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# **IMPACT OF JUDICIAL VACANCIES AND INFRASTRUCTURE ON JUSTICE DELIVERY IN JHARKHAND**

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## **ABSTRACT**

The justice delivery system in Jharkhand, like the rest of India, is fundamental to maintaining the rule of law and ensuring fairness for all citizens. However, the system faces significant challenges, primarily due to judicial vacancies and inadequate infrastructure. This paper explores the state of the judiciary in Jharkhand, focusing on the impact of judicial vacancies and infrastructure deficiencies on the timely delivery of justice. The High Court and subordinate courts both suffer from vacancies that increase the workload per judge, leading to delayed case resolutions. The lack of modern infrastructure in court buildings further exacerbates the problem, especially in rural areas where access to justice is hindered by geographical and financial barriers. Moreover, the adoption of digital technologies like the e-Court project has had a mixed impact, with progress being slow and inconsistent. The paper examines the causes behind these challenges, including recruitment delays, administrative bottlenecks, and the lack of incentives for judicial service. It concludes by emphasizing the urgent need for reforms to fill judicial vacancies, improve court infrastructure, and enhance digitalization efforts to ensure swift and equitable justice delivery in Jharkhand.

## **KEYWORDS**

Judicial Vacancies, Justice Delivery System, Jharkhand Judiciary, Court Infrastructure, e-Court

## INTRODUCTION

The justice delivery system in any state is a cornerstone of democracy, upholding the rule of law and ensuring fairness for all individuals. In Jharkhand, as in the rest of India, the judiciary plays a critical role in maintaining social harmony, resolving disputes and protecting the rights of its citizens. Established in 2000 following the bifurcation of Bihar, Jharkhand has developed its judicial structure to cater to the needs of its diverse population. The judicial system in the state consists of subordinate courts that handle cases at the grassroots level and the High Court of Jharkhand, which serves as the apex authority within the state judiciary. Despite its importance, the justice delivery system in Jharkhand faces significant challenges, primarily due to judicial vacancies and inadequate infrastructure. These issues directly impact the ability of courts to function efficiently, resulting in delayed justice for thousands of litigants. The adage “justice delayed is justice denied” aptly reflects the gravity of this situation, where delays often lead to the erosion of public confidence in the judiciary. The subordinate courts, being the first point of contact for most litigants, bear the brunt of these deficiencies. They handle an overwhelming number of civil, criminal, and miscellaneous cases, yet the shortage of judges and support staff hampers their ability to dispose of cases within a reasonable timeframe. Similarly, the High Court of Jharkhand, which has jurisdiction over appeals and complex cases, struggles with a heavy backlog due to the limited number of judges. This gap between the sanctioned and actual strength of judicial officers is a pressing issue that affects the efficiency and effectiveness of justice delivery in the state<sup>1</sup>.

Infrastructure is another critical aspect of the justice delivery system that cannot be overlooked. Many court buildings in Jharkhand lack basic facilities such as sufficient courtrooms, proper seating arrangements for litigants, and adequate chambers for judges and lawyers. In rural areas, the situation is even more dire, with courts often operating in makeshift buildings or rented spaces that fail to meet the required standards. This not only impacts the functionality of the judiciary but also creates an unwelcoming environment for those seeking justice. The importance of an adequate judicial workforce and good infrastructure in ensuring efficient justice delivery cannot be overstated. Judges and court staff form the backbone of the judiciary, and their availability is crucial for timely case resolution. When there are fewer judges than required, the workload per judge increases, leading to delays in hearings, adjournments, and

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<sup>1</sup> Aithala, Varsha, Sudheer, Rathan, & Sengupta, Nandana. "Justice Delayed: A District-Wise Empirical Study on Indian Judiciary." *National Law School of India University*, 2021, [https://www.nls.ac.in/wp-content/uploads/2021/08/Justice-delayed\\_empirical-study-1.pdf](https://www.nls.ac.in/wp-content/uploads/2021/08/Justice-delayed_empirical-study-1.pdf). Last visited 1 September 2024.

prolonged case durations. Similarly, inadequate infrastructure limits the judiciary's ability to operate effectively, as courts require modern facilities and resources to manage cases efficiently.

