

## 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   |
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| <b>Adjournment culture</b> | <ul style="list-style-type: none"> <li>An adjournment refers to the court practice of delaying a scheduled hearing to a later date.</li> <li><b>Order XVII of the Civil Procedure Code, 1908</b>-It provides rules for courts to follow when faced with adjournment requests.</li> <li>The courts shall not grant an adjournment to a party <i>more than three times</i> during the hearing of a suit,</li> <li>The delay caused has a cascading effect of increasing the number of <i>pending cases</i>.</li> <li><b>239th Law Commission Report</b> (2012) stated that the heavy workload in the courts is taken advantage of by the advocates to press for adjournments.</li> </ul> | <ul style="list-style-type: none"> <li>Courts should meticulously <b>record reasons</b> for granting adjournments beyond the next day and the exceptional circumstances should be documented.</li> <li>Judges and litigants must <b>strictly adhere</b> to the rules regarding adjournments.</li> <li>Courts should prioritize <b>timely disposal of cases</b>, discouraging unnecessary delays.</li> <li>Create <b>awareness</b> among litigants about the impact of adjournments on the justice system.</li> <li><b>Training</b> judges and legal professionals on efficient case management.</li> <li>High courts must take <b>proactive steps</b> to prevent misuse of adjournments.</li> </ul> |
| <b>Oral arguments</b>      | <ul style="list-style-type: none"> <li>In constitutional bench matters, the court will direct the parties to confer and <i>create a time schedule</i> for oral arguments.</li> <li>This is to ensure <i>efficiency</i> and so that arguments are not repeated by lawyers on the same side.</li> <li>In 2019, <b>Ayodhya title dispute</b> has been seen 60 times within the span of three months.</li> </ul>   | <ul style="list-style-type: none"> <li>Efforts should be made to <i>prevent oral arguments</i> from excessively delaying judicial decisions.</li> <li>The lawyers must adhere to <b>proper time schedule</b> framework. Example- <b>EWS reservation</b> hearing was completed in 8 days.</li> <li>Adopt approach similar to that of <b>United States</b> where lawyers are instructed to strictly limit their arguments to 30 minutes a side.</li> <li>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.</li> </ul>  |

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| <p><b>Court vacation</b></p>           | <ul style="list-style-type: none"> <li>• The Supreme Court has 193 working days a year for its judicial functioning.</li> <li>• The High Courts function for approximately 210 days, and trial courts for 245 days.</li> <li>• 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.</li> <li>• It is recommended in line with the <b><u>Malimath committee</u></b>.</li> </ul> | <ul style="list-style-type: none"> <li>• 230<sup>th</sup> Law Commission Report recommended that the vacations in the higher judiciary must be curtailed by <b><i>at least 10 to 15 days</i></b> and the court working hours should be extended by at least half an hour.</li> <li>• A <b><i>flexi-time</i></b> 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.</li> <li>• The High Court judges can take turns going on vacation to tackle the mounting pendency of cases as recommended by 133<sup>rd</sup> report of Parliamentary Standing Committee.</li> </ul> |
| <p><b>First generation lawyers</b></p> | <ul style="list-style-type: none"> <li>• 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”.</li> <li>• Financial burdens can significantly impact career choices for first-generation lawyers.</li> <li>• Many young first-generation lawyers grapple with imposter syndrome—feeling inadequate or like they don’t belong.</li> </ul>                 | <ul style="list-style-type: none"> <li>• 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.</li> <li>• This included providing better facilities for women lawyers, giving more “weightage” to first-generation lawyers when designating Senior Advocates.</li> <li>• 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.</li> </ul>   |

## Reference

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