



COURSE MANUAL

Judges, Courts and Judicial Governance in India

Course Code: L-EL-0947

Dr Shivaraj Huchhanavar

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This document is prepared by the course instructor and contains basic information relevant to the execution of the course. It is the official record for all intents and purposes as far as the elective course, Judges, Courts and Judicial Governance in India, is concerned.

This course manual can be used as a general guide to the subject. However, the instructor can modify, extend or supplement the course (without tampering with its basic framework and objectives) for the effective and efficient delivery of the course. The instructor will provide students with reasons for such changes.

Part I

Course Title: Judges, Courts and Judicial Governance in India

Course Code: L-EL-0947

Course Duration: One Semester (15 Weeks)

No. of Credit Units: 4 Credits

Level: UG or PG or Both

Part II

1. Course Description

This course will critically examine various challenges facing the Indian judiciary, with a particular focus on judges, courts, and judicial governance. At the individual level, it will explore the challenges faced by judges, including threats to their independence, integrity, and personal well-being. The course will examine how conditions of service and regulatory mechanisms impact judicial decision-making and the overall quality of justice delivery. At the institutional level, the course will scrutinise the systemic challenges plaguing Indian courts, such as the overwhelming backlog, inadequate infrastructure and resource constraints. It will also briefly underline the ripple effects of inefficiencies in related institutions, particularly investigative and prosecuting agencies, on the functioning of the judiciary.

The course will also take a critical look at the current models of judicial governance, particularly the collegium system. It will emphasise the lack of diversity and representation in the judiciary, issues of transparency and accountability in judicial appointments, and the internal politics that shape judicial administration. The course will consider innovative and holistic solutions for judicial reform. It will advocate for a user-centric approach to court administration and reform, emphasising the need to consider the perspectives of all stakeholders, including litigants, lawyers, and court staff, not just senior judges.

By engaging with comparative models of judicial governance from other jurisdictions, the course will encourage students to think creatively about potential judicial reforms. For this purpose, it will deliberate on the delicate balance between judicial independence and accountability; it will also examine how technology and alternative dispute-resolution mechanisms can be leveraged to enhance judicial efficiency.

2. Course Aims

This course aims to equip students with a thorough understanding of the challenges facing the Indian judiciary and enhance their broader understanding of judicial governance, which is necessary to contribute meaningfully to ongoing debates on judicial reform. It seeks to foster a new generation of legal professionals who can navigate the complexities of the judicial system and advocate for a more efficient, transparent, inclusive and user-centric judicial system.

3. Teaching Methodology

The teaching methodology for this elective course is designed to be dynamic, interactive, critical, and reflective of the complex challenges faced by judges, courts and judicial governance mechanisms. By combining traditional and innovative teaching methods, the course aims to equip students with a deep understanding of the role of judges, courts and judicial governance models; the course intends to enhance students' analytical and problem-solving skills by informing them of contemporary judicial governance challenges and best practices in similarly situated jurisdictions.

Lectures will provide foundational knowledge and introduce students to key theoretical frameworks, governance mechanisms and their implications on judicial administration. Student presentations will follow a more interactive format, encouraging students to engage in discussions, debates, and critical analysis of the topics covered in lectures. This format will facilitate a deeper exploration of complex issues pertinent to enhancing excellence in judicial administration. In addition, students will undertake research projects on topics related to the course aims.

