

THE IMPACT OF PENDING COURT CASES ON THE EFFICACY OF THE JUDICIAL SYSTEM IN INDIA: “JUSTICE DELAYED IS JUSTICE DENIED”

Ananya Dalmia

Unison World School

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ABSTRACT

In a progressive and developing society, one of the sound principles of the felonious justice system is that “Justice delayed is justice denied”. The detention in division of justice negatively affects the two important abecedarian rights which are, right to pierce justice and the rule of Law. Both are the part of the Indian Constitution. In colourful opinions, the Indian Supreme Court has under scored the significance of quick trial. Right to speedy trial is one of the angles of the Right to life and particular liberty under Composition 21 of the constitution of India. According to the Ministry of law, there are nearly five crore cases are pending as of now in courts³. India is on the top in pending of cases across the globe. Despite the establishment of the bars, the situation of pendency is getting worse. There are several reasons which can be attributed to the situation of pendency of cases. Government needs to act in controlling the backlog of cases so that time justice could be communicated to all parts of the society. In this exploration paper, the author discusses the problems with the Indian bar and the need to strengthen court operation to reduce case pending times.

Keywords: Pendency, Courts, Justice, Cases, Judiciary, Delay.

Introduction

There's a notorious quotation by American champion Jerome Frank that in a republic the court belongs not to the attorneys and judges, but it belongs to the citizens. The Constitution of India in its preamble vows to guarantee justice social, political, and profitable. But it's a matter of shame that till moment after 70 times of independence there are certain people who are far behind the reach of the Justice. The huge pendency of cases up to 32 million across the different courts in India shows the intensity of excrescencies our judicial system is facing.

Pendency of massive backlog cases in the Indian Legal System has come a chain in the path of penetrating justice to the displeased party. The detention in the delivery of justice affects the two abecedarian rights access to justice and rule of law handed by the constitution of India, hereafter affecting all the sections of the society. The Apex Court in several of its judgement have stressed the need for speedy trial. The conception of speedy trial comes under the dimensions of composition 21 as an essential part of abecedarian right to life and particular liberty under the constitution of India.

The time from form of the cases to its disposal crosses the life span of the displeased party. There's a common belief in India that the civil suits pass from one generation to another as a scale gift. According to the doctrine of separation of power, the bar is the part of the State, and it's the responsibility of the state to give fair, reasonable, and speedy justice to all its citizens.

The Right to speedy trial is an abecedarian right as elevated in the corner document of English law "Magna Carta" an abecedarian right of life and particular liberty as said under composition 21 of the Indian Constitution, and no one can deny it except as the procedure laid down by the laws. In the case the indicted is denied similar rights he's liable to reach the Supreme Court of India under Article 32 for the enforcement of similar abecedarian rights.

Justice Krishna Iyer in Babu Singh and Ors vs State of U.P while deciding the matter of bail said that "our justice system indeed in grave cases suffers the slow- stir pattern which is murderous to the failure trail whatever the ultimate decision is. Speedy trial is a part of social justice as the community is concerned about the miscreant being condignly and eventually penalized within the reasonable time and the innocent being acquitted from the devilish fire of the felonious proceedings".

Effect on the society:

As we know India was a social country and since the last 500 times all the rights of the Indians were suppressed so to enhance their Right Art-39 A was introduced in the Indian constitution which directs the state- to secure equal justice and free legal aid for the citizens. The last 57 times data shows that the state has failed exactly on addressing some vastly introductory issues quick and precious justice and guarding the rights of the poor and vulnerable. Since India is a vast country of colourful persuasions, India has a large no. of population with lack of symmetric arrangement of courts and public services, then the system is collapsing with 30 million cases that take so crucial time that indeed a generation isn't sufficient to get any type of redressal.

Denial of prompt justice amounts to the denial of justice-Timely disposal of cases is essential to keep rule of law and give access to justice. Speedy trial is a part of the right to life and liberty guaranteed under Composition 21 of the Constitution. Due to the increase in pendency of cases a

simple civil case that can be resolved within many months takes times to get resolved. Not only civil but felonious cases are there too which are pending for further than 15 times, cases in which the indicted is in guardianship but still due to sleepy police disquisition and pendency of cases it takes times to apportion justice causing grave injury to the abecedarian rights of the citizens of India.

Affects mortal rights- Overcrowding of the incarcerations, formerly structure deficient, in some cases beyond 150 of the capacity, results in violation of mortal rights. In Felonious cases, from the day the indicted is captured till the judgement of the case comes, he's either kept in jail or released on bail, the other script isn't so frequent as the first one, and due to the pendency of cases in courts, normal felonious cases take further time to get decided due to which the indicted whether shamefaced or not remains in jail and because of that incarcerations get overcrowded. Due to which conditions for an internee cannot be met leading to a mortal rights violation.

Corruptions increases - Due to the increase in pendency of cases, people many times don't fight for their rights, or the wrongs caused to them. The reason behind this is simply that people know that if they file a suit in court, it will take years to resolve to lead to wastage of time and money. Some instead of fighting the wrong, try to resolve the matter outside the court in an illegal way i.e., by bribing the police officer not to file an FIR against them.

Psychological stress to accused and his family: When a case lasts for years, a lot of time, energy and money is spent on it. Along with this, parties and their family members go through mental trauma and stress. Long pending matters in the court makes them uncertain about the outcome of this case and thus this goes on increasing if the matter last longer.

