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WHITE BLACK LEGAL is an open access, peer-reviewed and refereed journal providededicated to express views on topical legal issues, thereby generating a cross current of ideas on emerging matters. This platform shall also ignite the initiative and desire of young law students to contribute in the field of law. The erudite response of legal luminaries shall be solicited to enable readers to explore challenges that lie before law makers, lawyers and the society at large, in the event of the ever changing social, economic and technological scenario.

With this thought, we hereby present to you

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REFURBISHING THE JUDICIAL INFRASTRUCTURE: DOING JUSTICE WITH THE JUSTICE DISPENSATION MECHANISM

AUTHORED BY - TWINKLE HUSSAIN & SYED SHIRAZ FAZAL

Introduction

The contemporary standard of infrastructure present in the lower courts of the Indian judiciary is woefully inadequate when we compare it to other developing nations. The actual problems which are plaguing the judicial system in India are manifold increased when we look at the spending of the funds which are allocated by the central government. There are a number of infrastructural shortcomings that require to be addressed. In this scenario the relevant concerns have to be addressed on a war footing. Recent research upon these issues have shown how the inadequacies have led to deleterious impact upon the growth prospects of the Indian economy and the fact that the current scenario adversely affects the litigants when they approach the courts of law.

The fact that administration of justice has been provided under the Constitution as a state subject also plays a role in the lackadaisical attitude of the relevant stakeholders in dealing with this issue in a prompt manner. The unfortunate truth which is currently becoming a reality for all the authorities concerned. Moreover, the Central Sponsored Scheme for the development of the infrastructure of the judiciary is also needed for the overall overhauling of the system in the best manner possible.¹

One of the lacunae which is noticed in the spending of funds relates to the fact that the state governments have failed to contribute to the scheme in an appropriate manner due to which an inordinate delay has been caused. This also causes the lapse in the funds sent by the central regime. This issue required to be looked into by the governments operating at different levels. This delay and lapse of funds renders all efforts for judicial reinvigoration absolutely otiose. Thus, a support from all sides is desperately required for the development of the judiciary in a proper manner. This further cannot be perceived as an isolated occurrence as it coincides with the need to develop the judicial infrastructure at the fundamental levels.

¹ Department of Justice, 'Judicial Infrastructure', available at <https://doj.gov.in/judicial-infrastructure/>

The fact that there has been a complete absence in areas of judicial infrastructure of a regulated scheme of governance has caused lack of transparency. The requirement of a transparent regime is felt by all stake holders throughout the judiciary. In this sense a major change must be heralded and the same cannot be achieved by the involvement of the state government. The presence of the central government to ensure the implementation at the ground level is necessary.²

The fact that there has been a disregard for the proper development at the level of subordinate judiciary calls for alarm and raises doubt over the capacity which is currently being harboured by the judicial system to deal with cases which are lined up for hearing. The infrastructural issues coupled along with lack of appointment of judges has raised serious concerns with regard to the timely disposal of cases. This is to be seen together with the failure of the justice dispensation mechanism to dispose of cases within the time which can have a reasonable impact on the life of the litigant. Such issues seen in civil or criminal trials lead to an absolute disarray of the administration of justice as it causes inordinate amounts of delay.

This leads to a situation that even after decision is rendered in a case it's of no consequence since the time taken to reach the decision has led to a kind of injustice in the long run. The altered scenario in the current turn of events would essentially lead to a situation wherein significant concerns of the litigants are belied. Thus, it requires serious consideration by the authorities concerned.

