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# **PUBLIC TRUST IN THE INDIAN JUDICIAL SYSTEM: A CRITICAL REVIEW OF THE ‘JUSTICE IS DUE’ MOVEMENT AND ITS IMPACT ON SOCIETY**

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## **Abstract**

The slogan “Justice is Due” voiced recently in India, has sparked a massive social movement across the country, raising significant questions about Indian judicial system. There is a severe backlash by the public on the operations of Indian judicial system and its accountability towards the society. Judiciary being one of the three pillars of democracy in India along with legislature and executive, which is to uphold the rule of law. Judiciary is only pillar on which the common man or public had hope, respect, faith and trust as it was the last resort for the justice, treated it as “temple of justice”. In fact, common man had already lost trust on the other two pillars of democracy namely legislature and executive, which were exposed long back before the public for their corruption, bribery, abuse of power, favoritism, discriminative action, etc. and to some extent, they were brought under the purview of accountability through the initiation of inquiries and other proceedings according to the law. But today the common man has lost faith and trust on judiciary and with the “Justice is Due” movement, the Indian judicial system got exposed in public like that of legislature and executive showing a big crack in the third pillar (judiciary) of the democracy. This has given rise to voices against the immunity enjoyed by the judicial system and the call to bring the system under accountability and transparency. In this paper, we will analyze the evolution of the judicial system in India, the current state of the system, which has led to a loss of trust, and practical solutions to address the issues.

**Keywords:** Justice is Due, Indian Judicial System, Dharma, Court System, Judge-to-Population Ratio, Jury System.

## Introduction

The ancient India's traditional justice system was deep rooted in the belief of Dharma and the Panchayats being the local governing bodies to uphold Dharma in maintaining social order and justice system which reflected India's cultural heritage and diverse traditions. This indeed maintained the harmony and fairness in the society ensuring justice aligned with customs, faith, principles, and moral values the native society believed in.

During British colonial rule in India, in place of ancient India's traditional justice system British introduced their European court system to take control over Indian territories and further used it as a tool to suppress the freedom movements across India. But the British did not interfere with the personal laws related to marriage, inheritance, and family matters, which allowed every religious community to follow their own customs and traditions.

After independence, India wrote its own Constitution to transform itself from the British colonial system of rule into an independent, self-governing nation. Whereas India continued to adopt the British court system which had no essence and belief of Dharma which the ancient India's traditional justice system had in it. Further, it interfered with the personal laws of the majority Hindu religious community by codifying it as a result of which the judicial system got burdened with Hindu law, which has brought personal issues of the majority of citizens—issues that were once resolved within families and communities—into the ambit of the court system. This made the Indian judicial system more complex, expensive, and time-consuming.

Over time, while addressing the issues through legislation, the Indian legislature failed to tackle the root cause of the issue. Instead, it focused on the symptoms that emerged from the core issue, and legislative enactments were passed that address only the symptoms. Additionally, the judicial system is very often reluctant to make an honest and conscientious effort to determine the true intent of the legislature while interpreting legislative enactments during implementation. As a result, the legal system in India has become too complex, instead of being simplified in a way that the common man can understand and follow.

## Pendency of Court Cases in India

NITI Aayog (National Institution for Transforming India) in its “Strategy for New India @ 75” Nov 2018 report states that: “A study carried out by the Ministry of Finance found that it takes,

on an average, almost 20 years for a property related dispute to be resolved, and that it would take 324 years just to clear the present backlog at the current rate of disposal.”

The detailed count of pending cases in different courts of the Indian judicial system for the year 2018 and as of 2025 (today) are as shown in the **Table - 1.1**

**Table - 1.1: Pending cases in different courts of the Indian Judicial System**

Year	2018	2025
District Courts	3,00,74,590	4,57,20,310
High Courts	49,83,236	62,35,069
Supreme Court	56,994	81,573
<b>Total Cases Pending</b>	<b>3,51,14,820</b>	<b>5,20,36,952</b>

**Source:** National Judicial Data Grid and Ministry of Law & Justice Govt. of India.

As per the NITI Aayog report, in the year 2018, it was estimated that it would take 324 years to clear the backlog of 30 million pending court cases. With reference to the data shown in **Table - 1.1**, as of today, the current backlog of pending court cases stands at 45.7 million which would take around 492 years to clear upon applying the predictive model of above mentioned NITI Aayog report. This clearly indicates that the Indian judicial system has severely clogged, because of which the common man has lost trust and confidence in the judicial system. It is now high time to address the core issues and find solutions to it.

The Supreme Court of India, under the guidance of the Chief Justice of India, organized a “National Conference on Addressing Issues Faced by the State Judiciary” on February 1, 2025. The conference was followed by a meeting with the Chief Justices of High Courts and senior-most judges of the High Courts, where they discussed issues related to filling vacancies in High Courts, the appointment of ad-hoc judges, and the establishment of Evening Courts.

### **Vacancy in Courts and Judge-to-Population Ratio**

As per the Department of Justice, Ministry of Law and Justice, Govt. of India as on 01.02.2025, the Sanctioned posts, Working strength and Vacancy of Judicial Officers/Judges in various courts of Indian Judicial System are as shown in the **Table - 1.2**

**Table - 1.2: Sanctioned, Working strength & Vacancy of Judges in various courts of India**

Courts	Sanctioned strength	Working strength	Vacancies
Supreme Court	34	32	2
High Courts	1,122	755	367
District Courts	25,771	20,479	5,292

**Source:** Department of Justice, Ministry of Law and Justice, Govt. of India.

With reference to the Department of Justice data shown in **Table - 1.2**, the High Courts of India are functioning with a strength of 755 judges, against the total sanctioned strength of 1,122 judges, leaving 367 vacancies to be filled up. i.e. High Courts in India are operating at 67% capacity, with 33% of vacancies. Whereas the District and Subordinate Courts of India are functioning with a strength of 20,479 judges, against the total sanctioned strength of 25,771 judges, leaving 5,292 vacancies to be filled up. i.e. District and Subordinate Courts in India are operating at 79% capacity, with 21% of vacancies. The Courts in Indian Judicial System are not operating in its full capacity.