Cases which can be taken as examples: -

Uphar Cinema Case A couple years ago a committee was set up under the vision of justice V.S. Mali math to examine changes and its report came, it took 6 years to prove 59 people died because of criminal negligence of cinema management and Delhi government.

In the case of **Vakil Prasad Singh v. State of Bihar**, the court has emphasised the judicial protection of the right enshrined in the constitution under Article 21 through speedy investigation and speedy justice. They believed that it is essential for the right to life and personal liberty to be protected, especially in the judicial sense and, as previously mentioned, to put into context the criminal cases pending before the courts.

In the case of **Santosh De v. Archana Guha**, the court saw that the case had been going on for 14 years, and hence, they were quashed. Furthermore, there was an unexplained delay for eight years, and the court held that it infringed the right to a speedy trial. This case well explained the

need for speedy justice in such cases where there is no advancement in the proceedings for an extended period, and the accused/convict has been suffering due to the lag in the proceedings about their case, which violates a person's fundamental right to life and personal liberty.

The current example of justice delayed is **Nirbhaya case**, which was 3 Judge-Bench judgement headed by Justice R Bahumathi and other judges Justice Bhushan and Justice A S Bopanna, where all 4 men were convicted for the 2012 Nirbhaya gang-rape case and murder case, were finally hanged 7 years after brutal crime. This case caused a lot of riots in the society and made the youth prevent from judicial system of India. After this case there were a lot of changes introduced, the **Criminal Amendment Act, 2013** is also popularly referred to as the **Anti-rape Act**. Under this change, new offences such as stalking, acid attacks, and voyeurism were added into the definition of rape Even the threat of rape is now a crime, and the person will be punished for the same. The short, smallest sentence was changed from seven years to ten years considering the increase in the number of rape cases. In cases that led to the death of the victim or the victim being in a vegetative state, the smallest sentence was increased to 20 years.

Similarly, **Ayodhya verdict**, which was 5 Judge-Bench headed by Chief Justice of India and the other judges where Justice S A Bobde, Justice Ashok Bhushan, Justice D Y Chandrabhushan and Justice Abdul Nazeer, the judgement came on November 9, 2019 and with this one of the most old case was solved, the constitution bench announced the construction of Ram Mandir at the site where the Babri Masjid once stood in Ayodhya thus ending the centuries-long disputes between the Hindus and Muslims. SC also told the central govt to distribute a prominent and suitable five-acre plot for Muslims to construct a mosque in Ayodhya. This created religion discrimination in the country and caused civil riots between Hindu and Muslims. It disrupted the economy and equality.

Assume an in-depth examination of the evolution of swift justice. In these cases, it highlights a highly pertinent and unresolved issue of pendency and a sense of confusion among the courts about the gravity of cases and which ones do and do not require a more rapid functioning of the law, which is caused by the judiciary's overwork at the subordinate levels.

Lok Adalat's

Lok Adalat also known as people's court. It is present in every district. It consists of chairperson who is sitting or retired judicial officer, social activists or member of legal profession. To achieve the aim enshrined in Article 39A of the Constitution of India, the Legal Services Authorities Act, 1987 was enacted. Its aim is to supply free legal aid to weaker sections of the society to ensure that justice is delivered to every person in the society irrespective of their economic condition.

Any dispute pending in the subordinate court can be brought into the Lok Adalat. If any one

party wants that the case should be referred to the Lok Adalat's the other party should be given a prior notice.

The process of Lok Adalat is not complex as the regular court has during the trial. Because of it this makes trial fast and settle the dispute. The advantage of the Lok Adalat is that the parties directly interact with the judge which helps the judge in figuring out case. Lok Adalat's has authority to all the compoundable offences not to the non-compoundable offences.

The Gram Nyaya Layas act 2008

Gram Nyaya Layas (court) is like a Mobile Courts. In year 2009 an act came into force called The Gram Nyaya kayas act 2008. Its purpose is to supply access to justice to people at their doorstep and to ensure justice to every person without social, economic barriers. Out of 29 states of India only 11 states have notified 320 Gram Nyaya Layas out of which 204 have become operational..

These courts work in village and resolve the dispute by way of conciliation process. These courts consist of judicial magistrate first class appointed by state government in consultation with the concerned high court. Criminal appeals from gram Nyaya Laya were directed to session court of concerned district and Civil appeal directed to district courts. The gram Nyaya Layas are not bound with the rules of The Indian Evidence Act 1872, these works on the guidelines made by the high court and based on principle of natural Justice.

According to section 3(1) of the act, 5000-gram Nyaya Layas were expected to be setup by the end of year 2018. State like Kerala, Madhya Pradesh, Uttar Pradesh and Rajasthan are working on gram Nyaya Layas to reduce the pendency of cases, other states should promote gram Nyaya Layas.

Inheritance of British legal system:

We have inherited British legal system, Britishers prescribed it at that time, without considering the need of Indian society nor did they consider the practical's of the procedure. So, this system is drawn from diverse sources without seeing the ground realities. Some people today prefer to keep quiet, rather than go to the court of law.

So, now this system is more Indianized for making it fit to society. It is heard that in ancient time justice system was exceptionally good. The disputes were settled on the spot by delivering justice. But ancient justice proceedings were oral in general and therefore not much record is available. Now we can take modem knowledge from the countries, which have best justice delivery system by getting acquainted with the procedure followed there, if fit to Indian society.