Issues Pertaining to Causes of Delay in Court Proceedings

A very important consideration in the prevailing circumstances is also the denial of the right to access justice to the weaker segments of the society. Due to the bottlenecks discussed above the persons belonging to economically underprivileged sections are unable to avail justice in these circumstances. This proves to be a major obstacle in the delivery of justice. Moreover, the unfortunate roadblocks encountered by the civilians leads to unequitable distribution of justice.³ This situation is exacerbated due to the presence of income inequality in the society and consequently the economically weaker litigant is unable to hire a proficient legal representative

² Press Information Bureau Government of India, Ministry of Law and Justice, 'Judicial Infrastructure' available at <https://pib.gov.in/Pressreleaseshare.aspx?PRID=1843360>

³ NIKHIL MAJITHIA, "What's stopping India's judicial infrastructure upgrade? The absence of Centre-state unity" *The Print*, December 21, 2022, available at <https://theprint.in/opinion/whats-stopping-indias-judicial-infrastructure-upgrade-the-absence-of-centre-state-unity/1273712/>

resulting in her inability to appropriately deal with dilatory tactics of advocates.

Hence, apart from the lack of adequate infrastructure the problems related to delay being deliberately caused by the litigants often results in inordinate amounts of delay. This can be addressed through legislative means by providing a proper legal recourse to avoid any kind of delay. Along with these problems the lack of sanitary conditions in the courtrooms is also an important aspect which must be looked into. This is a burning issue considering the spread of diseases in the society and the emerging of new ailments taking the form of pandemics.

The issues surrounding the inadequacy in the infrastructural requirements can be understood through the lens of the spending of allocated funds by the state governments. The fact that close to 90% of the allocated funds are lying unused paints a sad picture of the realities being experienced at the level of the lower courts in the country. This coupled with lack of political will has led to dilapidation of the courtroom buildings and prevented the construction of new buildings across the lower judiciary.

The prominence of this problem is seen in the non-availability of necessary requirements such as female washrooms for litigants and legal practitioners alike. Moreover, such facilities as libraries for the members of bar associations and advocates also are in squalid conditions. These are unbecoming precedents in one of the most populous democracies in the world. The lack of care for the litigants who are primary consumers of these services which are proffered by the government tells us the lack of significance which is accorded to the judicial structures in the country. This represents extremely dire situation for a democratic nation which aims to be one of the best in the area of civil rights.⁴

Another significant problem which is created due to lack of infrastructure is the challenges associated with hearing of cases in matters involving online proceedings. The understanding that courtrooms can be functioning on the online platform was exhibited in the times of the pandemic. Moreover, recently the chief justice of the apex court had reiterated that the process of e-filing must be introduced in various tribunals across the country in order to ensure that the interests of the litigants is catered to under all circumstances. Such a medium of court room proceedings

⁴ Press Trust of India, 'Making efforts to fill up vacancies, improve judicial infrastructure: CJI' *Business Standard*, April 15, 2022, available at https://www.business-standard.com/article/current-affairs/making-efforts-to-fill-up-vacancies-improve-judicial-infrastructure-cji-122041500623_1.html

would friendly for all the myriad stakeholders involved. The process of using technology justice delivery along with administration of justice is not new to the world. In various countries such as United States of America and Australia, the courts have opted for online proceedings to ensure that the dispensation of justice is achieved in a smooth and timely manner.

Keeping this in view, many nations in the world have resorted to methods akin to online court room proceedings in order to facilitate the clients as well as the advocates involved in the case. The nature of online proceedings which is essential in the context of the advancements taking place in technology around the world can be introduced within the Indian courts in a prompt manner.⁵

Measures Adopted under the Contemporary Regime

Apart from introducing online proceedings there is also a requirement of taking the concerns regarding the availability of essential appliances in court rooms that are necessary for adequate working conditions for advocates and judges. The payment being made to court officials need to be raised so that any kind of corruption can also be dealt with. The construction of court rooms which depends upon the sanction of funds from the different governments requires to be addressed in a manner that capacity shortages are addressed in a prompt manner.

Moreover, the requirement of appropriate standards fixed by monitoring bodies to oversee the creation of necessary infrastructure such as courtrooms and premises inside the buildings hosting lower courts. In this context the establishment of monitoring bodies established through legislative mandates is sacrosanct so that the authority is derived from the sovereign powers exercised by the governing bodies.