Moreover, the absence of a sufficient judicial workforce and proper infrastructure has far-reaching consequences. For litigants, delays in justice delivery translate into prolonged financial burdens, emotional stress, and a loss of faith in the judicial system. For the state, it reflects poorly on governance and the ability to uphold the rule of law. Delays in justice also discourage people from seeking legal recourse, thereby perpetuating cycles of exploitation and inequality<sup>2</sup>.

### **REVIEW OF LITERATURE**

The issue of delays in the justice delivery system has been a subject of extensive research, particularly concerning judicial vacancies and the resulting pendency of cases. Numerous studies have highlighted how an inefficient judicial system, exacerbated by vacancies and infrastructural inadequacies, directly impacts the timely delivery of justice. Delays in the judicial process not only affect the parties involved in litigation but also undermine public trust in the legal system. A lack of adequate human resources leads to a situation where cases pile up, resulting in years-long delays in case hearings and resolutions. Research by Dr. A.K. Gupta (2018) highlights that judicial vacancies are one of the main contributors to case pendency, especially in states like Jharkhand, where the judicial infrastructure remains underdeveloped. In parallel, studies have also pointed to the role of court infrastructure in exacerbating delays. The e-Court Project, initiated by the Government of India, aimed to modernize the court system by introducing e-filing, digital case management, and video conferencing for hearings.

Several scholars have also examined the socio-economic impact of judicial delays and discussed how delayed justice, especially in criminal cases, can cause emotional and psychological stress to litigants. In civil cases, delays often result in financial loss and insecurity for the parties involved. In regions like Jharkhand, where many cases involve people from economically disadvantaged backgrounds, these delays can cause significant hardships, leading to an erosion of faith in the legal system.

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<sup>2</sup> *Ibid*

## **RESEARCH METHODOLOGY**

This research on the delays in the justice delivery system, with a particular focus on judicial vacancies and the resulting pendency of cases, has been conducted through secondary research. Secondary research involves gathering and analyzing existing data, reports, scholarly articles, and government publications to explore the research topic in-depth. This methodology was chosen due to the availability of comprehensive data and studies on judicial delays and their underlying causes, particularly judicial vacancies, infrastructure, and procedural inefficiencies.

## **JUDICIAL VACANCIES IN JHARKHAND**

An efficient judiciary is essential for upholding the rule of law and ensuring timely justice. In Jharkhand, judicial vacancies have become a significant concern, affecting both subordinate courts and the High Court.

### ➤ **Statistical Overview**

*High Court of Jharkhand (as of April 15, 2023):*

- Sanctioned Strength: 25 judges
- Working Strength: 20 judges
- Vacancies: 5 judges

*Subordinate Courts in India (as of January 30, 2023):*

- Sanctioned Strength: 25,077 judges
- Working Strength: 19,310 judges
- Vacancies: 5,767 judges

As of April 15, 2023, the sanctioned strength of judges in the High Court of Jharkhand is 25, comprising 20 permanent judges and 5 additional judges. However, the working strength stands at 20, with 19 permanent judges and 1 additional judge, leaving 5 vacancies unfilled.<sup>3</sup>

In the subordinate judiciary, the sanctioned strength includes positions for Civil Judges (Junior Division), Civil Judges (Senior Division), and District Judges. Nationally, the total sanctioned strength for subordinate courts is 25,511 judges, encompassing 10,605 Civil Judges (Junior Division), 6,236 Civil Judges (Senior Division), and 8,670 District Judges.<sup>4</sup>

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<sup>3</sup>Jharkhand High Court, *Sanctioned Strength of Judges*, April 15, 2023, available at [https://jharkhandhighcourt.nic.in/display\\_pdf/sanctioned\\_strength\\_judges\\_15042023.pdf](https://jharkhandhighcourt.nic.in/display_pdf/sanctioned_strength_judges_15042023.pdf) (last visited Sept. 1, 2024).

<sup>4</sup> Department of Justice, *Sanctioned Posts Data*, available at [https://dashboard.doj.gov.in/sanctiondata/sanctioned\\_posts](https://dashboard.doj.gov.in/sanctiondata/sanctioned_posts) (last visited Sept. 2, 2024).

