



# IAS PARLIAMENT

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## 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
Adjournment culture	<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 <u>more than three times</u> during the hearing of a suit,</li><li>• The delay caused has a cascading effect of increasing the number of <u>pending cases</u>.</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><u>record reasons</u></b> for granting adjournments beyond the next day and the exceptional circumstances should be documented.</li><li>• Judges and litigants must <b><u>strictly adhere</u></b> to the rules regarding adjournments.</li><li>• Courts should prioritize <b><u>timely disposal of cases</u></b>, discouraging unnecessary delays.</li><li>• Create <b><u>awareness</u></b> among litigants about the impact of adjournments on the justice system.</li><li>• <b><u>Training</u></b> judges and legal professionals on efficient case management.</li><li>• High courts must take <b><u>proactive steps</u></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 <u>create a time schedule</u> for oral arguments.</li> <li>• This is to ensure <u>efficiency</u> and so that arguments are not repeated by lawyers on the same side.</li> <li>• In 2019, <u>Ayodhya title dispute</u> 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 <u>prevent oral arguments</u> from excessively delaying judicial decisions.</li> <li>• The lawyers must adhere to <u>proper time schedule</u> framework. Example- <u>EWS reservation</u> hearing was completed in 8 days.</li> <li>• Adopt approach similar to that of <u>United States</u> 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>
<b>Court vacation</b>	<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 <u>Malimath committee</u>.</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 <u>at least 10 to 15 days</u> and the court working hours should be extended by at least half an hour.</li> <li>• A <u>flexi-time</u> 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>
<b>First generation lawyers</b>	<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](#)



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