The Law Commission of India in its 120<sup>th</sup> report on Manpower Planning in Judiciary in July 1987, observed that the strength of judicial officers in India was 10.5 judges per million population, which is far less as compared to other countries like Australia (41.6 judges), Canada (75.2 judges), England (50.9 judges), and the United States (107 judges) per million population. The Commission recommended to increase the ratio of judges per million of population from 10.5 to 50.

The Supreme Court of India, in the case of *Intiyaz Ahmed v. State of Uttar Pradesh*, [(2017) 3 SCC 658], makes an observation of its old judgement that:

*“This Court judgement delivered on 21 March 2002 in All India Judges Association v. Union of India endorsed the views of the Law Commission in its 120th Report and directed that a judge to population ratio of 50 judges per million be achieved within a period of 5 years and not later than 10 years in any case.”*

On 09.02.2024 the Minister of Law and Justice in Lok Sabha stated that: “At present, the judge - population ratio in the country works out to be approximately 21 Judges per million population.”

So, it clearly shows that we are no where near to the judge to population ratio of 50 judges per million, and the recommendation made by the Law Commission was way back in 1987. Now, this has led to a huge backlog of cases, significant work stress on judicial officers, and making them prone to mistakes resulting in public lose hope and trust on the Indian judicial system. If the Indian judicial system continues on this path and proceeds with the establishment of Evening Courts without addressing the core issues, it might further lead the society into anarchy.

### **Standards and Sensitivity in the Court System**

The Indian judicial system has witnessed, respectable number of judges in the past who remain unforgettable even today for their deep knowledge of the law and the sensitivity they possessed, maintaining the integrity of the legal system. They had set remarkably high legal and moral standards, which kept the public hope and trust in the judiciary alive, which showed their competency, responsibility, and sensitivity towards society.

For example, Justice Mr. V.R. Krishna Iyer in the case of "P. N. Eswara Iyer vs The Registrar 1980 SCR (2) 889", said that: "Litigants are legal patients suffering from injustice seeking healing for their wounds." And in the case of "Bar Council of Maharashtra vs M.V. Dabholkar Etc. Etc. 1976 SCR (2) 48" he observes that: "Law is no trade, briefs no merchandise and so the leaven of commercial competition or procurement should not vulgarise the legal profession."

Whereas, at present we have Judges of the Supreme Court of India saying: "Society must change we can't do anything. Parliamentary laws are there." while declining to hear the plea regarding reforms in domestic violence laws and preventing their misuse in light of suicides in India which are happening due to family problems, as the protection against domestic violence is not gender neutral. Also, recently there was petition before High Court of Karnataka which raised a serious doubt on the credibility of the trial court's decision where the trial court cited the non-existing/manufactured judgements in its order.

With such developments, we no longer see legal and moral standards being maintained in the judicial system. It looks like the judicial officers are developing the mindset that they bear no responsibility and accountability towards society. As a result, the Indian judicial system's irresponsibility, insensitivity, incompetence, and inefficiency, has deeply saddened the citizens

of the country, further leading the public to lose trust in the system.

### **Suggestions**

The judicial ecosystem of India has gone beyond repair. It's time to focus on research and develop a parallel system to the existing judicial system, introducing the jury trial where trials occur every day, continuously. The personal laws like marriage, inheritance and family matters should be kept out of the ambit of court system and criminalization of these matters should be stopped immediately. Such matters should be managed sensitively before a jury at the local and community levels which will be more effective, simple, timely disposal as compared to the court system. The multiple proceedings arising between the same parties should be dealt before one single of the court. Laws should evolve as society changes, and they should not be stagnant. The laws implemented in society should be reviewed regularly to evaluate their effects, implications, and any unintended consequences, and to ensure the law remains relevant as society or circumstances change over time. To bring transparency and accountability, the audio of court proceedings should be recorded, and the transcript of the same should be made available to the public. At any given point in time, the judicial system should be operating at its full capacity, and the system should function with high legal and moral standards, along with sensitivity.

### **Conclusion**

The ancient India had the essence and belief of Dharma in its traditional justice system, ensuring that justice to align with the customs, faith, principles, and moral values the native society believed in, maintaining harmony and fairness in the society. Post-independence, interference with personal laws, the issues which were once resolved within families and communities were brought into the ambit of the court system, making the Indian judicial system more complex, expensive, and time-consuming. In addition to this, the vacancies of the judicial officers in Courts, the current judge-to-population ratio maintained, the lower standards and insensitivity of the Courts has choked the judicial system. Today, as a result, the Indian judicial system is severely clogged with huge pendency of cases, and the common man has lost trust and confidence in the system. The establishment of Evening Courts without addressing the core issues would not serve the purpose; moreover, it would further lead society into anarchy in the absence of common justice. Possible that people might take the law into their own hands to seek common justice, and the "Justice is Due" movement is one such caution to the society.

The time has come to explore a parallel system to the current Indian judicial system, as it has crumbled, and to introduce the jury trial system at the local and community levels.

### References:

1. Department of Justice - <https://doj.gov.in/>
2. National Judicial Data Grid - <https://njdg.ecourts.gov.in/>
3. Supreme Court of India - <https://www.sci.gov.in/>
4. NITI Aayog - Strategy for New India @75 Report - <https://www.niti.gov.in/the-strategy-for-new-india>

