



Pending Justice: Untangling Structural Barriers to Timely Adjudication in India

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Abstract

In India, the awaiting of court cases and the consequence of lack of basic human rights is a doubt of excellence and usefulness in the country's legal system. Indian courts have an enormous backlog of proceedings, which would take numerous centuries to clear if the system persists to function at its existing level of proficiency. One of the grey areas in which our judicial proceedings conveyance system has descended towards the public's expectations is the judiciary's failure to stipulate justice speedily. One of the most consequential issues faced by the judiciary is the set back in the administration of justice. In this research paper, the author scrutinizes the dilemmas with the Indian judiciary and the necessity to strengthen court management to decrease case awaiting period.

Keywords: Pendency, courts, justice, cases, judiciary, delay.

Introduction

The current judicial system is struggling to manage the growing volume of litigation, with multiple factors contributing to this challenge. Courts today are focused on delivering justice swiftly and affordably, yet court procedures often prioritize tradition over efficiency. As literacy rates rise, the number of new cases is expected to increase, which necessitates the development of management skills within the subordinate judiciary to handle both the existing backlog and the anticipated surge in cases. Incorporating modern management techniques and technology into the judicial process is crucial to address these challenges effectively ^[1].

The state is obligated to create a social order where the legal system provides justice to all, ensuring access regardless of social, economic, or political barriers. In India's democratic framework, the judiciary, alongside the legislative and executive branches, plays a vital role in protecting and advancing citizens' rights. Courts across the country are established to uphold these rights and offer remedies when they are violated. The Supreme Court has affirmed that the right to a speedy trial is a fundamental right under Article 21 of the Indian Constitution, underscoring the importance of timely justice in safeguarding individual rights ^[2].

Statement of Problem

In the Indian justice system, effective resolution of cases, regardless of their complexity, requires a combination of adequate infrastructure, sufficient judicial and clerical manpower, technology, and most importantly, a strong commitment to case resolution. When these resources are

readily available and properly managed, even the most intricate cases can be settled within a reasonable timeframe. However, when these essential elements are lacking or poorly managed, it leads to an increase in case backlogs. The responsibility for ensuring adequate infrastructure, including the establishment of courts, lies with the government. Unfortunately, due to insufficient funding, these requirements often go unmet, which, along with a shortage of judicial officers, further hampers the rate at which cases are disposed of. Additionally, despite significant advancements in science and technology, and the availability of electronic court proceedings, these challenges persist.

While the government has made efforts to address these issues, they remain insufficient. Moreover, the lack of determination among judges and magistrates to expedite case resolutions further exacerbates the backlog. It's clear that the system has significant shortcomings contributing to the overwhelming number of pending cases. The consequences of this backlog cannot be overlooked, as it often leads to violations of human rights. Prolonged trials not only affect the involved parties but also their families. By the time a case is finally resolved, the damage inflicted often outweighs the benefits of the resolution. Thus, the concern extends to protecting human rights from the adverse effects of these delays.

Access to Justice

A hallmark of a thriving democracy is its ability to provide "access to justice" and the "swift delivery of justice." When justice is delayed, it not only hinders people's ability to

engage with the legal system but also creates a sense of uncertainty and frustration both domestically and internationally. Justice is fundamentally about the courts' role in upholding the law. Access to justice encompasses several key aspects: First, every individual within society must be treated equally. Second, the nation's laws must ensure complete equality without any discrimination. Third, a judiciary that is both professional and impartial is essential. Fourth, there must be easy access to the judiciary. Fifth, the legal profession should be both competent and fair. Sixth, courts must be efficiently managed. Seventh, the laws and court rulings should be effectively enforced. Lastly, there should be a robust system for addressing all grievances and a reliable mechanism for delivering justice promptly, rather than at the convenience of the system^[3].

Review of Literature

- i). The researcher *Rashmi Sawant* in his, research paper pendency in judiciary of Pune district with special reference to regular civil has been discussed several times before. A number of recommendations have been made to address this issue, including the appointment of more judges, improvements in the distribution of business, amendments to the rules of procedure, and the abolition of delaying tactics. Various Law Commissions and other bodies have looked into this problem, which has become a source of concern even among legal professionals, but no solutions appear to exist^[4].
- ii). The researcher *Gagan Gandhi*, in his article "how to reduce the pendency in the court" has observe that the need of the hour, according to Justice Chandrachud, is to think beyond the box in order to alleviate the issue of pendency. Our outdated methods of resolving cases have resulted in clogging of the system and overburdening of the judiciary with pendency.

