

INDIAN JUDICIARY IS FAILING?

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A judicial backlog of more than 50 million matters, is not only a statistical aberration, but a reflection of structural difficulties aggravated by political meddling.

-India is facing a severe problem that affects justice fundamentally: an overburdened legal system that is facing an incredible backlog of more than 50 million cases.

This problem raises important concerns about the possible deterioration of independence of the judiciary and the intrusion of political interference, going beyond administrative inefficiencies or a judge shortage. Analysing the protracted delays and the heartbreaking tales of individuals pursuing justice exposes a troubling link between political meddling, and this issue has been present during every powerful government's leadership. either the BJP or the Congress.

The NEW YORK TIMES says that "it would take 300 years to clear the country's judicial backlog."

Investigating the underlying problems that have led to India's judicial crisis requires looking at historical limitations, systemic shortcomings, and the relationship between political meddling and the growing backlog. This essay emphasises the urgent need for changes to protect the independence of the court and speed up the administration of justice by illuminating particular examples and examining the larger context.

The story of Binod Paswan, who was present during the 26-year-old slaughter of 58 Dalits

and is still waiting for justice, exemplifies the structural shortcomings in the Indian legal system. Paswan's cries for justice have turned into a lifetime nightmare due to contradictory decisions, dwindling testimony, and hundreds of court appearances. This episode is representative of a bigger problem rather than an individual incident: the backlog has risen over the last 20 years, leaving over 50 million applications outstanding nationwide.

Furthermore, the Indian legal system is still constrained by antiquated laws that date back to the British colonial period, which makes the legal procedure drawn out and laborious. The system is resistant to much-needed improvements since handwritten testimony and drawn-out witness exams remain, which further exacerbates the delays.

It could not have come at a better time, as 600 lawyers recently wrote to the Chief Justice of India, expressing their "deepest anguish" over the way a "vested interest group" was attempting to exert pressure on the judiciary and discredit courts on the grounds of "frivolous reasoning and stale political agendas."

The signatories to the most recent letter to the Chief Justice highlight the "antics" of this group and warn him of the intimidation tactics that are most evident in cases that involve corruption and tend to "threaten our democratic fabric," given how many politicians are under fire due to corruption cases.

Prime Minister tweeted, "To browbeat and harass folks is vintage Congress culture," taking an inspiration from the letter these attorneys had written. They had themselves demanded a dedicated judiciary fifty years prior—"they desist from any duty towards the nation, but shamelessly want devotion from individuals for their selfish interests." To those who have not experienced the terrible Emergency (1975–77), this may seem like a harsh warning, but to them it is only a gentle reminder.

The majority ruling in *ADM Jabalpur v. Shivkant Shukla*, often referred to as the Habeas Corpus case, shows that the court had clearly conveyed a message following the brutal supersession of three distinguished justices. This lawsuit started on June 25, 1975, when Indira Gandhi declared a state of emergency and persuaded the president to sign an order suppressing all fundamental rights, particularly the right to life and the right to privacy (article 21).

In India, the relationship between a strong administration and the judiciary is frequently problematic. Strong administrations, motivated by their mandate and mission, may endeavour to impose their authority, occasionally jeopardising judicial independence. This can lead to disagreements over nominations, constitutional interpretations, and limits on presidential power. Historical and present instances demonstrate that strong administrations regularly clash with the courts, emphasising the delicate balance of power required to sustain democratic integrity.

The judicial backlog in India can be reduced by a multifaceted strategy. Increasing the number of judges and courts is critical to handling the volume of cases. Implementing modern

technology, such as e-courts and digital case management systems, can help to expedite operations and shorten delays. Furthermore, fostering alternative conflict resolution processes such as mediation and arbitration might reduce the workload on traditional courts. Improving judicial training and efficiency, as well as procedural reforms to speed case resolution, can help to dramatically reduce the backlog and enhance the court system's overall effectiveness.