4. Intended Learning Outcomes

Course Intended Learning Outcomes	Weightage in %	Teaching and Learning Activities	Assessment Tasks/ Activities
Understanding the constitutional scheme of judicial governance and judicial hierarchy on the administrative and judicial sides	15	Lectures, Seminars and Research Papers	(i) End-semester examination (30%). (ii) Internal assessment (70%).
Critical appraisal of the gradual evolution of judicial self-governance and its implications	35		
Challenges faced by subordinate courts and judges, current responses and future directions for reform	25		
Systemic challenges facing higher courts, current responses and future directions for reform	25		

5. Grading Rubric

To pass this course, students must obtain a minimum of 40% in the cumulative aspects of coursework, i.e., internal assessment and end-term examination. **End of semester exam will carry 30 marks, out of which students have to obtain a minimum of 30% to fulfil the requirement of passing the course.**

The details of the grades as well as the criteria for awarding such grades are provided below:

PERCENTAGE OF MARKS	GRADE	GRADE VALUE	GRADE DESCRIPTION
80 and above	O	8	Outstanding – Exceptional knowledge of the subject matter, thorough understanding of issues; ability to synthesize ideas, rules and principles and extraordinary critical and analytical ability

PERCENTAGE OF MARKS	GRADE	GRADE VALUE	GRADE DESCRIPTION
75 – 79	A+	7.5	Excellent - Sound knowledge of the subject matter, thorough understanding of issues; ability to synthesize ideas, rules and principles and critical and analytical ability
70 – 74	A	7	Very Good - Sound knowledge of the subject matter, excellent organizational capacity, ability to synthesize ideas, rules and principles, critically analyze existing materials and originality in thinking and presentation
65 – 69	A-	6	Good - Good understanding of the subject matter, ability to identify issues and provide balanced solutions to problems and good critical and analytical skills
60 – 64	B+	5	Fair – Average understanding of the subject matter, limited ability to identify issues and provide solutions to problems and reasonable critical and analytical skills
55 – 59	B	4	Acceptable - Adequate knowledge of the subject matter to go to the next level of study and reasonable critical and analytical skills.
50 – 54	B-	3	Marginal - Limited knowledge of the subject matter and irrelevant use of materials and, poor critical and analytical skills
45 – 49	P1	2	Pass 1 – Pass with basic understanding of the subject matter
40 – 44	P2	1	Pass 2 – Pass with rudimentary understanding of the subject matter
Below 40	F	0	Fail - Poor comprehension of the subject matter; poor critical and analytical skills and marginal use of the relevant materials. Will require repeating the course
Incomplete	I	0	Incomplete - “Extenuating circumstances” preventing the student from taking the end-semester, or re-sit, examination as the case may be; the Vice Dean (Examinations) at their discretion assign the “I” grade. If an “I” grade is assigned, the student would appear for the

PERCENTAGE OF MARKS	GRADE	GRADE VALUE	GRADE DESCRIPTION
			end-semester, or re-sit examination, as the case may be, as and when the subsequent opportunity is provided by the University.

6. Grading Scheme

Internal assessment of the participants will be based on the following criteria. In case any of the participants miss the IA tests, alternative internal assessments will be conducted.

Assessment	Weightage	Remarks
End-term examination	30 Marks	The Grading Rubric outlined in paragraph 5 above applies to all the assessment components.
In-class seminars	20 Marks	
Research Paper	50 Marks	

Part IV

Course/Class Policies

Academic Integrity and Plagiarism

Learning and knowledge production of any kind is a collaborative process. Collaboration demands an ethical responsibility to acknowledge who we have learnt from, what we have learned, and how reading and learning from others have helped us shape our own ideas. Even our own ideas demand an acknowledgement of the sources and processes through which those ideas have emerged. Thus, all ideas must be supported by citations. All ideas borrowed from articles, books, journals, magazines, case laws, statutes, photographs, films, paintings, etc., in print or online, must be credited with the original source. If the source or inspiration of your idea is a friend, a casual chat, or something that you overheard, or heard being discussed at a conference or in class, even they must be duly credited. If you paraphrase or directly quote from a web source in the examination, presentation or essays, the source must be acknowledged. The university has a framework to deal with cases of plagiarism. All forms of plagiarism will be taken seriously by the University and prescribed sanctions will be imposed on those who commit plagiarism.

