

People Centric Justice Delivery System

Dispute Resolution Mechanism is the touch stone on which the maturity of civilization / society is judged. Justice delivery system in the modern world is most important to maintain social equilibrium/ harmony and also to protect the weak from the predators who practice law of jungle. The Anglo-Saxon jurisprudence which has been imposed upon Indian Society by the Colonial West has not been able to address the needs of the society. It was meant not to be ! The East India Company had different agenda i.e., to break , tear apart the social fabric of India. The community life was sought to be ravaged. Courts and schools were their tools.

The present justice delivery system is Court centric and the judicial wing has been struggling for several decades to sustain , reform the system with little help from half hearted executive.

In a population of 139.23 crores citizens in India, 5.05 crores Court cases are pending. Currently, there are 14.2 Judges per million population in our country. If the demographic standard is adopted India must have 69,600 judges but the sanctioned strength is 25,081. The optimum judge to population ratio is 50 judges for million population as declared by Apex court in 2002 in All India Judges Association case.

As per the report compiled in November, 2023, the number of Court rooms is not equivalent to the Judges strength in High Courts. Sanctioned strength of the judges in 25 High Courts is 1,114 whereas number of Court rooms is only 980. The shortfall ranges up to 37.84% like in Andhra Pradesh. The scenario in the District Courts which cater to the needs of people at the grass roots is alarming. The total sanctioned strength is 25,081 whereas, the Court rooms are only 20,831 and the shortage is 19.47%. The sanctioned judicial strength in District Court is 8,387 and the vacancies is 1,788. The sanctioned strength of judicial officer excluding higher judicial service is 16,694 and vacancies are 3,512.

The actual time taken for recruitment for Civil Judges (Junior Division) varies from 945 days (Bihar-1051 days, Haryana – 646 days, Sikkim – 199 days). The actual time taken for recruitment to higher judicial service is no better and it ranges from 150 days of Uttarakand to 1270 days of Punjab and 1173 days of Jammu & Kashmir. In

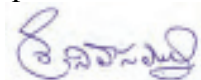
many states it is High Court which is recruitment agency and in some states it is local Service Commission.

The statistics can continue to be quoted like this but the pathetic condition of the justice delivery system has to be understood in correct perspective. Regarding the infrastructure nearly 40% of the Court Complexes do not have a power backup. Number of Wash rooms, female-friendly toilets, wash rooms for third gender, seating / waiting area for litigants, waiting room for under trials is also not upto the mark. Accessibilities for persons with disabilities leaves much to be desired. Nearly 50% of the District Court complexes do not have ramps. 75% of the District Court complexes do not have wheel chairs and nearly 70% do not have disable friendly wash rooms and 81.4% complexes do not have lift facility. Only 35% of the District Court complexes have functional CCTV cameras. It is noticed that the court complexes are constructed at such places where no public transport system is available. Thus access is denied.

The Hon'ble President of India suggested that All India Judicial Services so that appropriate representation will be given to marginalized sections. '6' States with maximum vacancies of judges was taken and it was found that 66.3% posts meant for marginal section are not filled up.

The court language has got the attention of policy makers, judges and also public. Some states have permitted usage of local language in trial courts. But there is need to make strides in this issue

The Dispute Resolution Mechanism has become Court centric and it does not take into account the basic cultural, ethos of country. Way back in 1820, Thomas Munro , one of the British Governor had expressed the apprehension regarding imposition of the English Court system here. In the East India papers which is quoted by Ramesh Chandra Dutt in the Economic history of India, Thomas Munro grudgingly acknowledges the efficiency of the Dispute Resolution Mechanism at community /village level which had the trust of the local population. This is high time for everyone to work hard to restore the confidence, trust of the peoples in justice delivery system and make it people centric in letter and spirit.



SRINIVASA MURTHY