The essence of overhauling the judicial structures lies in working in a streamlined manner to avoid the prevailing obstacles in the path of betterment of judicial processes. One of the chief factors contributing towards the inadequacies in the infrastructure is the prevailing corrupt practices around the construction of judicial structures. This along with the opacity of current features of

⁵ “Judicial infrastructure key for improving access to justice, says CJI” *The Hindu*, October 23, 2021 available at <https://www.thehindu.com/news/national/other-states/cji-ramana-rues-ad-hoc-unplanned-improvement-and-maintenance-of-judicial-infrastructure/article37136774.ece>

government working acts in tandem to ensure little improvement in the prevailing conditions.⁶

Another important concern is the skewed ratio of judges present in the lower courts when compared with the increasing population in India. The fact that the number of judges must be suited to the population component in a country is important to deal with the deluge of cases being filed in the lower courts in India.

Hence, when we talk about the improvement in the judicial infrastructure it cannot be without the mention of the appointment of judges in the lower judiciary and the same also requires the kind of attention which is necessary. In this relation another major concern is the manner in which judges to the lower judiciary are appointed. It goes without mentioning that it forms the very backbone of our judicial hierarchy in the contemporary times. The process of appointment is at times mired in controversies including opaque practices and inordinate amounts of delay.

These issues need to be addressed head on by appointment of a body which can ensure timely redressal. Also, the funds required for increasing the number of judges must be taken into account. For instance, the salary of the judges and other expenses should be taken care of by an appropriate mechanism so that there is no burden upon any single authority.⁷

The fact that most of the funds allocated by the central government is going unused has also been pointed out by many scholars constantly and has been flagged by many news organizations. However, the root cause behind the same may be more problematic than a simple case of non-spending. In order to deal with the problem of non-utilization of the funds first we must engage with the causes due to which this problem has become a growing concern. One of the most prominent causes for non-utilization of funds has been the fact the there appears to be no supervisory body which could deal with the manner of spending of the money sanctioned by the concerned authorities.

Moreover, the Centrally Sponsored Scheme which was initiated in 1993 was lying under complete

⁶ Reshma Sekhar, Shreya Tripathy 'National Judicial Infrastructure Corporation (NJIC) Continues to Remain a Pipe Dream' *Vidhi*, July 30, 2022 available at <https://vidhilegalpolicy.in/blog/national-judicial-infrastructure-corporation-njic-continues-to-remain-a-pipe-dream/>

⁷ 'Time to move on from ad-hoc committees and create National Judicial Infrastructure Authority: CJI' *The Times of India* April 30, 2022, available at <https://timesofindia.indiatimes.com/india/time-to-move-on-from-ad-hoc-committees-and-create-national-judicial-infrastructure-authority-cji/articleshow/91205508.cms>

disarray till the latest allocations made under the government of National Democratic Alliance. The unfortunate factors generally contributing to the lack of adequate infrastructure has also been absence in the political intent of the executive stakeholders. The earlier allocation by the successive governments in the central regime was woefully inadequate till the year 2011. The funds supplied by central government and its contributions increased manifold considering the problems encountered in the judiciary due to its lacking infrastructure.⁸

Consequences of Judicial Infrastructural Inadequacies

The consequences of failing infrastructure in the judiciary specifically in its lower branches has had a wide range of impact upon the decision being given in cases. The delay in the decision making process is just the byproduct of a deeper malaise plaguing the judiciary. This may be linked to the non-availability of judicial officers to deal with pending cases involving examination of witnesses in both civil and criminal cases. This affects the quality of administration of justice in the lower courts where the following of proper procedure becomes difficult.

The procedure in criminal cases which have been ensured to provide fairness in administration of justice is often overlooked due to the paucity of time in court rooms. The arguments being made by the counsels cannot be appropriately heard and reflected upon by the judges due to the pending number of cases and lack of strength in courts with respect to appointment of judges and court officers. Moreover, due to the non-digitization of court records, it becomes essentially risky for important document which age over a period of time and become illegible ultimately hampering the justice delivery process. Hence, it has an adverse impact upon the consumers of the justice dispensation system.

