

Delays in Courts and Pendency of Cases – An In-Depth Analysis on India

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ABSTRACT

The delays and pendency of court cases pose a major challenge to the judicial system in India. This paper investigates drivers and consequences of the problem, as well as potential solutions. This article provides a detailed overview based on statistical data, reports and expert opinion of the Indian judiciary.

INTRODUCTION

Another among the pillars constituting democracy is judiciary in our country, it has a very supreme role of imparting justice. But the growing delays and mounting pendency of cases have made many question how efficient or effective our judicial system really is. The present paper analyses the reasons for lengthy delays and pendency of court cases in India, its effects, and various solutions.

CAUSES OF DELAYS AND PENDENCY

Case Load and Backlog

Statistical Overview: A report from the National Judicial Data Grid (2023) provided data that more than 4 crores cases are pending in different courts of India as on 1-Jan-2019.

I actually found that as well, but wasn't happy with the results of only doing one or two factors so decided to focus on a high volume court because there may be too many cases for them all to get their fair time.

INADEQUATE JUDGE STRENGTH

Judge to Population Ratio - In India, the judge population ratio is around 20 judges for every million persons which fall short of as recommended by Law Commission of India (Law Commission Report, 1987).

Openings: The subordinate judiciary has almost 5,000 vacancies as of 2023 and the higher judiciary (Supreme Court of India, 2023) more than a little over 300.

PROCEDURAL COMPLEXITIES

Procedural Delay: The cumbersome procedural requirements and frequent adjournments cause delays.

It can cause inefficient litigation: To take an example - a poor case management practice often causes protracted litigations.

INFRASTRUCTURE DEFICIENCY

Lack of Resources for Infrastructure: Courts do not have access to sufficient infrastructure (courts, technology, staff)

The Systemic Lag: Courts are slow to adopt technology for their processes that delays in justice delivery,

PARTIES AND ATTORNEYS IN COURT

Frivolous Litigation: A large sum of frivolous and vexatious cases overcrowds the judiciary.

Wake-up calls: Adjournment on one or other ground by lawyers, who never tire from making such requests that way the case get delayed.

IMPACT OF DELAYS AND PENDENCY

Justice Delayed is Justice Denied

Erosion of Public Trust: Lengthy delays result in a lack of confidence by the public and parties seeking justice, while also undermining the effectiveness of our courts.

Impact on Litigants: Lengthy pendency periods are an inconvenient reality for litigants which inevitably lead to extensive financial and emotional hardships.

ECONOMIC IMPACT

Loss To The Economy: delays in commercial dispute resolution affect economic activity & confidence of business.

Deterrent for investment: A protracted judicial process which fails to deliver justice can deter both foreign and domestic investors.

Social & Psychological consequences

The social impact is that inside this, the delays in criminal cases can sometimes lead to people who have already been detained awaiting trial for years before their case comes on calendar.

Psychologically Stress: Long dragged litigation rule causes stress and anxiety among the party filing case.

Potential Solutions

Bolstering Judicial Infrastructure

Invest in Infrastructure: Appropriate resources to better the infrastructure and technology of courts.

Digitization: Encourage e-filing and online hearings to facilitate speedy disposal.

Increasing Judge Strength

Judicial Appointments: Fill judicial vacancies faster.

Higher Judge-Population Ratio: Increase the number of judges per million population as suggested by Law Commission.

Reforming Procedural Laws

Reduction in Complexity of Court procedures: To Simplify court procedure so to save time

RE: The second less important one is hire mostly a new judges & strictization of adjournments: That means make rules to get minimum number of unnecessary.

Effective Case Management

Implement apposite Case Management Practices: Incorporate the right case management practices for a hassle-free litigation process.

Alternative Dispute Resolution (ADR): encourage the use of ADR, i.e. Arbitration, mediation and conciliation methods to relieve Courts from burden

Public Awareness Legislative Advocacy and Legal Education

Awareness Campaigns: Public awareness campaigns for counsel the public on their rights and obligations.

Legal Education: Improve legal education including on hands' training and the science of managing a case legally saved fast.

CONCLUSION

The issue of delays and pendency is so multifaced that needs to involve all the stakeholders in a well-coordinated, concerted effort. Resolving the root causes and effective ways; can make judiciary work more efficiently & effectively which leads to quick justice.



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