The civil and criminal procedure codes and the laws of evidence must be substantially revised to meet the requirements of modern judicial administration. Though most of procedural laws are effective even today but some provision needs revision, especially the civil laws. To lessen the burden of cases, we may introduce the concept of 'Plea-bargaining' by decriminalization of those wrongs, which can justly be dealt with by compensatory remedies (Compensation to victim like in tort).

REASONS

1. Reasons for Pendency of Cases

1.1 People becoming aware of their rights: With the advancement in science and technology, people are becoming more aware about their rights. Before the various advancements, people especially in rural areas were used to being unaware of their rights.

But the moment the technology extended its hands up to the rural and urban areas, they came across the rights they had never thought of. Multiple NGOs could be seen working for the welfare of the society such as against corruption, for LGBTQ rights, orphanages, several evil practices such as dowry and forceful abortion etc. Apart from this, the Government is also taking steps to make the people know about their rights. Government's step in introducing the RTI was one of those steps. Now when people know their rights through all such mechanisms as discussed above, they readily approach the courts, if any infringement is caused to them. This led to the situation of piling up the cases day by day but there was no system in the judicial domain to handle such pendency of the cases. Neither the infrastructure nor the adequate judicial staff. Therefore, pendency of cases was an obvious result.

1.2 Inadequate number of judges: Inadequacy of judges is one of the significant factors for the pendency of the cases. Seeing the alarming rate of pendency of cases, the Union government has also increased the strength of Supreme Court judges from 31 to 34. At present 33 justices are working at the apex court along with the Chief Justice of India. According to the statistical data provided by the Ministry of Law and Justice, there are around 400 vacancies in the various High Courts across India. And this number of vacancies in the subordinate judiciary is very dreadful which is about 5000. Once while addressing a seminar former Chief Justice of India Tirath Singh Thakur said that "vacancies in the High Courts have become a national challenge and the efforts are made to persuade the government to speed up this matter. The Ministry of law and justice now is planning a purpose such as a mechanism which will recruit the judges in the same manner as UPSC recruits the IAS, IFS etc. Various Law Commission Reports had also suggested to fill up the vacancies swiftly, otherwise the problem of pendency of cases could be even worse than it is right now.

1.3 Insufficiency of Courts: Insufficiency of courts is also one of the reasons why there are so many pending cases in the courts. Lack of judicial infrastructure not only becomes the reason for pending cases it also loses the trust and confidence of the public in the judiciary. Cybercrimes are committed through the internet. Easy access to the internet and mode of committing offence through this channel being simple has caused increment in the cybercrimes. Owing to these crimes, registration of cases automatically rises. Therefore, for specified crimes, special courts are being set-up gradually, but rural areas should also be kept in mind for the same reason.

1.4 Misuse of RTI and PIL: The commencement of the RTI and PIL has been from 2005 and 1980's, respectively. These two tools were introduced for the representation and protection of the rights of the citizens. But as the time passed, people started to use them for their personal benefits which could be reaped by coercing the public authorities under the influence of RTI and for publicity through PILs. In a petition through PIL prayed the High Court issue a writ of mandamus under article 226 of the constitution directing the respondents to issue orders for to conduct compulsory medical tests of the candidates who were contesting the legislative Assembly Elections in Tamil Nadu. This was filed to protect the lakhs of voters from dismissing this PIL citing groundless, vexatious and publicity stunt. In equivalent manner, sometimes it is seen that RTI applications are filed to seek personal benefits and exerting under influences over the authorities. Using such useful tools in this manner is a travesty of the system. High Courts are often flooded with such applications and PILs and thus wasting the time and energy of the courts and judges.

1.5 Lack of Infrastructure and Administrative ability: It is one of the significant factors behind pendency of cases in courts. Judicial infrastructure and the expert staff are keys to reduce the burden of cases over the courts. They are the modes through which dispensation of justice is done. First, lack of infrastructure is not only limited to judicial complex buildings but also to the other materials such as availability of technical gadgets, access to internet, number of courts etc. In India, courts are hardly less with all such equipment. Primarily, requirement is of courts. Establishment of courts would further need the appointment of new judicial officers who are crucial to dispose of the cases often. Now, if there is sufficient availability of judicial infrastructure, then the next need would arise of appointing the staff in it. Not just manual staff, rather all the staff should be well conversant with the proper functioning of all technical equipment such as computer system, projectile system etc. There should be corresponding duty upon the government to provide proper ability to the judicial officers along with supplying technical gadgets.

1.6 Burden of Government Cases: There is a huge backlog of cases for which the Central and the State Government are responsible. As per the statistics provided by legal information. The Management and Briefing System (LIMBS) reveals that for most of the cases which are pending

(about 45%) in the Indian court, the Union and the State Governments are liable.

1.7 Investigative agencies generally delay: the investigation of crime It is generally heard that the accused gets bail as the investigating agency did not give charge sheet within statutory period. The combination of several functions, such as crime investigation, riot control, intelligence gathering, and security of VIPs by a single police force has a devastating effect on the criminal justice system. Nowadays, the crime investigation is not immune from the partisan politics. The power of the government to drop criminal charges against the accused has further abused it. The lethargic police investigation is also a ground of slow process of law.