These factors also lead to another very deleterious consequence regarding the improper adherence to specific procedures provided under various laws. The example for the same may be seen in a trial of offences under the POCSO Act, 2012 wherein it is the clear mandate of the legislature that the child victim should not come in contact with the alleged perpetrator of the offence. But in various courts in far-flung areas in the country the courts which do not have separate rooms for the witnesses, it is observed that the victim comes in contact with the alleged perpetrator leading to mental trauma being caused to the victim.

⁸ 'Efforts on to fill up vacancies, improve judicial infrastructure: CJI Ramana' *Mint*, April 16, 2022 available at <https://www.livemint.com/news/india/efforts-on-to-fill-up-vacancies-improve-judicial-infrastructure-cji-ramana-11650070272922.html>

This is a serious consequence of the inherent failures of our executive design to provide for suitable infrastructure in court premises. The requirement of separate rooms for waiting for witnesses along with proper alternatives for sanitation must be adopted in order to ensure the dispensation of justice works in a holistic manner. The chief casualty in such situations is mainly the administration of justice which is seen as not being done in a manner to protect the interests of the victim. This becomes even more significant considering the renewed focus our criminal procedure has upon the rights of the victims.⁹

As described above due to the lack of development in the judicial infrastructure the overall assessment of our system in terms of its effectiveness is highly flawed. The requirement of delivery of justice being made individual-centric is not being achieved and this essentially defeats the very purpose of enforcement of laws without any violation of human rights. The shortcomings in the judicial infrastructure violates human rights at the most intrinsic levels.

The right to fair trial enshrined under our constitution is violated and the same requires to be treated with care keeping in view its significance as a fundamental right under our Constitution. Any kind of delay in deciding a case not only reduces the effectiveness of the remedy but also leads to the losing of faith in the judiciary which is generally reposed by the litigants. The reason for making the court rooms compatible to technological advancements and filing being done akin to the same is not only necessary for the convenience of the clients but also for the ensuring of the efficiency of the court room proceedings.

Thus, merely ensuring the availability of proper internet services and computer devices along with necessary technology would contribute in ensuring availability and accessibility of justice to the individuals belonging to different social groups irrespective of their economic, political or geographical limitations. The same becomes all the more imperative and sacrosanct when seen from the prism of Article 21 of the Constitution of India.¹⁰

The reason for non-utilization of funds under the Centrally Sponsored Scheme has also been the unavailability of funds from the side of the state governments. Due to this the funds sanctioned by

⁹ *Ibid.*

¹⁰ Padmakshi Sharma, 'Supreme Court Agrees To Take Up Plea To Improve Judicial Infrastructure Of Trial Courts' *Live Law* October 10, 2022, available at <https://www.livelaw.in/top-stories/supreme-court-agrees-to-take-up-plea-to-improve-judicial-infrastructure-of-trial-courts-211278>

the central government lapses or the requisite time for the implementation of scheme finishes. In this scenario the funds cannot be used in the manner which was intended. There may be many causes for the lack of issuance of funds by the state government. One of the prominent causes may be difference of priorities for the state government. In this scenario there is significant impact upon the forums governing administration of justice in the states. Also, at times it has also been seen that the sanctioned funds by the Centre has been misdirected towards other areas by state governments. These issues cause myriad problems in the spending of the allocated funds by different authorities. In order to address the challenges created by these problems, the measures have to be tailored in a manner that it is not only viable but also feasible within the bureaucratic structures of a vast country like India.

