



Call for Papers National Conference on the Working of the Indian Judicial System

The judiciary has been seen as a bastion of hope in Indian society. It has served as a pillar for the disadvantaged and weak, promising justice in a society dealing with complex social and political interactions. The judiciary itself has guarded its institutional independence fiercely, as was observed in the *NJAC* judgment. However, over time deficiencies have been observed in the judiciary's working, highlighting issues on a structural level.

Pendency is the most severe issue from which the Indian judiciary is suffering. There are almost 5 crore cases pending in the Indian Courts. As of 1.02.2023, there are around 70 thousand cases pending in the Supreme Court. In High Courts, almost 60 Lakhs cases are pending. District Court suffers most from pendency. Almost 85% of the cases amounting to more than 4 crores are pending in the District Courts. An often overlooked aspect is pendency of cases in tribunals. For example, around 3000 cases are pending at National Green Tribunal (NGT), around 17000 at Central Administrative Tribunal (CAT), and around 13000 cases at National Company Law Tribunal (NCLT).

Lack of number of judges means greater workload per judge. Judges to population ratio is extremely poor in India. As per the recent reports there are only 21 judges per 10 lakhs of population. The Supreme Court and the Law Commission in its 120th report have suggested that this ratio shall be increased to 50 judges per 10 lakhs population.

On one hand we talk about increasing the sanctioned strength of judges in courts and on the other hand there are myriad **vacancies** in Indian Courts for the judges. As of 1.02.2023, in the High Courts total sanctioned strength of judges is 1108 but 333 seats (~30%) are vacant. In District Courts 25000 is the total sanctioned strength of judges, out of which almost 5000 seats are vacant. A welcome development has been the fulfillment of all 34 sanctioned strength recently in the Supreme Court. Vacancies are an issue in tribunals as well at both judicial member and expert members levels. For example, there are 25 vacancies at NCLT (as of Dec 2022), and 43 vacancies at CAT (as of May 2022).

India is among the countries where the **age of retirement** of judges is lowest. In India, Supreme Court judges retire at the age of 65 and for High Court judges retirement age is 62. District Court judges retire earliest among all the judges i.e., at the age of 60. Raising the retirement age of judges again is an age-old issue. Proponents of this issue argue that increasing the retirement age of judges would help the judiciary in functioning more effectively and efficiently.

There are provisions in the Constitution for appointment of retired judges as **ad hoc** judges for both Supreme Court (article 128) and High Courts (article 224A). Despite the recommendations of the 124th Law Commission Report in this regard, these provisions lie dormant. There are very few instances where these provisions were used. There is a need for utilisation of these provisions for the betterment of the justice administration system.

The Supreme Court in the *4th judges* case declared the 99th amendment to the Constitution as violative of Independence of judiciary, which is one of the Basic Structure of the Constitution and hence unconstitutional. As of now, the **collegium** system is the law for appointment to the higher judiciary. However, in the judgment itself, the Court had observed 4 key areas of reform in the collegium system - transparency, eligibility, complaints, and secretariat.

At the District judiciary level, the appointment process has faced criticism due to differing standards of evaluation. Although the 42nd amendment of the Constitution talked of an all-India judicial service, it never saw the light of the day. There is a long felt need to align the appointment processes of different states in their district judiciaries.

The Supreme Court in recent times has placed a strong emphasis on greater adoption of **technology** for justice delivery. Various initiatives like e-court, virtual court, live streaming of court proceedings, and electronic Supreme Court Reports (e-SCR) project are expected to ease access to justice for the common man. The Court is also employing artificial intelligence (AI) tools to provide translations of judgments in regional languages.

To engage with some of these (and more) questions of working of the Indian judiciary, the Indian Law Institute is organising a two-day conference on 22nd and 23rd April 2023. This Call for Papers invites students, researchers, teachers and professionals of constitutional law to share their insights and ideas on modern solutions to the structural challenges in the judicial process.

Sub-themes

- Pendency of cases in
 - Supreme Court
 - High Courts
 - District Courts
 - Tribunals
- Lack of number of Judges
- Lack of Judicial Infrastructure
- Vacancies in
 - High Courts
 - District Courts
 - Tribunals
- Retirement age of judges
- Appointment of *ad hoc* judges
- Appointments of judges in Constitutional Courts
- Appointments of judges in District Courts
- Use of technology including AI in judicial process

- Role of free legal aid in justice administration
- Language: a barrier in justice administration

Participants may choose any of the above mentioned sub-themes or any other theme relevant to the main theme of the conference.

Venue

The Conference will be hosted at the Indian Law Institute, Bhagwan Das Road, New Delhi.
Date of the Conference: 22nd and 23rd April 2023 [Saturday and Sunday].

Submission Deadline

- Submission of abstract (300 words): March 25, 2023.
- Communication of acceptance: March 30, 2023.
- Submission of full paper (5000-6000 words): April 15, 2023.

Guidelines for Research Papers

- Kindly follow the ILI Citation Format available at <https://www.ili.ac.in/cstyle.pdf>.
- Submission should be sent to_ilijudiciaryconf@gmail.com with Subject "Paper Submission_Name of Candidate".

Registration Details:

Participants:-

- Students: INR 300
- Research Scholars: INR 400
- Academicians, Professionals: INR 750
- Last date to register: 20th April 2023



Payment note: Please make the payment using the above QR-code/UPI-address and upload the transaction/reference ID and screenshot of the UPI payment on the given Registration Form immediately after making payment.

Registration Form:

Please fill the google form: <https://forms.gle/qrZQryNViRzVcnX87>

Faculty Coordinator

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