Nationally, the judiciary faces a significant number of vacancies. As of March 21, 2023, against the sanctioned strength of 1,114 judges in High Courts, 785 judges are working, leaving 329 positions vacant.<sup>5</sup>

In subordinate courts, as of January 30, 2023, there were 25,077 sanctioned positions, with 19,310 judges working, resulting in 5,767 vacancies<sup>6</sup>.

While specific recent data for Jharkhand's subordinate courts is limited, the state mirrors national trends, with a substantial portion of judicial positions remaining unfilled. This shortage contributes to increased workloads for existing judges and delays in case resolutions.

### ➤ **Reasons for Judicial Vacancies**

#### • Recruitment Delays

*Several factors contribute to recruitment delays:*

- **Lengthy Appointment Processes:** The appointment process for judges can be lengthy and complex, leading to delays in filling vacant positions<sup>7</sup>.
- **Administrative Bottlenecks:** Administrative issues within the judiciary, such as delays in conducting interviews or processing applications, can contribute to vacancies<sup>8</sup>.

#### *Lack of Attractive Incentives and Career Progression*

The judiciary must offer competitive incentives and clear career progression paths to attract qualified candidates. However, challenges include:

- **Limited Career Advancement:** Opportunities for promotion and professional growth within the judiciary may be perceived as limited, deterring potential candidates.
- **Workload and Stress:** The high volume of cases and associated stress can make judicial positions less appealing.

### ➤ **Impact on Case Pendency**

#### *Correlation Between Judicial Vacancies and Rising Pendency Rates*

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<sup>5</sup> Press Information Bureau, *Press Release*, available at <https://pib.gov.in/PressReleasePage.aspx?PRID=1910433> (last visited August 20, 2024).

<sup>6</sup> Sansad, *Annexure AU108*, available at <https://sansad.in/getFile/annex/259/AU108.pdf> (last visited August 21, 2024).

<sup>7</sup> Press Information Bureau, *Press Release*, available at <https://pib.gov.in/PressReleasePage.aspx?PRID=1910433> (last visited August 21, 2024).

<sup>8</sup> Press Information Bureau. "Filling up of Judicial Vacancies." *Press Release*. Government of India, <https://pib.gov.in/PressReleasePage.aspx?PRID=1910433>. (last visited August 22, 2024).

Judicial vacancies directly contribute to the accumulation of pending cases. With fewer judges available, the existing judiciary faces increased workloads, leading to delays in hearings and judgments. Nationally, the pendency of cases in High Courts has been rising, with 5,642,567 cases pending in 2020, increasing to 5,978,714 in 2022<sup>9</sup>.

#### *Analysis of Average Case Load per Judge in Jharkhand*

While specific data on the average caseload per judge in Jharkhand is limited, the national trend indicates a substantial burden on judges due to vacancies. This increased workload can lead to longer case durations and delays in justice delivery.

### **CONSEQUENCES OF RISING PENDENCY**

#### ➤ **Delayed Justice**

The adage "justice delayed is justice denied" aptly captures the frustration caused by prolonged case durations. For litigants, delayed resolutions mean extended periods of uncertainty and suffering. Victims of crimes or civil disputes often wait for years to see their grievances addressed, which erodes their trust in the judiciary. This lack of timely justice discourages people from seeking legal recourse, as they perceive the system as inefficient and incapable of providing swift remedies. In cases involving urgent matters, such as those related to property disputes, personal liberty, or fundamental rights, these delays can have devastating consequences.

Moreover, delayed justice indirectly benefits offenders, who exploit the system's inefficiencies to evade accountability. This undermines the deterrent effect of the law and emboldens those willing to exploit legal loopholes. The inability of courts to resolve cases promptly diminishes public faith in the judiciary as the guardian of justice.

#### ➤ **Economic and Social Impact**

The economic and social ramifications of prolonged legal battles are severe. Litigants often incur significant financial costs in the form of legal fees, travel expenses, and time lost from work. For economically disadvantaged individuals, these expenses can be crippling, forcing them to abandon their pursuit of justice altogether. Families involved in disputes may find their financial resources drained, leading to deteriorated living conditions and increased poverty.

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<sup>9</sup> *Ibid*

Socially, the emotional toll of pending cases cannot be overstated. Litigants often experience stress, anxiety, and a sense of helplessness as cases drag on for years. Family disputes, divorce cases, and custody battles are particularly draining, as they prolong emotional trauma for all parties involved. Such delays also disrupt social harmony, as unresolved disputes can escalate into larger conflicts, further straining relationships and community ties.