The importance of the judicial framework and the loss due to the delay in cases cannot be explained merely in terms of the rights which are violated of the litigants. Although, the violation of rights also forms a serious concern but apart from it the massive burden created on the economic and growth prospects of the country cannot be ignored either.¹¹

In contrast to the right to fair trial which is systematically denied to persons, the cases when pending before courts also lead to many concerns such as locking the subject matter involved in the case for a good amount of time. During this period, the property in a civil matter is of no use to the real owner or the person entitled to derive benefits from it. This causes a setback to economic prospects of the person concerned. When we take into account the fact that there are many individuals and their cases which are pending in this manner in the country, it becomes clear that an adverse impact of a severe proportion is meted out to economic progress.

If we aim for India to become an economically developed country, we have to work towards achieving a judicial system which works in a seamless manner without roadblocks affecting the decision making process in the cases concerned. The striving towards the goal of disposing cases in a timely manner is actually the obligation which the Constitution has imposed upon the legislative as well as executive machineries of the country. Thus, mere stating that these necessary aspects relating to decision making processes and streamlining of cases cannot be overlooked. In order to better the current infrastructure across the states concerning the lower judiciary many

¹¹ Kanu Sarda, 'Only 8 states agree on CJI's proposal on judicial infrastructure, others yet to respond' *India Today*, April 30, 2022, available at <https://www.indiatoday.in/law/story/chief-justice-ramana-proposal-judicial-infrastructure-commission-supreme-court-states-respond-1943836-2022-04-30>

suggestions and recommendation have been made. But to convert the same into a reality, a cogent analysis of these require to be conducted. This would lead to an establishment of a neutral regime ensuring justice.¹²

The history of this issue can be traced back to the regime of the United Progressive Alliance government, under which the 12th five-year plan had remarked that the funds earmarked close to 705 crores were insufficient in the 11th five-year plan. It was stated under the plan that minimum amount of 6500 crores were at least required in order to effect a major overhaul of the courtroom infrastructure. In this respect the attitude of the government was proactive in nature and it assured the stakeholders that the said amount would be achieved under the Centrally Sponsored Scheme. However, keeping this in view the state governments agreed to the same in spirit but later on failed to pledge the required amounts.

Originally, the ratio in which the contributions were decided was 50:50 by the state as well as the Centre. In 1993 during the initial disbursement of the funds under the scheme, there were major obstacles which were experienced not least due to the reluctance on the part of the state governments. This ratio was later on altered to 60:40 wherein the major contributor was supposed to be the central regime. But notwithstanding, the amounts pledged there was no serious change which was effected on the ground.

Problems Regarding Formation of a Nationalized Forum for Judicial Infrastructure

The issue of decrepit court rooms and judicial offices was flagged by the former Chief Justice of India as well who stated that after the leaving of the British the government of India has failed to do justice with the judicial infrastructure of the country. The fact that the prevailing system needs a rigorous overhaul must be realized by the power structures working in the country. The process of achieving a substantial change in this regard requires a flexible approach which is crafted specifically for the different states keeping in sight the different challenges being posed. In this system a major role has to be discharged by the state governments because they are in a better position to analyze the requirements in their territories with regard to administration of justice.

¹² Niranjana Sahoo and Jibran A Khan, 'Improving India's justice delivery system: Why infrastructure matters' *Hindustan Times*, Nov 29, 2022, available at <https://www.hindustantimes.com/ht-insight/economy/improving-india-s-justice-delivery-system-why-infrastructure-matters-101669711351794.html>

The recommendations made by higher judicial forums also needs to be considered while instituting any approach for the overall structures relating to justice administration.¹³ These recommendations must reach their intended destinations in order to be acted upon promptly. This calls for devising a suitable mechanism which can accomplish this task in a reasonable manner without using too many resources under the circumstances. These measures have to be implemented in consonance with the contemporary challenges being seen with respect to the shutting down of courts due to prevailing pandemic situation in some parts of the country.