2. Reasons of delay in Criminal matters:

1. Delay in investigation in criminal matters: The procedural aspects of the criminal law has been dealt with by Code of Criminal Procedure, 1973. Under the scheme of CrPC, no time limit has been fixed for completion of the investigation in a criminal matter except in the sexual cases. It is the prerogative of the enforcement agency that within how much time, it completes the investigation. This lacuna of not setting a reasonable bar for completion of investigation is fully dominated by the police officers. Sometimes, they keep on doing investigations under one pretext or the other for their ulterior motives. This directly results in not filing the charge sheet. In the absence of a charge sheet, the court was unable to take cognizance of the case and held a trial. Thus, late-filing charge sheets due to lengthy and unending investigations become the reasons for trilling up of the cases in the recorded room of the courts.

2. Frequent Adjournments: As per section 309 of the Code of Criminal Procedure, trial of a case should be continued daily unless it is necessary to adjourn up to a next day. But as in the civil cases, in criminal matters also, adjournments are given in a routinely manner which enhances the prudence of cases.

3. Excessive Cross Examination: This issue plays a significant part in hampering the case. occasionally in the court while cross examination of a substantiation, inapplicable and libelous questions are asked, indeed though they're banned by the Indian substantiation Act. Comparable questions make the process of cross examinations lengthy and therefore wastes the time of the court which increases pendency of the cases.

4. Lack of Will on behalf of Judges/ Adjudicators: Indeed, if there's everything which could be used to resolve the problem of pendency of cases, it'll continue growing, if the judicial officers call for the will of removing the pendency. A judicial officer Is obliged to work with internal and physical spirit to reduce the pendency of the cases However, it'll lead to many drastic consequences like proliferation in pendency of cases, if they call for this will. 2.5 Fast growing population: Due to fast growing population, there would be more breach of rights which

results in litigation. Increment in litigation leads to many cases which results in pendency of cases.

5. Salaries and Perks of judges: If a sound salary and benefits are provided to the judges, then better lawyers would be interested in becoming judges. Today, less lawyers are interested in becoming judges because of which the quality of judges is down and due to this justice delivery system is also suffering.

3. Reasons for delay in civil cases:

The situation of pendency of civil matters in Indian courts is worrisome. If we compare the time taken by the courts in disposing of the civil period taken by the courts in disposing of the civil and criminal cases, then civil matters lag far behind the criminals in disposal rate. There are many procedural reasons behind the long pendency of civil cases which are:

1. Frequent adjournment:

As per the scheme of the Code of Civil Procedure, 1908 under Order XVII Rule 1, adjournments can only be granted for three times in a civil case. But courts do not strictly adhere to this rule and grant routinely adjournments to the parties on one pretext or the other. However, more than three adjournments can also be supplied but those must be granted imposing heavy costs. Thus, unnecessary adjournments become the major reason for delay in disposal of the civil matters. For the efficiency of the courts, it must be prevented.

2. non-adherence to the section 89 of the Civil Procedure Code:

Section 89 of the Civil Procedure Code, 1908 deals with the methods which can be adopted to resolve the disputes outside the court. It depends upon the nature of the subject-matter of the dispute whether it could be sent for the alternate dispute resolution. ADR (Alternate Dispute Resolution) consists of various methods like Arbitration, conciliation, Meditation, Judicial settlement and Lok-Adalat's. Basically, this section was added keeping in mind the purpose of quick disposal of cases so that courts are not burdened with too many cases at a time. It is the duty of the court and lawyers to decide a dispute outside the courtroom if it is so needed.

Unnecessarily burdening the courts with the case which could be resolved outside the court is the wastage of time and energy of courts and parties. But in practice, it is hardly noticed that disputes are being referred to the meditation, arbitration etc. cells. Rather as a daily routine, all the matters are placed before the judges and are being continued without the tenability of the cases. This is the major reason behind the pendency of civil cases in India.

3. non-appearance of the parties on hearing date:

It is also a significant reason the civil cases are still pending for years. Whenever the court fixes a date of hearing, either the plaintiff or the defendant stays absent. Their absence may be for many reasons like non-preparedness of documents, inability of a witness to attend the court, health issues of counsel or the parties or sometimes, parties deliberately avoid attending the court so that case may last a bit longer. This kind of attitude of the parties in not attending the court becomes the reason for lasting the cases forever.

4. Non-compliance with the order X of the Civil Procedure Code, 1908:

Order X of the Civil Procedure Code, 1908 provides that the court would examine the parties orally for the purpose of bringing out the real controversy between the parties. When real conflict is found out, it becomes easy for the court to frame the issues. Non-examination of the parties leads to various kinds of anomalies and causes delay in framing the issues. Unless issues are settled properly, the suit cannot be decided. Therefore, non-examination of the parties also becomes the reasons for pendency of cases.

Suggestions to reduce the pendency of cases:

1. Adoption of ADR methods: Encouragement to ADR (Alternate Dispute Resolution) is one of the ways through which pendency of the civil cases can be reduced. As per section 89 CPC, proper cases which can be settled amicably through mediation, judicial settlement or arbitration etc. must be sent for the same. It will lead to reduction in pending cases. Following the law, in fact, will solve the problem of pendency to a great level. But we instead of following the civil procedure, always find the solutions somewhere else. However, not each matter can be sent to the ADR method. Only those matters which are suitable for ADR must be sent to it, otherwise, there can be injustice.

2. Increase appointment of judges and court premises: Regular appointments of the judicial officers would certainly reduce the pendency of cases to a certain extent. More availability of the judge would not only reduce the pendency, but it will also level up the qualitative judgements. Along with appointment of new judicial officers, there is also a need for setting up new courts. Central and the State Governments should pay attention in erecting more judicial complexes.