#### ➤ **Erosion of Rule of Law**

The growing backlog of cases threatens the foundational principle of the rule of law. A judicial system plagued by delays appears ineffective and incapable of maintaining order. When people lose faith in the judiciary, they may resort to extra-legal means to resolve disputes, such as private settlements or even violence. This undermines the authority of the legal system and creates a parallel structure of justice that operates outside the ambit of law.

A functioning judicial system is crucial for upholding societal order and ensuring equality before the law. Addressing judicial vacancies and reducing case backlogs are essential steps in restoring public confidence, safeguarding the rule of law, and reinforcing the judiciary's role as the cornerstone of democracy<sup>10</sup>.

## **OVERVIEW OF COURT INFRASTRUCTURE**

#### ➤ **Condition of Court Buildings and Facilities**

The infrastructure of court buildings in Jharkhand is in a state of considerable neglect, with many suffering from inadequate maintenance. This not only affects the efficiency of judicial proceedings but also creates an uncomfortable environment for all stakeholders involved, including judges, lawyers, litigants, and court staff. Common problems include leaking roofs during monsoons, insufficient lighting in courtrooms and offices, poor ventilation, and outdated furniture. Such conditions make it challenging to conduct proceedings smoothly, especially in cases that require prolonged hearings or large volumes of documentation.

According to an alarming finding by *the Observer Research Foundation (ORF)*, only two out of 24 court buildings in Jharkhand (8%) are completely functional, provided with basic

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<sup>10</sup> SC Observer. "Judicial Vacancies in Lower Courts: Day 5 - Jharkhand, Karnataka, and Kerala to Submit Compliance Report by 30 April 2024." SC Observer, <https://www.scobserver.in/reports/judicial-vacancies-in-lower-courts-day-5-jharkhand-karnataka-and-kerala-to-submit-compliance-report-by-30-april-2024/>. (last visited August 24, 2024).

equipment. This means that most courthouses lack basic amenities like well-kept courtrooms, proper filing rooms, and secure storage areas for critical documents. Furthermore, in many cases, the buildings themselves are structurally hazardous, with cracks in the walls and ceilings putting tenants' safety at risk. These challenges emphasize the critical need for funding to repair and upgrade court infrastructure<sup>11</sup>.

Poor conditions in court buildings also have a psychological impact on litigants and lawyers. For litigants, who already face the stress of navigating the judicial process, such an environment can erode confidence in the justice delivery system. Lawyers, on the other hand, find it challenging to prepare and present their cases effectively when facilities such as consultation rooms or libraries are absent or poorly maintained. The lack of proper infrastructure indirectly contributes to delays in proceedings, as it hampers the smooth functioning of the judiciary.

#### ➤ **Accessibility of Courts in Rural Areas**

In addition to inadequate building facilities, the geographical distribution of courts in Jharkhand presents substantial obstacles, particularly for residents of rural and remote communities. While metropolitan residents may have easier access to courts located in district headquarters, those from villages frequently endure a demanding travel to seek justice. Courts are usually placed distant from rural communities, forcing litigants to travel considerable distances. This travel can be costly and time-consuming, especially in areas of the state where public transit is unreliable.

The financial burden of travel often discourages rural residents from pursuing legal remedies, even when they have valid claims. This not only denies them their constitutional right to access justice but also perpetuates systemic inequality. For marginalized communities, the challenge is even greater, as they may lack the resources to fund multiple trips to the court or pay for temporary lodging near the court complex.

Compounding these accessibility issues is the lack of basic infrastructure within rural courts themselves. In many cases, courtrooms in these areas do not have adequate seating arrangements, forcing litigants to wait in uncomfortable or overcrowded spaces. There is often

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<sup>11</sup> ORF. *Improving India's Justice Delivery System: Why Infrastructure Matters*. <https://www.orfonline.org/research/improving-india-s-justice-delivery-system-why-infrastructure-matters>. (last visited August 26, 2024).

a lack of clean restrooms, drinking water facilities, and waiting rooms. Women litigants face additional difficulties, as court facilities are rarely designed to cater to their needs, leading to a sense of exclusion and discouragement<sup>12</sup>.