The major reason for the complete indifference which is prevailing in the country with regard to the judicial structures and the prevailing infrastructure has been the inadequate attention paid to these issues by the government. In this regard the judiciary also has to function in a synchronized manner with the executive to reach a compromise with regard to the manner of spending and the arenas in which renewed infrastructural push is needed. The judiciary has not been able to meet the demand of the changing times and make the requirements regarding its functioning understood by the executive and the legislative branches of the government. The reason behind the problems plaguing the judicial process can also be traced to the lack of judicial appointments being made in different parts of the country.¹⁴

The various state governments under whom the administration of justice is being governed have also played very little part in ensuring prompt redressal of the challenges encountered. In the current scenario the focus has to shift upon the formation of proper entities which may be able to deal with the contemporary challenges in an appropriate manner. Considering the changing needs of the society and the shifting balance in the power structures it becomes important for different stakeholders to reach an informed understanding regarding the modalities in the functioning of the entities discussed for suitable development of the judicial structures.

In the context of the prevailing times we have to keep in our minds the essence of the justice dispensation system. The justice administration is generally aimed at making the civilian population of the country feel secure regarding the providing of justice in the times of need. The importance of justice delivery mechanism cannot be overemphasized. In this scenario, the factors

¹³ *Supra* note 9.

¹⁴ 'Assam to get Rs 300 cr from Centre for improving state's judicial infrastructure: CM Sarma' *Ani*, Oct 17, 2022 available at <https://www.aninews.in/news/national/general-news/assam-to-get-rs-300-cr-as-from-centre-for-improving-states-judicial-infrastructure-cm-sarma20220911113536/>

which are extremely necessary for the benefit of the people is ensuring the accessibility of the forums of justice in different regions in India. The accessibility of justice depends upon a variety of circumstances.¹⁵ The government has a leading role to play in this regard. For instance, in development of policies and schemes designed for the common public which are tailored for accessing justice in a smooth manner. The fact that a forum such as judicial infrastructure commission may have a role in this regard is also true.

There are many experienced voices in the legal; community which are stating that the setting up of a commission to regulate the spending of the allotted funds to the state government may be required in order to make changes in the current regime which is not able to live up to the standards of the required pace of reformation activities.

Now, keeping in view the fact that the former Chief Justice of India has also stated that a judicial infrastructure commission needs to be set up to ensure that the delay in allotment of funds by the state governments need to be checked. The said commission may play a very significant role in making the current regime focus upon the requirements of the Indian judicial system. According to the prevailing suggestions made by various quarters of the legal hierarchy this commission is required to be regulated by central authorities such as the apex court working under the administrative leadership of the office of the honourable chief justice of India.

While, these suggestions may not be completely ignored yet there are certain concerns hovering as ominous clouds over the formation of such a commission. These concerns are raised not least because of the ultimate effect of such a commission which will be to hinder the independence that has been provided to the state legislative and executive hierarchies under the Constitution of India. This problem has arisen due to the potential interference which the commission, if formed under the authorization of the central government, may face from central government instrumentalities.¹⁶

The National Judicial Infrastructure Corporation which has been proposed by the former chief justice of the apex court and backed by various quarters in the legal profession also has certain challenges which need to be addressed. The proposal fails to take into account the concept of state independence in matters related to the administration of justice. This corporation is required as

¹⁵ *Supra* note 11.

¹⁶ *Supra* note 6.

per the suggestions to take care of the funds that have been given by the state government and ensure the utilization of the same in a timely manner. However, this may not be an appropriate solution for the same because there are not many chances that the state may be willing to pay for funds which it would not be allowed to have a say in the manner it is spent. Therefore, a mechanism is required which takes into account the different issues which may come up with regard to fund allocation and utilization. The fact that the current allotments and their non-utilization under the Centrally Sponsored Scheme is linked to the state governments failing to match up their contribution with the central government contributions is also a major issue. The mere fact that a new corporation would be established does not provide any solution to the main problem in regard to the failure on the part of the states to contribute to the remedying of judicial infrastructure.¹⁷

Conclusion and Suggestions

When we compare the issues which are plaguing the judicial infrastructure of India with other developed economies, we can see a difference in the approach of the policy framers and implementation mechanisms. While in other countries the process has been to an extent decentralized- the say of the government is reduced, in India the same process is strongly controlled by governments at different levels. In the Indian context, the executive stranglehold over funds is extremely pronounced.