We need to urgently reflect on these issues and take decisive action to resolve them, ensuring the justice system remains effective in delivering justice^[5].

Cause of Delay in Justice

Increased common man understanding of rights: Recent socioeconomic progress, coupled with an increased awareness of legal rights, has empowered ordinary citizens to seek justice through the courts^[6].

There are not enough courts: India faces a shortage of courts due to insufficient funding for the judiciary. Both the central and state governments are reluctant to increase spending on the judicial system. The country needs more courts and benches, and many existing courts have yet to be modernized or computerized^[7].

Pendency rates rise due to a lack of judges: A shortage of judges is a key factor contributing to the judicial backlog. While cases are heard, they often remain unresolved due to a lack of timely decisions. Many individuals exploit the system by seeking frequent adjournments. Activists argue that the current ratio of 11 judges per million people needs to be increased to at least 50 to address this issue effectively^[8].

Misuse of Public Interest Litigation: Since the definition of PIL is so wide that even a letter may be considered a PIL, many people misrepresent themselves as PILs and file them in the High Court for monetary gain. When the number of PILs rises, so does the number of cases filed in the High Court and Supreme Court. It is necessary to limit the filing of PILs that are not necessary by establishing guidelines for filing PILs^[9].

High rate of filing of cases and low rate of disposal of cases: The primary reason for the growing number of pending cases is the daily increase in cases combined with the low disposal rate in subordinate courts. This situation is exacerbated by a shortage of judges, frequent absenteeism, the lengthy trial process, strikes by lawyers, and the regular transfer of judges, among other issues affecting the subordinate courts^[10].

From the government's hand, there is much too much litigation: In India, the government is the most significant litigant, responsible for nearly half of all pending cases. A substantial number of these cases involve one government agency suing another, with the courts determining the resolution^[11].

Constant amendment of laws: Frequent amendments to laws contribute to delays as well. Many Indian laws have undergone numerous revisions, making it time-consuming to understand and clarify the current legal standards. This process consumes valuable court time^[12].

Lack of Case Management: Case management is hindered by the absence of information technology applications for handling cases. The same procedural laws and processes are applied to both minor and major cases, leading to inefficient use of court time on matters that could be addressed by other entities. Additionally, the same judges often handle both civil and criminal cases, which extends the time required to grasp the details and circumstances of each case^[13].

Suggestion

There is a pressing need to fill old vacancies and create new positions: Judicial vacancies must be promptly filled to ensure the efficient functioning of the courts^[14].

Litigation should be avoided at all costs: Another approach to reducing the backlog is to decrease the volume of cases entering the courts. Judges should be very stringent from the outset, distinguishing between frivolous and legitimate cases. Frivolous litigation should be actively discouraged^[15].

Case and court management to strengthen judiciary: The way forward involves utilizing alternative dispute resolution mechanisms. These tools can effectively reduce the time a case remains pending^[16].

Use of technology: Technology presents a promising solution for tackling delays and ensuring timely delivery of justice^[17].

Expert advice: The court will engage management consultants to streamline cases for one-day hearings. Additionally, a time limit should be established for both the hearing and the decision-making process^[18].

Restriction on adjournments: Adjournments should be restricted to emergencies and exceptional situations only. High-profile lawyers often juggle multiple cases across different courts, which compels them to focus on just one or two at a time and request adjournments for the others^[19].

Conclusion

India is actively addressing the problem of justice delays and aims to expedite case resolution through recent initiatives. In 2015, the country's top judges developed a National Vision Document for 2015-2020, which emphasizes financial autonomy for the judiciary, accelerating case processing, and enhancing vigilance in district and high courts. However, a critical issue remains: the reluctance to tackle the root causes of these problems. Even when issues are identified, effective solutions are often lacking. There is a pressing need to recognize court management as a distinct concept and to

integrate qualified, skilled, and competent court managers into the system.

The bar, the bench, and the government must collaborate to strengthen this fundamental aspect of justice. However, the effectiveness of any system, including the legal system, ultimately depends on the individuals who operate it. In today's technological era, people are increasingly aware of their rights and the remedies available if those rights are infringed. They are exercising their right to seek justice as guaranteed by Article 39 of the Constitution, which ensures equal treatment and access to free legal assistance for all.

The government should enhance the judiciary's efficiency to expedite case resolution. Encouraging methods such as Alternative Dispute Resolution, Lok Adalat, Fast Track Courts, and Gram Nyayalay can improve the delivery of justice and alleviate the judicial workload.

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