## **DIGITAL INFRASTRUCTURE**

### **➤ Implementation Status of e-Court Initiatives in Jharkhand**

The e-Courts project, initiated by the Government of India, seeks to digitize the judiciary to enhance efficiency, accessibility, and transparency in the justice delivery system. Jharkhand has made some progress in implementing the project, but the journey has been gradual and uneven.

The High Court of Jharkhand has integrated the Case Information System (CIS), which allows litigants, lawyers, and judges to access case statuses, orders, and judgments online. The CIS has significantly reduced the dependency on physical files, streamlining judicial processes to a certain extent<sup>13</sup>. Additionally, tools such as the e-Courts Services mobile application, available on platforms like Google Play, enable stakeholders to view case details, court calendars, and notifications. These digital services are particularly beneficial for lawyers and litigants who need updates without physically visiting court premises<sup>14</sup>.

Despite these advancements, achieving comprehensive digital integration across all courts in Jharkhand remains a work in progress. Many lower courts, especially those in rural and semi-urban areas, lag behind in adopting these digital initiatives. The limited implementation of e-Court facilities often leaves smaller courts dependent on traditional methods, undermining the broader goals of the project.

### **➤ Challenges in Adopting Digital Solutions**

Several obstacles hinder the full-scale adoption of digital infrastructure in Jharkhand's judiciary:

- Technical Limitations

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<sup>12</sup> Vidhilegalpolicy.in. *National Report on Judicial Vacancies and Pendency*. [https://vidhilegalpolicy.in/wp-content/uploads/2019/08/National-report\\_single\\_Aug-1.pdf](https://vidhilegalpolicy.in/wp-content/uploads/2019/08/National-report_single_Aug-1.pdf). (last visited August 24, 2024).

<sup>13</sup> *Jharkhand High Court, E-Committee*. <https://jharkhandhighcourt.nic.in/e-committee-jharkhand.php>. (last visited August 24, 2024).

<sup>14</sup> *eCourts Services, Google Play*. [https://play.google.com/store/apps/details?hl=en\\_US&id=in.gov.ecourts.eCourtsServices&utm\\_](https://play.google.com/store/apps/details?hl=en_US&id=in.gov.ecourts.eCourtsServices&utm_). (last visited August 26, 2024).

Many courtrooms lack adequate hardware, such as computers, printers, and scanners, necessary for digitization. Reliable internet connectivity, a critical requirement for accessing online case management systems, is unavailable in several parts of the state, particularly in rural and remote areas. The absence of uninterrupted power supply further compounds the issue, making it difficult to sustain digital operations.

- **Training Deficits**

Digital tools require skilled personnel for effective operation. Unfortunately, many judicial officers, clerks, and other court staff in Jharkhand have not received adequate training to proficiently use these systems. As a result, the available technologies remain underutilized, diminishing the potential benefits of digitalization.

- **Resistance to Change**

A notable portion of stakeholders in the judiciary, including some lawyers and court staff, continue to favor traditional paper-based methods. This resistance to embracing digital tools stems from a lack of awareness, familiarity, and confidence in new technologies.

- **Security Concerns**

The digitization of judicial data introduces vulnerabilities related to cybersecurity. Protecting sensitive legal information from unauthorized access, data breaches, and hacking attempts is critical. Without good cybersecurity measures, courts risk compromising the integrity and confidentiality of judicial records<sup>15</sup>.

➤ **Resource Constraints**

- **Shortage of Support Staff**

The smooth functioning of courts depends heavily on an adequate workforce of support staff, including stenographers, clerks, bailiffs, and administrative personnel. In Jharkhand, there is a glaring shortage of such staff, which directly impacts the efficiency of judicial proceedings.

Courtrooms often face delays in tasks such as typing orders, scheduling hearings, and preparing case records due to the unavailability of sufficient personnel. The burden of these responsibilities falls disproportionately on the limited staff, leading to reduced productivity, higher stress levels, and increased chances of errors. For instance, a single stenographer might be assigned to multiple courts, causing delays in transcription and

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<sup>15</sup> LexisNexis, "Digital Courts: The Future of the Indian Legal System," LexisNexis India, available at <https://www.lexisnexis.in/blogs/digital-courts-future-of-the-indian-legal-system/>. (last visited August 28, 2024).

documentation, which in turn slows down the delivery of justice. This shortage also extends to positions like peons and court ushers, who play crucial roles in the daily functioning of courts. Without adequate staff, even simple logistical operations, such as moving files between departments or managing case listings, become time-consuming. The overall impact is felt by litigants, lawyers, and judges, who face prolonged case durations due to administrative inefficiencies.

