Upgradation of Judicial Infrastructure

What is the issue?

The proposal by the CJI for a National Judicial Infrastructure Corporation (NJIC) with corresponding bodies at the State level, did not find favour with many Chief Ministers at the recent joint conference.

Why judicial infrastructure matters?

- Judicial infrastructure includes the physical premises of courts, tribunals, lawyers' chambers, and so on.
- It also involves the digital and human resources infrastructure, including the availability of all the resources.
- **Efficiency-** Adequate and quality judicial infrastructure is the basic pre-requisite for judicial officers to efficiently perform their responsibilities while dispensing justice.
- **Reduction in backlogs**- Adequacy of judicial infrastructure is a pre-condition for reducing delay and backlogs in cases.
- **Budget**- Budgetary allocation for state judiciary often lapses since there is no independent body to supervise and execute works related to improving court premises.
- **Inclusion**- The basic idea behind NJIC was not to leave HC chief justices who mostly undertake infrastructure-related projects in trial courts at the mercy of state governments.

Only 27% of courtrooms in the subordinate judiciary have computers on judges' dias while there are still 10% courts that do not have access to proper internet facilities.

What will be the model NJIC framework be like?

- NJIC will be a special purpose vehicle for funding, executing and supervisory agency for development works.
- While the NJIC will be the nodal agency for infrastructural developments, it will not be involved in judicial appointments in trial courts.
- According to the CJI's proposal, both the central and state governments will contribute their share of funds to the NJIC, which will then release the finances to the high courts.
- The structure of the corporation is likely to be modelled on the National Legal Services Authority (NALSA), a national body based in Delhi that provides free legal services.
- At the national level, the CJI will be the patron of the NJIC which includes other members as well.
- Each state is likely to have a local corporation which will be led by the state HC chief justice along with a senior judge and senior state government bureaucrats to ensure regular interaction between the judiciary and the executive.
- The NJIC will not suggest any major policy change but will give complete freedom to HCs to come up with projects to strengthen ground-level courts.

26% of court complexes do not have separate ladies toilets and 16% do not have gents toilets.

What lies ahead?

- It is likely that Chief Ministers did not favour the idea as they wanted a greater say in the matter.
- The past experience of allocated funds for judicial infrastructure going unspent in many States is a concern.
- The pendency of cases and chronic shortage of judges remain major challenges.
- Some aspects of the Government also adds to the burden of the judiciary
    - Failure or unwillingness to implement court orders
    - Leaving crucial questions to be decided by the courts
    - Absence of forethought and broad-based consultation before passing legislation
- It remains to be seen how far the proposed State-level bodies would be successful in identifying needs and speeding up implementation.

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