Disability Support and Accommodation Requirements

JGU endeavours to make all its courses inclusive and accessible to students with different abilities. In accordance with the Rights of Persons with Disabilities Act (2016), the JGU Disability Support Committee (DSC) has identified conditions that could hinder a student's overall well-being. These include physical and mobility-related difficulties, visual and hearing impairment, mental health conditions and intellectual/learning difficulties e.g., dyslexia, dyscalculia. Students with any known disability needing academic and other support are required to register with the Disability Support Committee (DSC) by following the procedure specified at <https://jgu.edu.in/disability-support-committee/>

Students who need support may register before the deadline for registration ends, as communicated by the DSC via email each semester. Those students who wish to continue receiving support from the previous semester must re-register every semester prior to the deadline for re-registration as communicated by the DSC via email. Last-minute registrations and support are discouraged and might not be possible as sufficient time is required to make the arrangements for support.

The DSC maintains strict confidentiality about the identity of the student and the nature of their disability and the same is requested from faculty members and staff as well. The DSC takes a strong stance against in-class and out-of-class references made about a student's disability without their consent and disrespectful comments referring to a student's disability. With due respect for confidentiality, faculty and students are encouraged to have honest conversations about the needs of students with disabilities and to discuss how a course may be better tailored to cater to a student with disability.

All general queries are to be addressed to disabilitysupportcommittee@jgu.edu.in

Safe Space Pledge

This course may discuss a range of issues and events that might result in distress for some students. Discussions in the course might also provoke strong emotional responses. To make sure that all students collectively benefit from the course, and do not feel disturbed due to either the content of the course or the conduct of the discussions. Therefore, it is incumbent upon all within the classroom to pledge to maintain respect towards our peers. This does not mean that you need to feel restrained about what you feel and what you want to say. Conversely, this is about creating a safe space where everyone can speak and learn without inhibitions and fear. This responsibility lies not only with students, but also with the instructor.

P.S. The course instructor, as part of introducing the course manual, will discuss the scope of the Safe Space Pledge with the class.

Cell Phones, Laptops and Similar Gadgets

Cell Phones and Other Communication Devices: These are to be silenced by the start of class. Additionally, these devices should not be used for the duration of the class. The usage of cell phones and other communication devices during class is disrespectful to the instructor. If you are using your cell phone in class, then the instructor can issue a punishment, including but not limited to confiscating your cell phone for the duration of the class or removing you from the classroom.

Laptops and Tablets: Laptop and tablet usage is determined by the instructor in your course. If laptops and tablets are allowed, then they are to be used only for the purposes of enhancing the education being delivered in the classroom, such as taking notes on the lecture, utilizing the device to present information, etc. If you are not using your laptop or tablet for these purposes or you are causing disruption through the use of this device, then the Instructor can issue a punishment, including but not limited to confiscating your laptop or tablet for the duration of the class or removing you from the classroom.

Other Gadgets/Devices: Any other gadget or device is allowable only through consultation with the instructor prior to the class in which it will be used, otherwise the use of these devices is prohibited.

Part V

Keywords Syllabus

Judicial Governance; Judicial Independence; Judicial Accountability; Judicial Performance Assessment; Judicial Integrity; Judicial Education; Judicial Self-governance; Judicial Reform; Judicial Efficiency; Judicial System; Judicial Politics; Constitution of India; Collegium System; Consultation; Judicial Primacy; In-house Mechanisms; Appointments; Transfers; Promotions; Judicial Conduct Regulation; Judicial Complaints; Occupational Stress; Systemic Challenges; Separation of Powers; External and Internal Threats; Transparency; Inclusive and Representative Judiciary; Court and Case Management; Delay and Backlog; Judicial Data Grid; Artificial Intelligence; ICT in Courts; E-court Project; Public Trust; Alternative Dispute Resolution Mechanisms.