- **Lack of Proper Libraries and Amenities**

Legal resources, such as updated case law compendiums, commentaries, and statutes, are essential for judges and lawyers to make informed decisions. However, many courts in Jharkhand lack well-equipped libraries, depriving stakeholders of the tools necessary to engage in meaningful legal research. In several cases, judges must rely on outdated books, while lawyers are compelled to source materials from external libraries, leading to delays in case preparation.

Similarly, the absence of modern conference facilities in court complexes limits opportunities for judicial officers and lawyers to engage in professional discussions, workshops, or training sessions. These platforms are crucial for sharing knowledge and fostering professional development, but their unavailability stifles growth within the legal fraternity.

Basic amenities in court complexes are another area of concern. Many courts lack clean restrooms, drinking water facilities, and waiting areas for litigants. Women, in particular, face greater challenges due to the unavailability of gender-sensitive facilities. Pregnant women or those accompanying children find it particularly difficult to spend extended hours in court premises without proper amenities. The lack of proper seating arrangements in waiting areas forces people to stand for hours, further adding to their discomfort.

Judges and court staff are not immune to these issues. Inadequate chambers, poorly ventilated offices, and insufficient rest facilities for judges reflect the systemic neglect of judicial infrastructure. Such conditions not only affect the productivity of court personnel but also highlight the urgent need for reforms.<sup>16</sup>

➤ **Addressing the Challenges**

To overcome these resource constraints, Jharkhand's judiciary must prioritize investments in

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<sup>16</sup> *Ibid*

both human and physical resources. Key recommendations include:

1. Recruitment Drives

Filling vacant support staff positions should be a top priority. Streamlined recruitment processes and attractive incentives can encourage qualified candidates to join the judiciary.

2. Upgrading Libraries

Court libraries should be modernized with digital access to legal databases, ensuring that stakeholders have up-to-date resources at their fingertips.

3. Improving Amenities

Adequate funds should be allocated to provide basic facilities, such as clean restrooms, seating arrangements, and drinking water, to create a more dignified environment for all court users<sup>17</sup>.

## **CAPACITY BUILDING**

Regular training programs for judges, lawyers, and court staff can enhance their skills and ensure they are equipped to handle both traditional and digital workflows.

➤ **Impact on Justice Delivery**

- **Judicial Vacancies and Their Role in Delaying Justice**

Judicial vacancies across the subordinate courts and High Courts in India, particularly in states like Jharkhand, have a profound impact on the timely resolution of cases. The shortage of judges increases the workload on the existing judiciary, leading to overburdened courts where each judge is responsible for handling an overwhelming number of cases. According to data from the National Judicial Data Grid, subordinate courts in Jharkhand face pendency rates higher than the national average, with cases often stretching over several years. In subordinate courts, the absence of adequate judicial officers results in frequent adjournments. With judges juggling multiple cases on the same day, it becomes impossible to allocate sufficient time to each matter. Criminal cases, especially those involving undertrials, are heavily impacted. For instance, trials for heinous crimes such as murder and rape may remain unresolved for years, prolonging the suffering of victims and denying them justice. Civil cases, on the other hand, face delays in processes such as filing, evidence submission, and arguments,

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<sup>17</sup> ThePrint, "Indian Judiciary is Crying for Basic Infrastructure: Here's What Centre & States Need to Do," ThePrint, available at <https://theprint.in/opinion/indian-judiciary-is-crying-for-basic-infrastructure-heres-what-centre-states-need-to-do/1046393/>. (last visited August 27, 2024).

exacerbating the wait for resolution.

The situation is no better in the High Courts. Vacancies at the appellate level mean that appeals and writ petitions face significant backlogs. Cases involving constitutional interpretation, public interest litigation, and appeals from subordinate courts are often delayed, undermining the higher judiciary's role as a guardian of rights and liberties.

