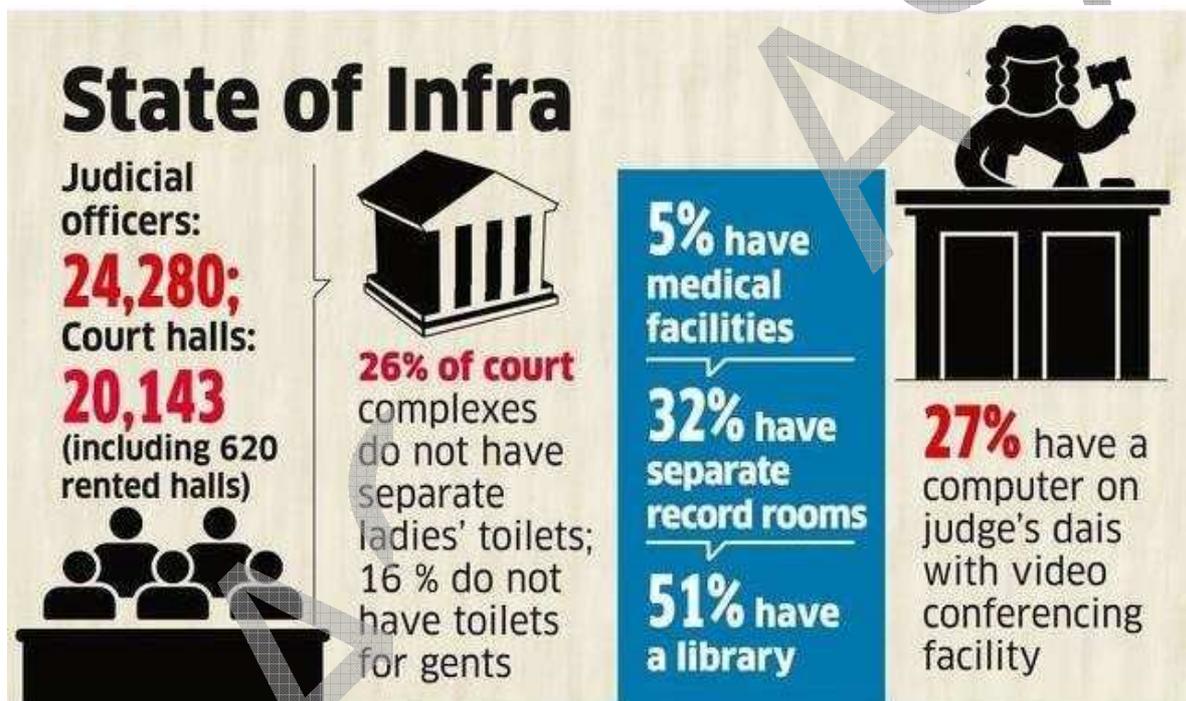




## The court's burden



### Context:

A joint conference of Chief Ministers and Chief Justices of High Courts was recently inaugurated.

The joint conference is an occasion for the executive and the judiciary to come together to **create frameworks for simple and convenient delivery of justice** and to **discuss steps** required to overcome the challenges facing the justice system.

### National Judicial Infrastructure Corporation (NJIC):

1. It is unfortunate that the proposal by the Chief Justice of India (CJI) for a **national judicial infrastructure corporation** with corresponding bodies at

the State level, did not find favor with many Chief Ministers at the recent joint conference of Chief Justices and Chief Ministers.

2. **A special purpose vehicle**, vested with statutory powers to plan and implement infrastructure projects for the judiciary, would have been immensely helpful in augmenting facilities for the judiciary, given the inadequacies in court complexes across the country.
3. However, it is a matter of relief that there was agreement on the **idea of State-level bodies** for the same purpose, with representation to the Chief Ministers so that they are fully involved in the implementation.

### What is National Judicial Infrastructure Corporation (NJIC)?

1. The idea for such an agency was first proposed by CJI Ramana, even before he took office.
2. Soon after he was sworn in, the CJI commenced work on the NJIC and a **survey of 6,000 trial courts in various states** was undertaken as part of this exercise.
3. **Only 27 per cent of courtrooms in the subordinate judiciary** have computers on judges' dias while there are still 10 per cent courts that do not have access to proper internet facilities.
4. These are some of the findings revealed in an all-India survey conducted by the Chief Justice of India's office, which is part of CJI N.V. Ramana's proposal to set up a National Judicial Infrastructure Corporation (NJIC) **to develop judicial infrastructure in trial courts.**
5. The survey indicated a **substantial gap in infrastructure and availability of basic amenities in the lower judiciary** such as court halls, residential accommodation, waiting room for litigants in trial courts, especially in smaller towns and rural areas.
6. According to sources familiar with the developments, CJI has already worked out a **model of the NJIC** based on the findings of the survey, which is still underway.
7. CJI had flagged the gulf between the available infrastructure and the justice needs of the people.
8. If his proposal had been accepted, the available funding as a centrally sponsored scheme, with the **Centre and States sharing the burden on a 60:40 ratio**, could have been **gone to the national authority**, which would allocate the funds through high courts based on need.