3. Increase the retirement age of judges: There is a need to increase the retirement age of the judges. The 124th Amendment Bill was moved by the Central Government in the term of 15th Lok-Sabha. This Bill sought to increase the retirement age from 62 to 65. But it could not be passed because of the dissolution of the Lok- Sabha. Judges gain the experiences throughout their life but after retirement, either they are made Chairperson of some committee or start

independent practice.

4. Increase in working days: The Honourable Supreme Court and the High Courts across the Indian do not have adequate working days in a year. Most of the days are either public holidays or vacations in various times-Generally apex court works around 190 days in a year and the High Court's working days vary from 175-210 (in various states).

5. Setting up a regional bench of the apex court: Looking at the number of cases that are pending in the Supreme Court, there is a need of setting up one more branch of the apex court especially in southern India so that burden of the cases can be reduced over the Supreme Court. In fact, former Vice President Venkayya Naidu had proposed to prove four regional benches of the Supreme Court across India.

6. Setting up all India Judicial Services: As of now, States are the sole authorities which appoint the newly judicial officers. Every state across the nation has its procedure and time of recruiting the judges. All Indian Judicial Services will not only bring transparency, but it will also speed up the process of recruitment of judges.

7. Our criminal justice system has the urgent requirement of Independent Investigative Agency. Delay in police investigation is also one reason due to which cases linger on for years. It is, therefore, good to create an independent wing of police force, fully in charge of crime investigation, and functioning under the direct control of independent prosecutors. That wing should be accountable to judiciary and not to government of a time. The practice of torture and third-degree methods, extra judicial execution in fake encounters may be stopped also when crime investigation machinery became accountable to judiciary. Such type of police wings also became knowledgeable about the type and method of the evidence needed. Hence, baseless cases, which lead acquittal, also could come down. So, there should be co-ordination between police and prosecuting agencies. The early disposal of case also boosts the morals of police force and will save time, which would have been taken in producing arrestee to the court Horn time to time.

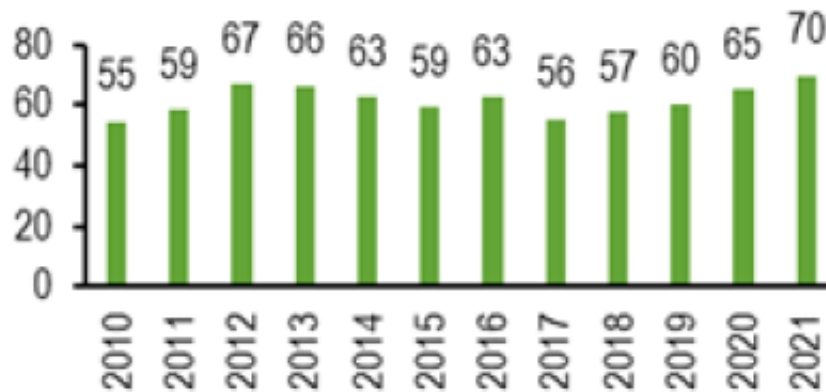
DATA:

The data below shows us the pendency of cases in civil and criminal matters. The following data has been taken from (NJDG) National Judicial Data Grid. This data shows us that it will take more than 300 years to clear the backlog of cases in Indian courts it gives us a proof that our criminal justice system is sick, stagnant and in urgent need of a complete overhaul.

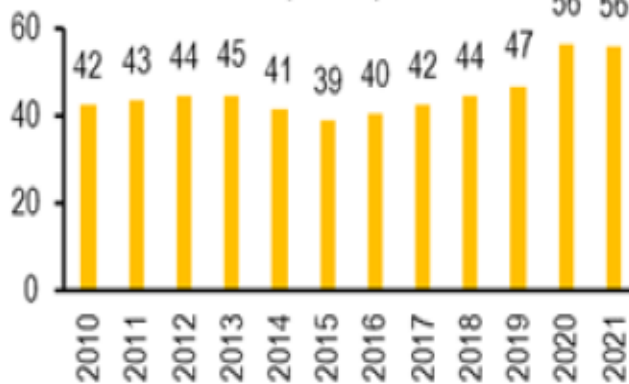
Pendency and Vacancies in the Judiciary: Vital Stats

Pendency of cases rising across courts; over four and a half crore cases pending at present

