Issues in Judiciary

Why in news?

The Chief Justice of India highlighted issues in legal profession while addressing diamond jubilee celebration of Supreme Court.

What are the issues in the judiciary and how it can be addressed?

Key issues	About	Possible solution
Adjournment culture	• An adjournment refers to the court practice of delaying a scheduled hearing to a later date. • **Order XVII of the Civil Procedure Code, 1908**-It provides rules for courts to follow when faced with adjournment requests. • The courts shall not grant an adjournment to a party *more than three times* during the hearing of a suit, • The delay caused has a cascading effect of increasing the number of *pending cases*. • **239th Law Commission Report** (2012) stated that the heavy workload in the courts is taken advantage of by the advocates to press for adjournments.	• Courts should meticulously ***record reasons*** for granting adjournments beyond the next day and the exceptional circumstances should be documented. • Judges and litigants must ***strictly adhere*** to the rules regarding adjournments. • Courts should prioritize ***timely disposal of cases***, discouraging unnecessary delays. • Create ***awareness*** among litigants about the impact of adjournments on the justice system. • ***Training*** judges and legal professionals on efficient case management. • High courts must take ***proactive steps*** to prevent misuse of adjournments.
Oral arguments	• In constitutional bench matters, the court will direct the parties to confer and *create a time schedule* for oral arguments. • This is to ensure *efficiency* and so that arguments are not repeated by lawyers on the same side. • In 2019, ***Ayodhya title dispute*** has been seen 60 times within the span of three months.	• Efforts should be made to *prevent oral arguments* from excessively delaying judicial decisions. • The lawyers must adhere to ***proper time schedule*** framework. Example- ***EWS reservation*** hearing was completed in 8 days. • Adopt approach similar to that of ***United States*** where lawyers are instructed to strictly limit their arguments to 30 minutes a side. • In 2009, the 230th Law Commission Report suggested limiting oral arguments to one-and-a-half hours, unless the case involved constitutional interpretation or a complex question of law.

Court vacation	• The Supreme Court has 193 working days a year for its judicial functioning. • The High Courts function for approximately 210 days, and trial courts for 245 days. • In 2014, Supreme Court notified its new Rules, it said that the period of summer vacation shall not exceed 7 weeks from the earlier 10-week period. • It is recommended in line with the ***Malimath committee.***	• 230th Law Commission Report recommended that the vacations in the higher judiciary must be curtailed by ***at least 10 to 15 days*** and the court working hours should be extended by at least half an hour. • A ***flexi-time*** for lawyers and judges can be considered the possible solution, it is a practice where employees are allowed to choose their daily working hours so long as they work for a set total number of hours in a given period. • The High Court judges can take turns going on vacation to tackle the mounting pendency of cases as recommended by 133rd report of Parliamentary Standing Committee.
First generation lawyers	• There is a need to provide a level-playing field for first-generation lawyers and those from marginalised segments who have the "will to work" and "potential to succeed". • Financial burdens can significantly impact career choices for first-generation lawyers. • Many young first-generation lawyers grapple with imposter syndrome—feeling inadequate or like they don't belong.	• The SC Annual Report took note of the Supreme Court Advocates-on-Record Association's (SCAORA) efforts to facilitate more diversity in the legal profession. • This included providing better facilities for women lawyers, giving more "weightage" to first-generation lawyers when designating Senior Advocates. • It also includes allowing lawyers to appear via video conference on all working days so that first-generation lawyers and women lawyers with young children can appear with fewer obstacles.

Reference

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