- **Inadequate Infrastructure as a Catalyst for Delays**

Court infrastructure plays a pivotal role in justice delivery. Poorly maintained buildings, lack of basic amenities, and insufficient resources contribute to delays. For instance, hearings may be postponed due to malfunctioning microphones, lack of proper seating arrangements, or unavailability of courtrooms. In rural courts, inadequate transportation facilities for court staff further contribute to adjournments. Subordinate courts are particularly affected, as they often operate in cramped and poorly equipped spaces that are not conducive to efficient case management.

In High Courts, outdated infrastructure hampers the adoption of modern judicial practices, such as e-filing and virtual hearings. This slows down the processing of cases and increases pendency. Furthermore, the lack of proper technological support makes it difficult to digitize records, leading to inefficiencies in case tracking and retrieval<sup>18</sup>.

- **Impact on Civil and Criminal Cases**

The combined effects of judicial vacancies and poor infrastructure result in a stark disparity in how civil and criminal cases are handled.

*Criminal Cases: Undertrials in jails face prolonged detention which may violate their fundamental right to a speedy trial under Article 21 of the Indian Constitution. Delays in criminal proceedings also lead to witnesses becoming unavailable or their testimonies losing credibility over time, ultimately affecting the quality of justice.*

*Civil Cases: Property disputes, family matters, and commercial litigation often drag on for decades due to procedural bottlenecks and adjournments. Such delays deter individuals and businesses from seeking legal remedies, reducing faith in the system.*

- **Economic and Social Consequences**

- **Burden on Litigants**

Prolonged litigation imposes a heavy financial burden on litigants. Legal expenses, including court fees, lawyer fees, and associated costs like travel and lodging,

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<sup>18</sup> *Ibid*

accumulate over time. For families involved in property disputes or financial claims, this burden can drain their savings and push them into debt. Poor litigants, especially those from rural areas, are often forced to abandon their cases mid-way due to lack of funds, effectively denying them justice.

Mental stress is another significant consequence of delayed justice. The uncertainty of case outcomes, coupled with repeated court appearances and adjournments, takes a toll on litigants' mental health. Victims of crimes, especially in cases involving gender-based violence or child custody, suffer prolonged trauma as they wait for justice. For businesses, unresolved commercial disputes lead to financial losses and hamper economic growth.

#### ➤ **Erosion of Public Confidence**

One of the most concerning outcomes of delayed justice is the erosion of public confidence in the judiciary. The judiciary is often seen as the last resort for individuals seeking redressal of grievances. However, when cases linger for years without resolution, people lose trust in the system's ability to deliver justice. This loss of faith has far-reaching implications for society, as it weakens the rule of law and encourages individuals to resort to extrajudicial methods for dispute resolution. For example, informal arbitration by local bodies or vigilantism becomes more prevalent in areas where the judiciary is perceived as ineffective.<sup>19</sup>

### **CONCLUSION**

The justice delivery system is the backbone of any democratic society, as it ensures fairness, equality, and the protection of rights. In Jharkhand, while the judiciary has evolved significantly since the state's formation in 2000, various challenges hinder its efficiency. The issues of judicial vacancies, inadequate infrastructure, procedural delays, and accessibility gaps directly impact the system's ability to deliver timely and effective justice. Addressing these concerns is essential for restoring public trust in the judiciary and reinforcing the rule of law. Judicial vacancies are among the most pressing problems, as they increase the workload of existing judges and lead to delays in hearings and judgments. The data reflects a nationwide pattern of unfilled judicial positions, which is mirrored in Jharkhand. Recruitment delays, cumbersome appointment processes, and unattractive career incentives for judicial officers

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<sup>19</sup> ORF. *Improving India's Justice Delivery System: Why Infrastructure Matters*. <https://www.orfonline.org/research/improving-india-s-justice-delivery-system-why-infrastructure-matters>. (last visited August 26, 2024).

contribute to this shortage. These gaps not only increase case backlogs but also erode public confidence in the judiciary, leaving litigants frustrated with prolonged legal battles.

Inadequate infrastructure exacerbates the issue. Many courthouses in Jharkhand lack basic amenities such as adequate courtrooms, seating arrangements, and secure document storage. Courts in rural locations sometimes operate out of temporary or rented buildings, undermining the dignity and efficiency of judicial processes. The lack of modern amenities and technological integration complicates the courts' ability to handle cases quickly and effectively.

