

Outlook

<http://outlookindia.com/full.asp?fodname=20090309&fname=Court+backlog+%28F%29&sid=1&pn=2>
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File it away: The SC too is staring up a mountain of cases

COURTS: CASE BACKLOG

Verdict: To Hang

Our higher courts are snowed under by unresolved cases >>

[Chandrani Banerjee](#)

The Work Left...

Five minutes per case. That's what Delhi HC estimates it has in a day for its backlog. We apply the formula to all 21 HCs (the figures in bold indicate the number of pending cases and the figures following the respective cities are the number of years it would take at the rate of Delhi HC)

- ? **808226** Allahabad 60
- ? **426347** Madras 32
- ? **367409** Bombay 27
- ? **332141** Delhi* 25
- ? **279318** Calcutta 21
- ? **255696** Punjab & Haryana 19
- ? **227752** Orissa 17
- ? **212451** Rajasthan 16
- ? **187677** Madhya Pradesh 14
- ? **147537** Andhra Pradesh 11
- ? **115750** Kerala 9
- ? **110639** Gujarat 8

- ? **104237** Karnataka 8
- ? **102165** Patna 8
- ? **74701** Chattisgarh 6
- ? **59339** Guwahati 4
- ? **49276** Jharkhand 4
- ? **45374** Jammu & Kashmir 3
- ? **26781** Himachal Pradesh 2
- ? **22807** Uttaranchal 2
- ? **67** Sikkim <1

Total 3955690 Pending Cases

Years to give that 5 mins: 297

*Law ministry figures on pending cases till Sept 30, '07. *Delhi figures updated till Mar 31, '08.*

If justice delayed is justice denied, then the high courts across the country are in deep waters.



"We want more judges in the HCs, SC. We have approved 150 posts for HC judges... courts have to forward names now." *H. Bhardwaj, Union Law Minister*

For the backlog of pending cases is now a flood that shows no sign of abating. At last count, in 2007, there were nearly 40 lakh cases to dispose of in 21 high courts. And as many as 46,926 cases were yet to be adjudicated on by the Supreme Court.

The magnitude of the problem was highlighted in the 2007-08 annual report of the Delhi HC, which noted 3,32,141 cases in hand. Some 600 of these are over 20 years old.

Lawyers and judicial officers say the situation demands an urgent revamp of the way courts function. "It's a pathetic state of affairs," says former attorney general, Soli Sorabjee. "The only remedy is for the government to appoint senior advocates who have no connection with the respective courts as judges for six months up to a year."

Supreme Court lawyer Rajeev Dhawan, member of the Shetty committee set up in 1999 to look into ways to clear the backlog, adds: "Cases pile up and show a huge cumulative arrear as the years go by. The major reason for this is that the judiciary is a poorly funded department.

The government collects huge revenues through the civil justice system but there is a cap on the restructuring of courts and its requirements. One major step that needs initiation is the 'gram nyayalaya'... and delivering justice at the doorstep. This is a workable solution that can actually make a difference."



"The only remedy is to get senior advocates with no connection to the respective courts as judges for a year." *Soli Sorabjee, Ex-Attorney General*

Union law minister Hansraj Bhardwaj admits there are several shortcomings in the system. As he puts

it, "The courts do not have enough staff. The government has tried to introduce several corrective measures. Through the Gram Nyayalaya bill, it is proposed to create over 5,000 courts for the rural population at the intermediate panchayat level. We have also approved about 150 posts for high court judges but no names have been forwarded by the courts so far. We want to increase the strength of judges in the high courts and the Supreme Court".

Many courts have problems clearing the backlog because the actual number of judges appointed is less than that sanctioned. For example, the Madras HC has a sanctioned strength of 60 judges but only 46 have been appointed. In Chhattisgarh, the sanctioned number is 18 judges whereas only six have been appointed.

Similarly, other high courts are also short on judges.

According to the law ministry, it has taken several other steps like setting up fast-track courts, special tribunals like the central administrative tribunal, income tax appellate tribunal apart from facilitating the reduction of pendency of cases in courts. It has also introduced computerisation at the district and subordinate court levels for early disposal of cases. Alternative modes of disposal including mediation, negotiation and arbitration have also been encouraged. With a view to ensuring expeditious disposal of cases, the civil procedure code has been amended, limiting the number of adjournments.

On February 9, Chief Justice of India K.G. Balakrishnan inaugurated a model e-court project in Ahmedabad, synergising technology with the judicial process to speed up work. The project, being implemented on a pilot basis, will provide tamper-proof, authenticated audio-video recordings of courtroom proceedings along with multi-point video conferencing facilities between the courtroom, central jail, police commissioner's office and the forensic science laboratory. The project is now being implemented at the civil and sessions court in Ahmedabad.

But all this just barely skims the surface. What is essentially required is a change in work culture. Lawyers point out that even the process of registering cases is long-drawn and tedious now. Cases take even longer to get listed. Court officials are often bribed to defer cases by vested interests. Also, on average, a court works for a little over five hours for about 213 days a year. It has often been suggested that courts should have a shorter vacation and must log more workdays in a year. Says Supreme Court lawyer K.C. Kaushik: "The rules for court vacations in summer were set during the days of the Raj. That needs to be reviewed...which could help in clearing the backlog."

Very clearly, a complete overhaul of the judicial system is required. Lawyers as well as judicial officers across the country are unanimous that short-term measures will not do. But most importantly, to bring about a major change in the courts system, the government and the judiciary should work in tandem and not at cross-purposes.