**Cases pending in Supreme Court
(in thousand)**



**Cases pending in High Courts
(in lakh)**

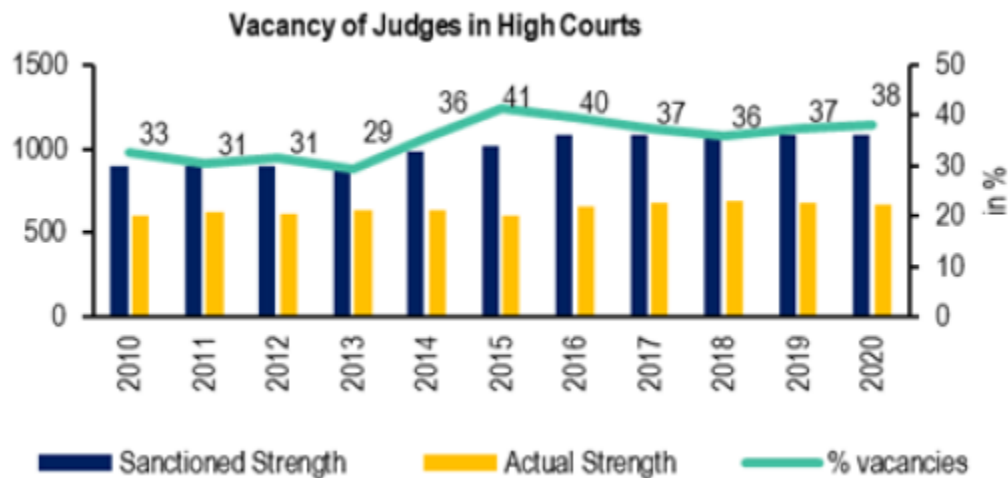


**Cases pending in Subordinate Courts
(in crore)**



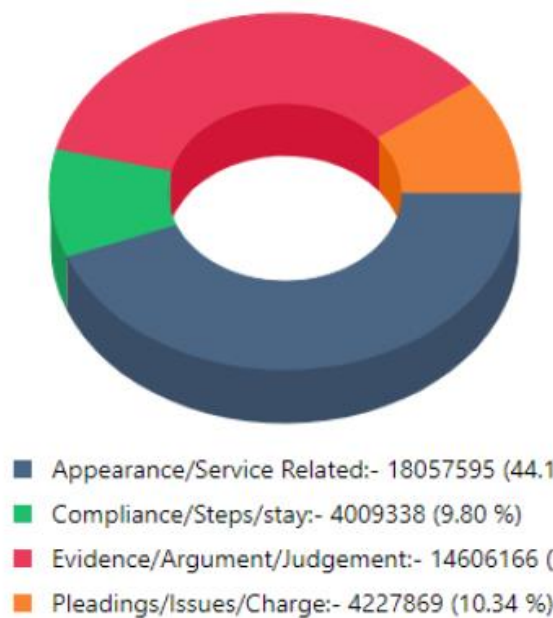
- Between 2010 and 2020, pendency across all courts grew by 2.8% annually. As of September 15, 2021, over 4.5 crore cases were pending across all courts in India. Of these, 87.6% cases were pending in subordinate courts and 12.3% in High Courts.
- This implies that, if no new cases were to be filed, the time taken by courts to dispose of all the pending cases at the current disposal rate would be 1.3 years for the Supreme Court and three years each for High Courts and subordinate courts.
- The pendency of cases in Supreme Court was 70,572 as of May 2, 2022, according to the Supreme Court site.

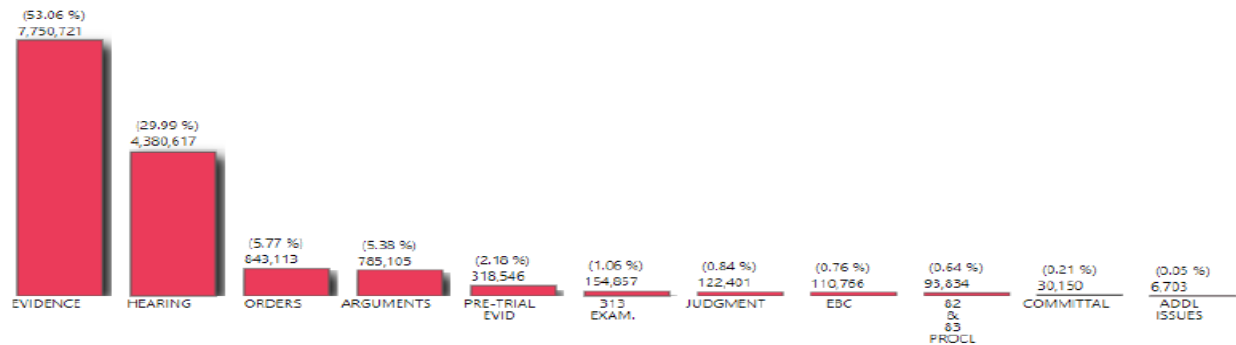
Vacancies in the judiciary also contribute to high pendency of cases



There is a shortage of judges to decide cases. As of 2021, the Supreme Court had one vacancy out of the sanctioned strength of 34 judges. In the High Courts, 42% of the total sanctioned posts for judges were vacant (465 out of 1,098). Five High Courts (Telangana, Patna, Rajasthan, Odisha, and Delhi) had more than 50% vacancies. High Courts of Meghalaya and Manipur had no vacancies.