Course Design and Overview (Weekly Plan)

Week	Topic and Description	Reading/Course Materials
1.	The Constitutional Scheme of Judicial Governance – Part I	The District Courts [Articles 233, 235 and 236] The Subordinate Courts other than District Courts [Articles 234, 235, 236 and 237]
2.	The Constitutional Scheme of Judicial Governance – Part II	The Union Judiciary [Articles 124-147] The High Courts in the States [Articles 213-232]
3.	The Constitutional Scheme of Judicial Governance – Part III	Recruitment and conditions of service; legislative competence of State Legislature and Parliament: Seventh Schedule of the Constitution, List II and List III; Rule-making power of the Governor and High Court; Articles 309-312 and 320.
4.	The gradual emergence of judicial self-governance – Part I	The Supreme Court Charter of 1774 The High Courts Act of 1861 The Calcutta High Court Letter Patent of 1865 The Government of India Act of 1915 The Government of India Act of 1935 The Constituent Assembly Debates 1946-49
5.	The gradual emergence of judicial self-governance – Part II	<i>Chandra Mohan v State of Uttar Pradesh</i> [1967] 1 SCR 77; <i>Chandramouleshwar Prasad v Patna High Court</i> 1970 AIR 370; <i>All India Judges' Association v Union of India</i> [1993] 4 SCC 288; <i>State of Bihar v Bal Mukund Shah</i> [2000] 2 SCR 299; <i>State of West Bengal v Nripendra Nath Bagchi</i> 1966 AIR 447; <i>Shamsher Singh v State of Punjab</i> [1975] 1 SCR 814; <i>Punjab and Haryana High Court v State of Haryana</i> [1975] 3 SCR 365; <i>Chief Justice of A.P. v L.V.A. Dikshitulu</i> 1979 (2) SCC 34; <i>All India Judges Association v. Union of India</i> (1993) 4 SCC 288; <i>The High Court of Calcutta v Amal Kumar Roy</i> [1976] 1 SCR 437; <i>Registrar(Admn.), High Court of Orissa v Sisir Kanta Satapathy</i> 1999 (2) Suppl. SCR 473; <i>Dr Kavita Kamboj v High Court of Punjab and Haryana</i> [2024] 2 SCR 1176; <i>All India Judges Association v Union of India</i> [2024] 1 S.C.R. 327; <i>Abhimeet Sinha v High Court Judicature at Patna</i> [2024] 6 SCR 530.
6.	Implications of judicial self-governance on judges, courts and judicial governance	Shivaraj Huchhanavar (2023) 'Conceptualising Judicial Independence and Accountability from a Regulatory Perspective' <i>Oslo Law Review</i> 9(2), 110-148; Shivaraj Huchhanavar (2022) 'Judicial conduct regulation: do in-house mechanisms in India uphold judicial independence and effectively enforce judicial accountability?' <i>Indian Law Review</i> 6(1), 352-386.