9. It is likely that Chief Ministers did not favour the idea as they wanted a greater say in the matter.

### Creating the required infrastructure in Lower Judiciary:

1. Given the **experience of allocated funds for judicial infrastructure** going **unspent in many States**, it remains to be seen how far the proposed State-level bodies would be successful in **identifying needs and speeding up implementation**.
2. It will naturally require greater coordination between States and the respective High Courts.
3. Union Law Ministry has promised assistance from the Centre to the States for creating the required infrastructure, especially for the lower judiciary.
4. While it is a welcome sign that the focus is on infrastructure, unmitigated pendency, chronic shortage of judges and the burgeoning docket size remain major challenges.
5. CJI Ramana flagged some aspects of the **Government's contribution to the burden of the judiciary** – the failure or unwillingness to implement court orders, leaving crucial questions to be decided by the courts and the absence of forethought and broad-based consultation before passing legislation.
6. While this may be unpalatable to the executive, it is quite true that litigation spawned by government action or inaction constitutes a huge part of the courts' case burden.

### 'Funding, executing & supervisory agency for development':

1. While the NJIC will be the **nodal agency for infrastructural developments**, it will not be involved in judicial appointments in trial courts. Appointments will continue to be made by the state governments and the respective high courts.
2. A third source clarified that the NJIC will be a funding, executing and supervisory agency for development works.
3. According to the CJI's proposal, both the central and state governments will contribute their share of funds outlined in the centrally-sponsored scheme to the NJIC, which will then **release the finances to the high courts** according to their requirement.

4. The structure of the corporation is likely to be modelled on the National Legal Services Authority (NALSA), a national body based in Delhi that provides free legal services.
5. At the national level, the CJI will be the patron of the NJIC, which will include two senior SC judges, the finance secretary from the central government, two to three senior chief justices of state HCs, and a member of the Niti Aayog.
6. Each state is likely to have a local corporation as well, which will be led by the state HC chief justice along with a senior judge and senior state government bureaucrats.
7. This composition will also ensure regular interaction between the two stakeholders - judiciary and the executive - over improving court infrastructure.
8. The NJIC will not suggest any major policy change but will **give complete freedom** to HCs to come up with projects to **strengthen ground-level courts**.
9. It may **recommend a model structure of how a court complex**, courtroom or a waiting area for litigants should be.
10. However, it will be up to the high courts to **adopt and modify the suggestions according to their requirements**.

### Conclusion:

The conversation between the judiciary and the executive at the level of Chief Justices and Chief Ministers may help bring about an **atmosphere of cooperation** so that **judicial appointments, infrastructure upgradation and downsizing pendency** are seen as common concerns.

The modernization of judicial infrastructure did not mean building more courts or filling up vacancies or ploughing through vacancies.

**An efficient “judicial infrastructure” means providing equal and free access to justice.**

This could be realized through a **barrier-free and citizen-friendly environment**.

## Europe To The Centre

India has recently witnessed a flurry of diplomatic activities with a long line of ministers, senior military officers and diplomats from a number of countries visiting Delhi and engaging with their Indian counterparts.

This attention being paid to India reflects not what India is but rather what India could become as **one of the key architects of a new international order**.

In this context, the Prime Minister's recent visits to Berlin (Germany), Copenhagen (Denmark), and Paris (France) give us a glimpse of **India's post-Russian strategic future in Europe**. As Russia, isolated by unprecedented Western sanctions, deepens its alliance with China, **Europe has begun to loom larger than ever before in India's strategic calculus**.

### **What are the Recent Developments between India and Europe (Specifically Germany and France)?**

- In April 2022, the President of the **European Commission** on her visit to Delhi unveiled the new contours of the EU's strategic partnership with India by launching the India-Europe Trade and Technology Council. This is the EU's second such council.
  - However, in the PM's visit to Europe, the focus is on **India's key bilateral partnerships with European majors - Germany and France** as well as a critical northern corner of Europe, the so-called **Norden**.
    - The visit will provide India with an opportunity to find ways to **limit some of the negative regional and global consequences of the Russia-Ukraine war** and explore the emerging possibilities for stronger cooperation with key European countries.
- The strategic convergence between **India and France** is based on the fundamental conviction of both countries in a multipolar world and in the concept of strategic autonomy.
  - France has stood by India since 1998 when **India conducted nuclear tests** and the entire world was against the latter.
  - In recent times, France has been **India's "new Russia"** – its most important strategic partner.
    - In the last few years, **France has emerged as a strong defender of India's interests** in the **UN Security Council** and a regional ally in the vast **Indo-Pacific theatre**.
    - France has also been a major supplier of advanced arms to India.