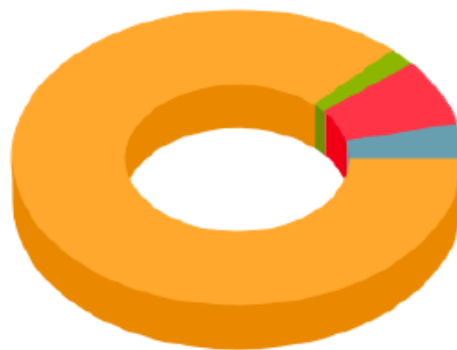
PENDENCY OF CASES



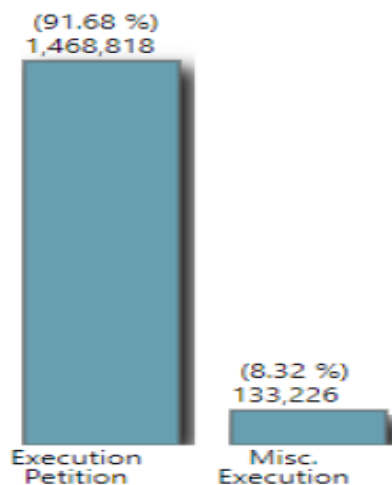


Evidence/Argument/Judgment

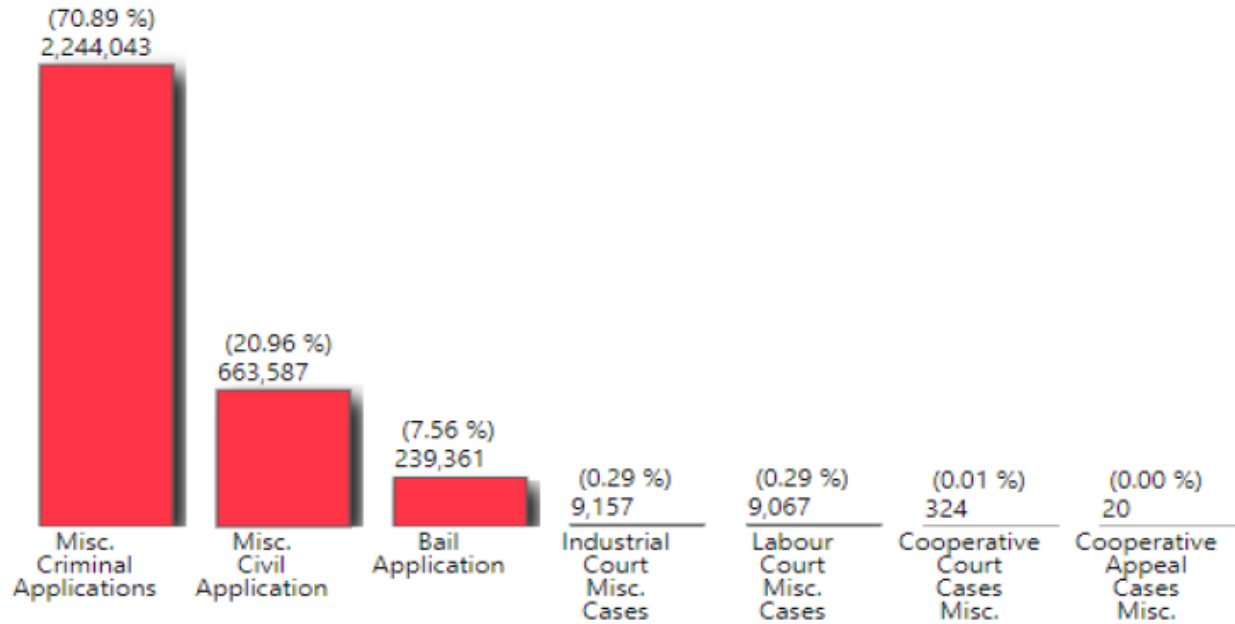
MATTER TYPE PENDENCY



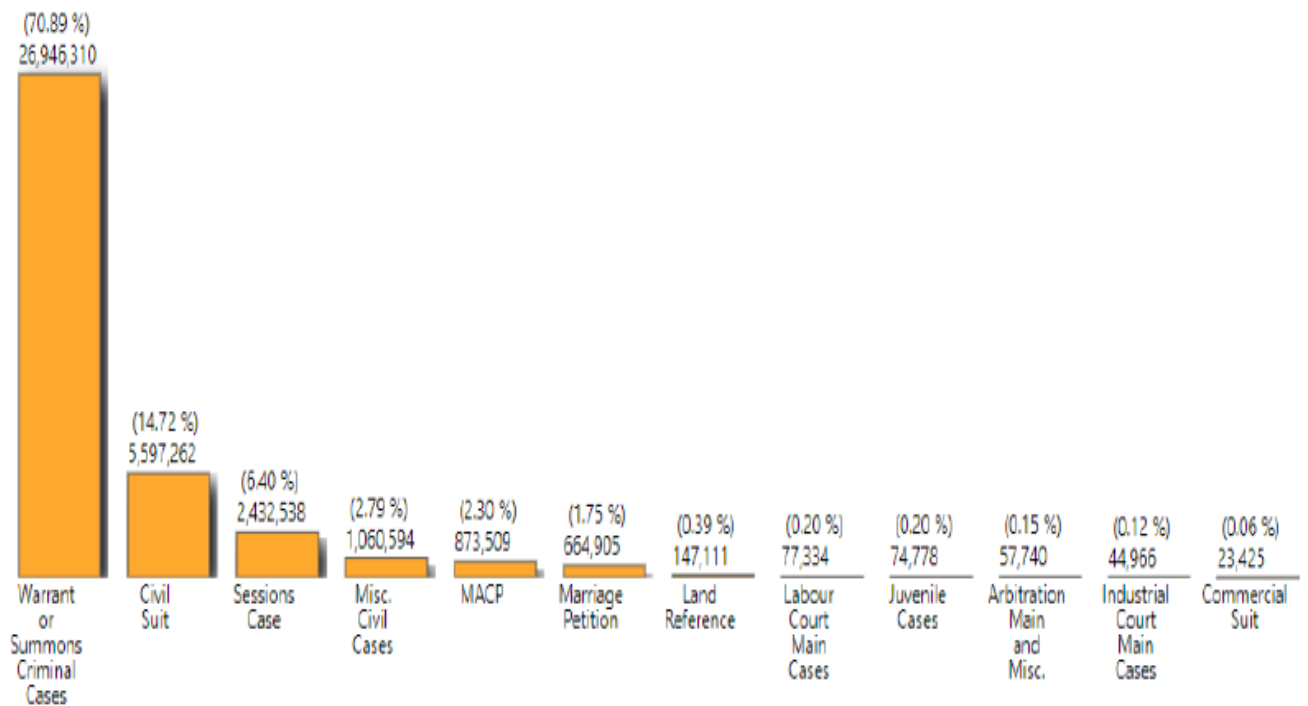
- Original:- 38013992 (87.07 %)
- Appeal:- 876409 (2.01 %)
- Application:- 3 165556 (7.25 %)
- Execution:- 1602043 (3.67 %)