7.	Judicial governance models in EU countries and the UK	David Kosar, 'Beyond Judicial Councils: Forms, Rationales and Impact of Judicial Self-governance in Europe' (2018) 19(7) German Law Journal 1597; Katrina Šipulová, et al., 'Judicial Self-Governance Index: Towards A Better Understanding of The Role of Judges in Governing the Judiciary' (2023) 17 Regulation & Governance 22; Graham Gee, et al., The Politics of Judicial Independence in the UK's Changing Constitution (Columbia University Press 2015); Erica Bosio, A Survey of Judicial Effectiveness: The Last Quarter Century of Empirical Evidence (World Bank, 2023).
8.	Research paper topic allotment and discussion on the structure of the research paper	
9.	A comparative evaluation of judicial governance models in India, select European countries and the UK.	Michel Bobek and David Kosar, 'Global Solutions, Local Damages: A Critical Study in Judicial Councils in Central and Eastern Europe' (2014) 15(7) German Law Review 1265.
10.	Critical appraisal of subordinate courts and avenues for reform	India Justice Report 2022; Pendency and Disposal Data from National Judicial Data Grid; State of the Judiciary 2023; Subordinate Courts of India: A Report on Access to Justice 2016; Prisons in India: Mapping Prison Manuals and Measures for Reformation and Decongestion 2024; Niranjan Sahoo and Jibran A. Khan, "Improving India's Justice Delivery System: Why Infrastructure Matters." ORF Issue Brief No. 562, July 2022, Observer Research Foundation; Building Better Courts. Vidhi Report 2019.
11.	Critical appraisal of high courts' performance on administrative and judicial sides and avenues for reform	India Justice Report 2022; Pendency and Disposal Data from National Judicial Data Grid; State of the Judiciary 2023; Building Better Courts. Vidhi Report 2019; Gupta, M and N Bolia. 2020. Efficiency measurement of Indian high courts using DEA: A policy perspective. Journal of Policy Modeling, 42(6): 1372-1393.
12.	Critical appraisal of the Supreme Court's performance and avenues for reform	Khaitan, T. (2020). The Indian Supreme Court's identity crisis: a constitutional court or a court of appeals? Indian Law Review, 4(1), 1–30; Chandra, A., Kalantry, S., & Hubbard, W. H. J. (2023). Court on trial: A data-driven account of the Supreme Court of India. Penguin Random House India; Baxi, U. (2014). The Indian Supreme Court and Politics. Eastern Book Company; Dhavan, R. (2019). Justice on trial: The Supreme Court Today. Rupa Publications; Accessibility Report of the Supreme Court 2023.

13.	Adoption of ICT in courts and integration of artificial intelligence in judicial administration	Digital Courts: Vision & Roadmap: e-Courts Project Phase III E-Committee, Supreme Court of India, 2022; Aniket Deroy, et al., Artificial Intelligence (AI) in Legal Data Mining, Chapter – 14, Technology and Analytics For Law & Justice, Daksh Centre of Excellence for Law and Technology, IIT Delhi, OakBridge Publishing Pvt. Ltd. Copyright © DAKSH (DCoE), 2024; Bhatnagar M and Huchhanavar S, 'Predicting Delays in Indian Lower Courts Using AutoML and Decision Forests' in Studies in Computational Intelligence (Springer 2024); Cinara Rocha and João Carvalho, Artificial Intelligence in the Judiciary: Uses and Threats, CEUR Workshop Proceedings (2022).
14.	Challenges in governing and regulating alternative dispute resolution mechanisms, tribunals and informal judicial institutions	Rethinking Judicial Education 2024; State of the Judiciary 2023; <i>Madras Bar Association v Union of India</i> (2021); <i>L. Chandra Kumar v Union of India</i> (1997) 3 SCC 261; <i>R K Jain v Union of India</i> 1993 AIR 1769; <i>Madras Bar Association v Union of India</i> 2015 AIR SCW 1270
15.		End-term exam review

Part VI Additional Readings

- Prashant T. Reddy and Chitrakshi Jain, *Tareek Pe Justice: Reforms for India's District Courts* (Simon and Schuster, 2025).
- Courts, Staff, Registers and Legal Procedures: A Guide for District Judiciary. Tamil Nadu Judicial Academy, 2013.
- Principles of Judicial Administration. National Centre for State Courts, 2012.
- R. Dale Lefever, The Integration of Judicial Independence and Judicial Administration: The Role of Collegiality in Court Governance, 24(2) The Court Manager 5-12 (2010).
- National Court Management System (NCMS) Policy and Action Plan, Prepared by National Court Management Systems Committee in Consultation with Advisory Committee (Chapter- 10) "Budget" 44.
- NCMS Baseline Report on Court Development Planning System (Infrastructure and Budgeting) "Budgeting", Report of a sub-committee of the National Courts Management Systems Committee 57- 63 (2012).
- Jain Chitrakshi et al., Budgeting Better for Courts- An Evaluation of the Rs. 7460 Crores Released Under the Centrally Sponsored Scheme for Judicial Infrastructure, The Vidhi Centre for Legal Policy, (2019).