



Judicial Reforms And Pendency Of Cases

By Ayush Singh, 5th Year, BBA LLB (H),
Amity Law School, Amity University, Noida

ABSTRACT

The Indian judiciary, though constitutionally designed to safeguard justice and uphold the rule of law, is facing an existential challenge due to the ever-increasing backlog of cases. Judicial pendency not only affects the timely delivery of justice but also erodes public trust in the legal system. As per recent data, over 5 crore cases remain pending in various courts across India. This research paper examines the systemic issues responsible for this pendency, evaluates the effectiveness of judicial reforms undertaken over the years, and assesses their impact on the administration of justice. By analyzing landmark case laws and legislative measures, the study emphasizes the urgency of structural, procedural, and technological reforms. The paper concludes by offering strategic recommendations for reducing pendency and reinforcing judicial accountability and efficiency.

KEYWORDS

Judicial pendency, backlog of cases, legal reforms, judicial efficiency, case management, Indian judiciary, fast-track courts, digitization, access to justice.

INTRODUCTION

India's legal system is one of the oldest and most elaborate in the world, rooted in the Constitution and guided by principles of fairness, equality, and justice. However, the effectiveness of the judiciary is increasingly questioned due to the enormous backlog of cases that delays justice for millions. The famous legal maxim "*Justice delayed is justice denied*" aptly captures the predicament of the Indian litigant today.

Judicial reforms refer to structural and procedural changes introduced to make the legal system more efficient, accessible, and transparent. Over the past few decades, the Indian government and judiciary have taken several initiatives to tackle delays. These include establishing fast-track courts, encouraging mediation and arbitration, digitizing court records, and introducing judicial infrastructure schemes.

Despite these reforms, the problem persists. Therefore, this paper explores why case pendency remains a deep-rooted issue and how judicial reforms can be better tailored and implemented to bring about meaningful change.

SCOPE OF RESEARCH

The scope of this paper is both descriptive and analytical. It includes:

- Assessing the causes of judicial delay in India.
- Critically analyzing judicial reforms implemented in the past 30 years.
- Studying the effectiveness of key policy measures such as e-courts, ADR mechanisms, and fast-track courts.
- Examining five landmark judgments that address the issue of pendency and reforms.
- Suggesting forward-looking measures for judicial transformation, with a focus on technology, infrastructure, and systemic accountability.

RESEARCH QUESTIONS

1. What are the primary causes contributing to the backlog of cases in Indian courts?
2. How has the judiciary attempted to resolve the issue of pendency through legal reforms?
3. What impact have these reforms had on reducing delays and improving court efficiency?
4. How do judicial decisions shape or accelerate the reform process?
5. What further reforms or innovations can be implemented to alleviate pendency?

RESEARCH METHODOLOGY

The research is based on a **qualitative, doctrinal approach**. It involves:

- **Secondary sources:** Articles, law journals, government reports, and law commission recommendations.
- **Case law analysis:** Detailed study of five Supreme Court cases relevant to pendency and reforms.
- **Statistical data:** NJDG (National Judicial Data Grid), Law Ministry reports.
- **Comparative insights:** Brief reference to practices in other common law jurisdictions such as the UK and US where relevant.

CONCEPTUAL STUDY

Understanding Judicial Pendency

Judicial pendency refers to cases that are filed in the courts and remain undecided for long periods. According to the **National Judicial Data Grid (2024)**:

- Over **4.5 crore** cases are pending in **district and subordinate courts**.
- Approximately **60 lakh** cases are pending in **High Courts**.
- Nearly **80,000** cases are pending before the **Supreme Court**.

Such pendency severely impacts the **right to speedy trial**, guaranteed under **Article 21** of the Constitution.

Causes of Judicial Delay

1. **Shortage of judges**: The current judge-to-population ratio in India is only **21 judges per million people**, whereas it is **over 100** in developed countries.
2. **Archaic procedures**: The Civil and Criminal Procedure Codes still contain outdated processes.
3. **Infrastructure deficit**: Many courtrooms lack basic facilities like internet, digitization, and even proper seating arrangements.
4. **Frequent adjournments**: Delay tactics by lawyers and litigants contribute heavily.
5. **Delays in investigations**: Especially in criminal cases, police and prosecution inefficiencies create initial backlogs.
6. **Lack of accountability and performance metrics**: Judges are not regularly assessed based on efficiency or case disposal.

