



Topic: Structure, organization and functioning of the Executive and the Judiciary— Ministries and Departments of the Government

Pendency of Cases in Courts

Introduction

- The Indian Judiciary plays an increasingly important role in the life and the governance of this country.
- A measure of the justice delivery system is the pendency of cases in courts across the country. There has been a **significant deterioration in this aspect**.

Present Status

- More than **four crore cases are pending in the lower courts** (District and Taluk Courts) of India, of which about 25% have been pending for over five years.
- With over one crore cases, U.P. has the most pending cases, of which 14% have been pending for more than 10 years.
- Judicial vacancies as a share of sanctioned strength in lower courts are 20% or more in 19 States/U.T.s.
- Due to inconsistent recruitment, in some States there is only one judge per one lakh people.
- Because of the incessant delays, undertrials as a share of total prisoners have peaked at 76% in 2020.
- Prisons, especially in the north are **overcrowded** with **occupancy rates** as high as 177% in Uttar Pradesh.

Causes for huge pendency of cases

- **Shifting role of SC:**
 - shifting the role of the Supreme Court from adjudicating cases of constitutional significance into a regular court of appeals or cases of gross violation of individual's fundamental rights.
- **Shortage of judges:**
 - Around 25% of posts are lying empty in the subordinate courts, which leads to poor Judges to Population Ratio.
 - Earlier, **Law Commission** had recommended 50 judges per million population.

- Chief Justice of India N. V. Ramana has called for measures to improve the judge-to-population ratio.
- **Frequent adjournments:**
 - The laid down procedure of allowing a maximum of three adjournments per case is not followed in over 50 per cent of the matters being heard by courts, leading to rising pendency of cases.
- **Low budgetary allocation leading to poor infrastructure:**
 - Infrastructure status of lower courts of the country is miserably grim due to which they fail to deliver quality judgements.
- **Burden of government cases:**
 - Statistics show that the Centre and the States were responsible for over 46% of the pending cases in Indian courts.
- **Special leave petition:**
 - **Frivolous PILs and various government policies** which are challenged by the people takes up most of judiciary's time.
- **Judges Vacation:**
 - Supreme Court's works on average for 188 days a year, while apex court rules specify minimum of 225 days of work.
- **Lack of court management systems:**
 - Only few courts have filled up the posts such as court managers who help improve court operations, optimize case movement and judicial time.

Way Forward

- **Improving infrastructure for quality justice:**
 - The **Parliamentary Standing Committee has suggested that** States should provide suitable land for construction of court buildings.
 - Computerization of all the courts, as a necessary step towards setting up of **e- courts**.
- **Addressing the Issue of Vacancies:**
 - Appointment of the judges be done in an efficient way by arriving at an optimal judge strength to handle the cases pending in the system.
 - Supreme Court and High Courts should appoint efficient and experienced judges as Ad-hoc judges in accordance with the Constitution.
 - All India Judicial Service would help reduce the pendency.
- **Timeframe to dispose of cases:**
 - Setting annual targets and action plans for the subordinate judiciary and the High Courts.
 - The judicial officers could be issued a code of conduct, to ensure that the duties are adequately performed by the officials.
- **Better Court Management System & Reliable Data Collection:**
 - Categorization of cases on the basis of urgency and priority along with bunching of cases should be done.
- **Alternate dispute resolution (ADR):**
 - The Lok Adalat should be organized regularly for settling civil and family matters.
 - Gram Nyayalayas, as an effective way to manage small claim disputes from rural areas which will help in decreasing the workload of the judicial institution.
 - Village Legal Care & Support Centre can also be established by the High Courts to work at grass root level to make the State litigation friendly.

Conclusion

- The fundamental requirement of a good judicial administration is accessibility, affordability and speedy justice, which will not be realized until and unless the justice delivery system is made within the reach of the individual in a time bound manner and within a reasonable cost.