring India into line with the Law Commission’s 1987 recommendation that India increased its judge-to-population ratio to 50 judges per million people.

CONCLUSION

The Constitution aims to ensure social, economic, and political justice for all Indian citizens. The State is responsible for establishing a legal system that delivers justice to everyone. Access to justice should be available to all, regardless of social, economic, or political background. To achieve this constitutional goal, sustained efforts are necessary, and accessibility to the judiciary is crucial. Strengthening the district judiciary is vital for upholding law and order in the nation.

Amidst a spiralling case backlog, conversations about judicial reform are gaining traction. In addition to the proposed solutions, the government has suggested leveraging technology to streamline the process. However, it's imperative to address the deep-rooted structural issues that contribute to judicial corruption rather than solely focusing on individual corrupt judges or a general ‘culture of corruption’. By tackling these fundamental problems, India can begin to address the widespread corruption that impacts every individual navigating the court system.

This paper has comprehensively examined the myriad challenges facing district courts in India. The analysis reveals that these courts, the backbone of the Indian judicial system, are burdened with excessive caseloads, inadequate infrastructure, limited resources, and systemic inefficiencies. It highlights the urgent need for reforms to address these pressing issues. Key recommendations include increased funding and resource allocation, judicial reforms to streamline procedures and improve efficiency, infrastructure development to modernise court facilities, enhanced human resource development, improved public awareness and access to justice, and strengthened accountability and transparency. By implementing these policy directives, India can significantly improve the functioning of district courts, ensuring that the justice system is accessible, efficient, and equitable for all citizens. The reforms outlined in this paper are crucial for restoring public trust in the judiciary and strengthening the democratic foundations of the nation.