Judicial Reforms Initiated

1. **Fast-track courts**: Set up initially in 2001 to address pendency in criminal cases, particularly those involving sexual violence, corruption, and economic offenses.
2. **E-Courts Project**: Introduced in 2005 to computerize court records, enable digital case filing, and improve accessibility.
3. **National Judicial Appointments Commission (struck down in 2015)**: Though unsuccessful, it highlighted the need for transparency in judge appointments.
4. **National Mission for Justice Delivery and Legal Reforms**: Launched to improve court processes and delivery mechanisms.
5. **Alternative Dispute Resolution (ADR)**: Mechanisms like mediation, arbitration, and Lok Adalats have been promoted for out-of-court settlements.

CASE LAWS

1. Imtiyaz Ahmad v. State of U.P. (2012) 2 SCC 688

- **Bench:** Justice P. Sathasivam, Justice J. Chelameswar
- **Legal Issue:** Judicial pendency in criminal trials in Uttar Pradesh
- **Summary:** The Court directed the Law Commission of India to submit a report on pendency and suggest reforms.
- **Key Findings:** Highlighted lack of data-based policymaking.
- **Importance:** Prompted the 245th Law Commission Report, recommending an increase in judicial strength.

2. Hussainara Khatoon v. State of Bihar (1979) AIR 1369

- **Bench:** Justice P.N. Bhagwati
- **Legal Issue:** Detention of undertrial prisoners without timely trial
- **Summary:** Found thousands of undertrials detained for years without charges being framed.
- **Key Findings:** Speedy trial is a fundamental right under Article 21.
- **Importance:** Catalyst for legal aid services and public interest litigation (PIL) in India.

3. Salem Advocate Bar Association v. Union of India (2005) 6 SCC 344

- **Bench:** Chief Justice R.C. Lahoti, Justice G.P. Mathur
- **Legal Issue:** Validity of Civil Procedure Code (CPC) amendments to reduce delays
- **Summary:** Upheld procedural changes such as strict adjournment rules, mediation rules, etc.
- **Key Findings:** Advocated for "Case Management Rules".
- **Importance:** Ensured legal backing for procedural discipline.

4. All India Judges Association v. Union of India (1992) 1 SCC 119

- **Bench:** Justice K. Jagannatha Shetty
- **Legal Issue:** Pay, service conditions, and judicial independence
- **Summary:** Addressed poor working conditions of the subordinate judiciary.
- **Key Findings:** Judicial service conditions directly impact efficiency.
- **Importance:** Led to the Shetty Commission and subsequent reforms in judicial pay and infrastructure.

5. Subrata Roy Sahara v. Union of India (2014) 8 SCC 470

- **Bench:** Justice K.S. Radhakrishnan, Justice J.S. Khehar
- **Legal Issue:** Fraudulent financial schemes and enforcement of court orders
- **Summary:** Court took an activist role in enforcing timelines and penalizing disobedience.
- **Key Findings:** Effective case management can lead to better compliance and faster justice.
- **Importance:** Highlighted the importance of court-monitored timelines in complex litigation.

CONCLUSION

The crisis of pendency in Indian courts is a deep-rooted and multifaceted issue. Despite genuine efforts at reform, the system continues to struggle with mounting delays. The existing reforms have had mixed results — while fast-track courts and e-Courts have made an impact, issues of judge shortage, archaic laws, and procedural abuse still persist. Reforms must now move beyond short-term fixes and address the structural and institutional bottlenecks within the judiciary. Judicial reform must be holistic, involving all three branches of government, along with active participation from the Bar and civil society.

SUGGESTIONS

1. **Expanding Judicial Cadre:** Regular recruitment and increasing sanctioned posts across courts.
2. **Mandatory Judicial Training:** Periodic workshops on technology, case management, and ethics.
3. **Digitization of Records:** Complete shift to paperless courts with real-time case updates.
4. **Performance Metrics:** Establish transparent systems to track judge productivity and case disposal rates.
5. **Mediation as a Default:** Make ADR the primary mode for civil matters, with trial courts as fallback.
6. **Specialized Courts:** Create dedicated benches for economic offenses, environmental cases, etc.

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