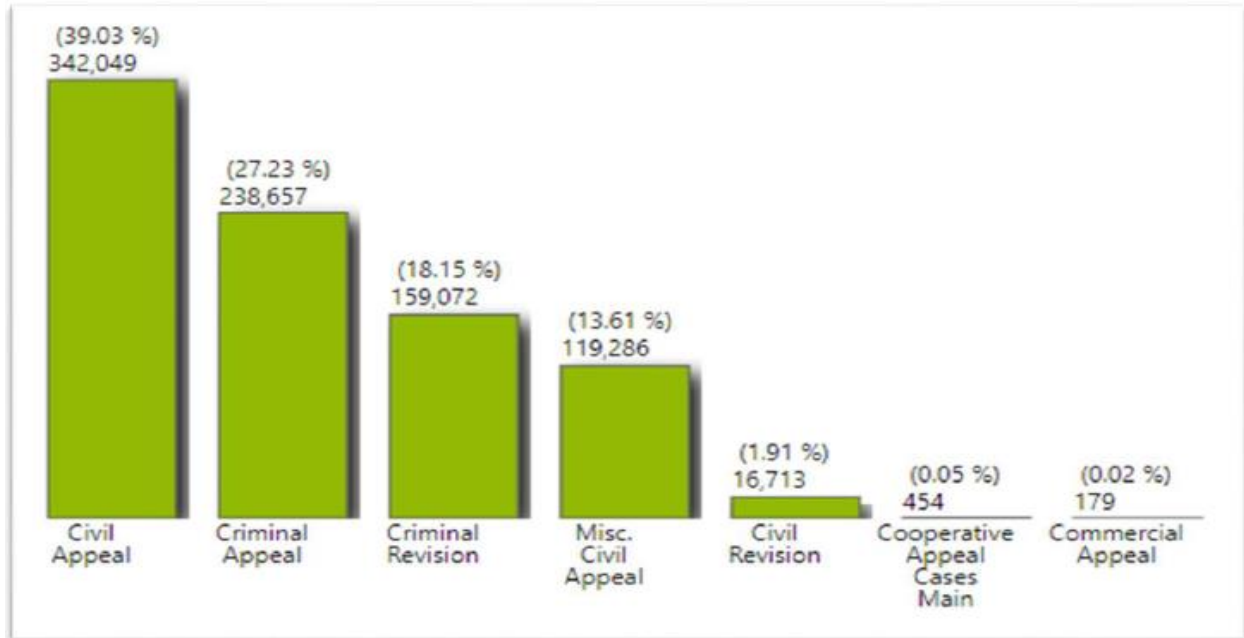
Execution Case Type Wise Pendency



Application Case Type Wise Pendency



Original Case Type Wise Pendency



Appeal Case Type Wise Pendency



- Stayed:- 984284 (26.17 %)
- Unattended:- 881216 (23.43 %)
- Awaiting Record:- 832360 (22.13 %)
- Securing Presence:- 504214 (13.40 %)
- Frequent Applications:- 447468 (11.90 %)

Delay Reason Pendency Pie Chart

CONCLUSION:

A judicial system that cares only about evidence and facts shouldn't worry about taming the souls of the plaintiff and the defendant with time rather give justice as quick as it can, this delay/denial of justice leads to increasing "Out of Court settlements" which are cheaper and quicker thereby leading to the loss of trust in our Judicial System.

The judiciary is part of our democracy, and all its implications must be imported into the judicial process. Once we accept the proposition that in a democratic society the court system plays a crucial role in seeing that neither licence nor absolutism becomes dominant, the difficult tasks of the court vividly stare us in the face. As Chief Justice Burger has noted: "A sense of confidence in the courts is essential to maintain the fabric of ordered liberty for a free people and three things could destroy that confidence and do incalculable damage to society: that people come to believe that inefficiency and delay will drain even a just judgment of its value; that people who have long been exploited in the smaller transactions of daily life come to believe that courts cannot vindicate their legal rights from fraud and over-reaching; that people come to believe the law - in the larger sense - cannot fulfil its primary function to protect them and their families in their homes, at their work, and on the public streets".

The justice delivery system is on the verge of collapse with more than 30 million cases clogging the system. There are cases that take so much of time that even a generation is too short to get any type of redressal. As justice delayed is justice denied, similarly, the saying, justice hurried is justice buried is equally true. Therefore, sufficient, reasonable and due hearing of every case with consideration of its circumstances is the necessary requirement of natural justice and balance of convenience. In fact, the untiring efforts put by fear and flavourless Indian Judiciary is doing commendable job of imparting justice despite so many difficulties, which created faith of public in the rule. Of law is a great achievement, which really requires deep appreciation.

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