- Germany and India do not have a traditional strategic partnership. It is a **green partnership based on trade, investment, technology**, functional collaboration, skill development, and sustainability.
  - There are several initiatives like the **Indo-German energy forum**, environmental forum, **partnership on urban mobility**, skill development and science and technology.
  - More recently, in January 2022, the **German Navy frigate Bayern landed in Mumbai** which was a remarkable step for Indo-German relations signifying a concrete outcome of the Indo-Pacific Policy Guidelines that Germany adopted in 2020.

### What does the Ukraine Crisis hold for Indo-European Relations?

- The recent Russia-Ukraine war is **one of the key obstacles that could shadow India's good relations with the European Union**. However, the Western debate on Germany is even harsher.
  - Germany is tied far more deeply to Russia than India with its annual trade with Russia being about \$60 billion (while India's is at \$10 bn).
    - Germany's strategic dependence on Russia is also serious with its heavy reliance on Russian natural gas.
  - Unlike other European countries, France should be able to understand India's stand on this issue as both the leaders were constantly in talks with the Russian President regarding the issue.
- With sanctions imposed on Russia, the world along with the European Union is looking for better options for trade and investments. However, China with its muscular foreign policies is not a perfect partner anymore.
  - **India is an important partner** in this regard **due to its sustained economic growth and market size**.
  - The Ukraine crisis created an urgency to engage with India as part of Europe's Indo-Pacific Strategy for Cooperation.

### What could be the Way Forward?

- **India, Europe and Indo-Pacific:** India will need Europe more than it has in the recent past, whether in building up its deterrent capabilities or accelerating its own economic and technological transformation.

- India must **deepen its all-round partnership with Europe**, build a shared vision of an altered geopolitical landscape and **encourage Europe to play a greater role in the Indo-Pacific**.
- The two can **mobilise massive economic resources for sustainable development** of regional infrastructure, **wield political influence** and **leverage their soft power to shape the Indo-Pacific discourse**.
- **Possible Areas of Cooperation with Germany:** Germany views India as an **important partner for resolving global issues**, including climate change, food security, energy and international peace and security
  - Having built up a significant engagement with Russia over the decades, both India and Germany are under pressure to disentangle from the Russian connection.
    - The **two leaders may jointly find solutions** regarding coping up with the Russian President.
  - Expansion of India-Germany bilateral ties is also crucial. Commerce is what really drives Germany.
    - **Making India an attractive new destination for German capital**, now under pressure to reduce its exposure to Russian and Chinese markets, should be the highest priority for India.
- **Possible Areas of Cooperation with France:** The return of President Emmanuel Macron to power offers a good moment for India to imagine the next phase in bilateral relations.
  - France has a critical role in making a success of India's ambitious current plans to **expand domestic production of weapons with greater participation of private and foreign capital**.
  - France is also a **preferred partner in the Indo-Pacific**, even more so now with a blueprint for cooperation in the form of a **Joint Strategic Vision for cooperation in the Indian Ocean Region** concluded by both countries in 2018.
  - As for nuclear energy, the two leaders must **review progress in the joint construction** of the **world's largest nuclear park in Jaitapur, Maharashtra**.
    - The project has stalled a bit and it could do with some political impetus.

- Apart from the above traditional areas, discussions between the two leaders may dwell on **newer areas of cooperation such as connectivity, climate change, cyber-security and science and technology.**
- **Keeping Nordic Countries in Circle:** The Nordic Five – Denmark, Finland, Iceland, Norway, and Sweden – have a population of barely 25 million but their **GDP at \$1.8 trillion** is greater than that of Russia.
  - In the last few years, India has rightly recognised that **every one of the European nations can contribute significantly** to India's development.
    - Tiny Luxembourg brings great financial clout, Norway offers impressive maritime technologies, Estonia is a cyber power, Czechia has deep strengths in optoelectronics, Portugal is a window to the Lusophone world, and Slovenia offers commercial access to the heart of Europe through its Adriatic sea port at Koper.
  - With Nordic countries, especially Denmark, **India could build on the unique bilateral green strategic partnership.**

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