

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	<ul style="list-style-type: none"> • 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 <u>more than three times</u> during the hearing of a suit, • The delay caused has a cascading effect of increasing the number of <u>pending cases</u>. • 239th Law Commission Report (2012) stated that the heavy workload in the courts is taken advantage of by the advocates to press for adjournments. 	<ul style="list-style-type: none"> • Courts should meticulously <u>record reasons</u> for granting adjournments beyond the next day and the exceptional circumstances should be documented. • Judges and litigants must <u>strictly adhere</u> to the rules regarding adjournments. • Courts should prioritize <u>timely disposal of cases</u>, discouraging unnecessary delays. • Create <u>awareness</u> among litigants about the impact of adjournments on the justice system. • <u>Training</u> judges and legal professionals on efficient case management. • High courts must take <u>proactive steps</u> to prevent misuse of adjournments.
Oral arguments	<ul style="list-style-type: none"> • In constitutional bench matters, the court will direct the parties to confer and <u>create a time schedule</u> for oral arguments. • This is to ensure <u>efficiency</u> and so that arguments are not repeated by lawyers on the same side. • In 2019, <u>Ayodhya title dispute</u> has been seen 60 times within the span of three months. 	<ul style="list-style-type: none"> • Efforts should be made to <u>prevent oral arguments</u> from excessively delaying judicial decisions. • The lawyers must adhere to <u>proper time schedule</u> framework. Example- <u>EWS reservation</u> hearing was completed in 8 days. • Adopt approach similar to that of <u>United States</u> 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	<ul style="list-style-type: none"> • 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 <u>Malimath committee</u>. 	<ul style="list-style-type: none"> • 230th Law Commission Report recommended that the vacations in the higher judiciary must be curtailed by <u>at least 10 to 15 days</u> and the court working hours should be extended by at least half an hour. • A <u>flexi-time</u> 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	<ul style="list-style-type: none"> • 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. 	<ul style="list-style-type: none"> • 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

[Indian Express- Issues in legal profession](#)