

Pendency of cases across Indian Courts

Avinash Rai,

B.A.LL.B, VII SEM, Indore Institute of law, Indore

Seemasmiti Pattjoshi,

Asst. Prof. Indore Institute of law, Indore

The Ministry of Law and Justice said that the shortage of judges in the judicial system was not the only reason for the escalation of the pending cases in India. The Ministry indicated that there were a number of factors contributing to delays in the elimination of cases, such as a lack of judicial management systems, frequent deferrals, and Lawyer strikes, accumulation of first appeals, indiscriminate use of jurisdiction and lack of adequate control. There are more than 3 crore cases of outstanding in different courts in India. Many of these cases are pending for more than 10 years. Below are the approximate numbers of outstanding cases in the Supreme Court, Supreme Courts and Districts and Subordinate Courts in India.

- About 65,000 cases are pending in the Supreme Court.
- About 48 lakh cases are pending in different High Courts.
- About 2.8 cases of outstanding crore in the District and Subordinate Courts

Supreme Court	High Court	District Court	Total
65,000	4800000	28000000	32865000

Like in Uttar Pradesh

Uttar Pradesh continues to be the state where the most outstanding cases are reported. While in 2015 the number of pending cases in Uttar Pradesh was at 48 lakh, this year the figure is 51 lakh

In Madhya Pradesh

Nearly 2.50 lakh cases are pending before the High Court of Madhya Pradesh. On the pendency of cases in lower courts around 12 lakh comprising 9.30 lakh offense and 2.76 civil litigation.

Why Cases of Pending Are Rising in India

The Supreme Court, which is eight judges less than the sanctioned force of 31 judges, is becoming pendent on more than 60,500 cases, although several measures are being taken to deal with the backlog of cases. The Annual Report of the Judicial Power of India 2015-2016 issued by the Supreme Court shows that as of September 30, 2016, a total of 60,988 cases were

pending, including 50,215 civilians and 10,743 criminals. In the period from January 1 to September 30 of last year, 45,415 civil cases and 13,973 criminal cases were filed in the superior court, which ordered a total of 57,732 cases in nine months. The number of failed judicial posts has soared. Almost 40% of the judges are absent from the top 24 courts and 26% of the judges are absent from the 707 districts.

Shortage of judges in court

Several judges of the Apex Court have addressed this issue. The former President of India, Retd. Justitia T.S. Thakur spoke of the government's inaction in increasing the number of judges. In the same scenario once, the then Chief Justice of India, H.L. Dattu, suggested that a five-year deadline should be set to ensure that trials do not last longer. One of the key reasons for the huge number of pending litigation is the shortage of subordinate court judges which is of concern since there are 4954 vacant magistrate posts when the sanctioned force of judicial officers was 21324 the report on subordinate courts said. On the basis of the study and bearing in mind the future growth in the institution of cases, it is found that the current power of the judge is insufficient to deal with a huge figure of pending cases.

State	Current Strength 2016	To clear cases older than two year	To clear are pending cases	As per CJI/Law commission
Uttar Pradesh	1825	2489	2936	9964
Madhya Pradesh	1215	1405	1622	3630
Rajasthan	985	949	1094	3431

Not enough courts

The Indian judiciary has insufficient resources. Both the Center and the States are not interested in increasing spending on the judiciary. Budget allocations for the entire judicial system represent a pathetic 0.1% to 0.4% of the total budget. India needs more courts.

Low judicial quality in lower courts

The Indian judicial system has failed miserably to attract the best brains and talented students. As the quality of lower court judges does not always reach the mark, appeals are lodged against decisions of higher courts, which again increases the number of cases. Judges lack specialization and have become less efficient and lazy.

Many people are in jail reason: Pending cases

Rudal Shah, detained in 1953, remained in Muzaffarpur Prison in Bihar for 30 years despite being acquitted in 1968. An analysis of India's expenditure of available data reveals the extent of the problem between 2010 and 2016, 28% of trials had been imprisoned for more than a year. The percentage of ongoing trials for the total prisoners has remained over 68% during this period. By 2016, seven out of ten prisoners were under trial and two out of ten had been detained for more than a year without being convicted. This is despite a judgment of the Supreme Court of 1980 that Article 21 of the Constitution authorizes prisoners to a fair and rapid trial as part of

their fundamental right to life and liberty. The Judiciary and the government have admitted that many of the accused are poor people accused of minor offenses, locked up for long periods because they do not know their rights. Up to 132,156 people under trial (43%) have been detained for more than six months to more than five years at the end of 2016.

Latest case law: Hussain and ANR. V. Union of India (Criminal Appeal No. 509 of 2017 arising from Special License Request (CRL) No. 4437 of 2016)

Advantage

Many criminal defendants agree to a plea bargain because the prosecutor offers a lighter sentence for a felony. This can result in much less time behind bars in the event that the individual was convicted of the crime after a full trial. The criminal defendant may receive a reduced fee in return for accepting the deal. In some cases, this may result in the defendant pleading guilty to a misdemeanor rather than a felony. In other cases, the accused may plead an offense of different class or degree. This reduced charge can have different consequences.

Disadvantages

Sometimes, when a prosecutor offers a plea agreement, it is because he or she realizes that there are certain issues with the state case. For example, there may be credible witnesses, forensic evidence can not be convincing or the defendant may seem sympathetic. By accepting a plea agreement, you may be accepting a conviction that the prosecution could not have acquired anything else based on your own case.

Solutions to the problem of pending cases in Indian courts

The government needs to double the number of judges and create the entire Indian Judicial Service. The number of judges' vacancies should be increased immediately to at least 60,000 out of the current 28,000.

More courts - Fast Track Courts, Lok Adalats, and Gram Nyayalayas.

Do not give more dates in cases.