Delayed justice has broader implications for society as well. It undermines the principle of the rule of law, which is fundamental to maintaining order and equality. When people perceive the judiciary as ineffective, they may lose respect for legal institutions, leading to a breakdown of trust and increased reliance on private settlements or even vigilante actions. This not only weakens the judiciary's authority but also poses a threat to democracy and social harmony. Reforming the justice delivery system in Jharkhand requires a multi-pronged approach. First, judicial vacancies must be filled promptly through streamlined recruitment processes and better career incentives for judicial officers. Introducing transparent and efficient mechanisms to appoint judges will ensure that vacant positions are filled without unnecessary delays. Second, infrastructure upgrades are essential. Allocating funds to repair and modernize court buildings, particularly in rural areas, will create an environment that fosters dignity, efficiency, and accessibility. Courts should be equipped with modern facilities, such as digital filing systems, video conferencing capabilities, and accessible layouts for persons with disabilities.

The challenges facing Jharkhand's justice delivery system are significant but not insurmountable. Timely reforms, adequate resource allocation, and a commitment to innovation can transform the judiciary into a pillar of trust and reliability for all citizens. The pursuit of justice must not only be about resolving disputes but also about ensuring that every individual, regardless of their background or circumstances, can access their fundamental right to fairness and equality under the law.

## **SUGGESTIONS**

### **➤ Filling Judicial Vacancies**

The shortage of judges is one of the primary causes of delays in the judiciary. To tackle this, the recruitment process for judicial officers must be expedited. Introducing a clear timeline for

judicial appointments and reducing bureaucratic hurdles can help fill vacancies more efficiently. Additionally, offering better career incentives, including competitive salaries, job security, and opportunities for professional development, can make the judiciary an attractive career option. These measures can reduce the backlog of cases and distribute the workload more evenly among judges.

➤ **Upgrading Court Infrastructure**

Many courts, especially in rural areas, lack adequate facilities. Allocating funds for infrastructure improvements is essential to ensure that courts are functional and dignified. Modern courtrooms with sufficient seating, proper ventilation, and secure document storage facilities should be prioritized. Upgrading technology infrastructure, such as introducing e-courts, digital filing systems, and virtual hearing facilities, can enhance efficiency and reduce procedural delays.

➤ **Technology Integration**

Technology has the potential to significantly improve the legal system. Digitizing case records and allowing for online filing of cases can help to speed up and improve transparency in the judicial process. Virtual courtrooms and video conferencing services can help litigants and judges save time and resources by reducing the need for physical appearances. Training judges, lawyers, and court workers in the use of digital tools will ensure their successful implementation.

➤ **Simplifying Procedural Laws**

Procedural delays are a significant contributor to the backlog of cases. Simplifying and streamlining procedural laws can make the judicial process faster and more accessible. For instance, reducing the number of adjournments allowed, setting strict timelines for case hearings, and penalizing unnecessary delays can discourage tactics that prolong cases. Amending outdated provisions in procedural laws can also ensure that the justice system aligns with current realities.

➤ **Promoting Alternative Dispute Resolution (ADR)**

Encouraging the use of ADR mechanisms like mediation, arbitration, and conciliation can reduce the burden on courts. ADR methods are cost-effective, time-saving, and less adversarial, making them ideal for resolving disputes amicably. Establishing dedicated ADR centers in

every district and training mediators can increase the adoption of these methods, particularly for civil and commercial disputes.

➤ **Improving Access to Justice**

Many people, especially in rural and marginalized communities, face barriers to accessing justice. Legal aid services must be strengthened to ensure that every individual, regardless of their socio-economic background, can approach the courts. Setting up mobile courts and legal aid camps in remote areas can make the judiciary more accessible. Awareness campaigns about legal rights and the availability of free legal services can further empower citizens to seek justice.

➤ **Monitoring and Accountability**

Establishing mechanisms to monitor the performance of courts and judicial officers can improve accountability. Publishing regular reports on case backlogs, disposal rates, and the status of judicial vacancies can provide transparency. Introducing performance-based evaluations for judges and court staff can also motivate them to work more efficiently.