This leads to major issues in disbursement of funds and implementation of infrastructural development schemes. In this scenario, it becomes manifest that the lackadaisical attitude in the development of infrastructure originates from the lack of judicial independence in the important function of deciding the issues which will have a significant bearing upon the judiciary. This assertion is further strengthened by the repeated statements by the Indian judges regarding the apathy which prevails in our society with respect to our ailing judicial structures. The problems of lack of courtrooms and judicial quarters along with the need to digitalize the justice delivery mechanism altogether signifies that merely treating the symptoms of the problem will not lead us to an effective solution for the problem which is slowly acquiring epic proportions.

If we take the example of the United States of America we can see that the judicial officers have made independent demands for the sanction of funds close to 1.54 billion dollars which has been partially accepted by the legislature. In the Indian context, the demand for better infrastructure

¹⁷ *Supra* note 11

and quantification of the same in monetary terms has been done by the executive bodies themselves. Due to this there has been an issue with respect to mismatch of funds required and funds actually allocated. Moreover, the spending of allocated funds is also at times diverted for other purposes due to which only miniscule amounts of funds have actually been realized for the development of infrastructure under the contemporary times. The fact that it's often observed that the funds allocated by state government gets deviated to other government schemes leads to major issues in development of infrastructure. This works in a detrimental manner to limit the advancement of new avenues for the Indian judiciary. Also there are major roadblocks in implementation of governmental schemes to revitalize the judicial structures due to large-scale corruption across the country. If we do not address these significant challenges, then any action taken would be devoid of any efficacy in the future.

Thus, keeping in view the above issues and challenges we have to work towards designing a judicial infrastructure which is streamlined and sophisticated to cater to the changing times. For this we require greater judicial independence in voicing the concerns associated with the judicial infrastructure. We need a holistic approach to deal with certain problems which arise due to various reasons listed above. The role of the judicial stakeholders need to be reassessed and increased if the overall problems are not rectified within the contemporary system.

In order to remedy the prevailing roadblocks, we need a body which has due representation from various segments of the judicial system. This should not only be restricted to the judiciary but also to other sections which are working towards seamlessly ensuring that the process of justice administration performs its functions.¹⁸ In this we require representation of litigants as well who are able to convey the real problems plaguing the judicial setup. Apart from these the role of the executive should be restricted in devising policy regarding the spending of funds allocated for the judicial infrastructure. This measure will insulate the whole process from political or other extraneous considerations while utilization of funds.

Thus, the only manner in which a healthy justice dispensation system can be instituted is when due recognition is provided to the various stake holders involved in this process. The judicial officers in lower courts who are daily bearing the brunt of inadequate infrastructure must be given

¹⁸ 'Judiciary Seeks \$1.54 Billion for Infrastructure' *United States Courts*, July 20, 2021, available at <https://www.uscourts.gov/news/2021/07/20/judiciary-seeks-154-billion-infrastructure>

due representation in such a body along with non-judicial members as well. This will ensure that the real issues plaguing the Indian judiciary are recognized by the people working in the higher echelons of power. Along with this the non-judicial members must be included in such a body along with a section of litigants.¹⁹ This body can have the legislative mandate to function independent of any political influences and shall be given plenary powers in spending the allocated funds either from the central government or the state government. This body shall be truly representative of the stakeholders involved in the judicial process and will be in a position to render justice for the justice dispensation system in India.



¹⁹ Niranjana Sahoo Jibran Khan, 'Judicial infrastructure: Will National Judicial Infrastructure Corporation help?', *Observer Research Foundation*, Dec 22, 2021, available at <https://www.orfonline.org/expert-speak/judicial-infrastructure/>