

Indian court is 466 years behind schedule, "completely collapsed system"

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The High Court in New Delhi is so behind in its work that it could take up to 466 years to clear the enormous backlog, the court's chief justice said in a damning report that illustrates the decrepitude of India's judicial system.

The Delhi High Court races through each case in an average of four minutes and 55 seconds but still has tens of thousands of cases pending, including upward of 600 that are more than 20 years old, according to the report.

The problems of the Delhi High Court, which hears civil, criminal, and constitutional cases, is more the standard than the exception in India. The country's creaky judicial system has long been plagued by corruption, inefficiency and lack of accountability, often making the rule of law unattainable for all but the wealthy and the well-connected.

The United Nations Development Program says some 20 million legal cases are pending in India.

"It's a completely collapsed system," said Prashant Bhushan, a well-known lawyer in New Delhi. "This country only lives under the illusion that there is a judicial system."

One reason for the delays is that there aren't enough sitting judges. India — a country of 1.1 billion people — has approximately 11 judges for every million people compared with roughly 110 per million in the United States. India's Justice Ministry last year called for an increase of 50 judges per million people by 2013, but it was unclear how the government would pay for such a massive overhaul.

The Delhi High Court, the state's top court, had 32 judges in 2007 and 2008 instead of the allotted 48, according to the chief justice's annual report, released Tuesday.

The court had at least 629 civil cases and 17 criminal cases pending that were more than 20 years old as of March 2008. Although, that's an improvement from April 2007 when the court had 882 civil and 428 criminal cases pending that were that old.

Chief Justice A.P. Shah said in the report that "it would take the court approximately 466 years" to clear the pending 2,300 criminal appeals cases alone.

Critics say another major problem is corruption, a plague throughout every layer of Indian government.

"Of course corruption is there," said J.S. Verma, a retired Supreme Court justice. "The people who man the courts and the court system come from the society" where corruption is commonplace.

Last year, the Delhi High Court convicted two senior lawyers for trying to influence a key witness to change his testimony in a high-profile case involving a hit-and-run that left six people dead. The lawyers, who were busted in a sting by a television news channel, received what some called a light punishment: They were barred from appearing in court for four months and fined 2,000 rupees (\$50).

The corruption in the case was only notable because one of the lawyers had defended

important political figures, said Bhushan

"There are plenty of lawyers who are engaged in this business of bribing judges," he said. "It's a lucrative business."

The hit-and-run case was another example of the long lag between crime and conviction: the accident occurred in 1999, but the driver was not found guilty until 2008.

Critics say other problems include the strict formalities that slow down every step of the legal process and are common across India's vast bureaucracy.

Bhushan says the Herculean task of simply registering a case wastes time and denies ordinary citizens access to the court.

"All kinds of objections are raised — the copies are dim, the margins are not wide enough, it's single-spaced instead of being double-spaced," he said. "For a layperson, it's impossible."

Verma, the retired Supreme Court judge, said extending working hours would be a major step toward clearing the backlog.

The Delhi High Court hears cases for five hours and 15 minutes a day, and is open for 213 working days a year, according to the report. Verma and others said the court could easily work longer hours.

"A commitment and proper work culture can solve at least half the problems, if not more," Verma said. "I don't think you would have to wait four centuries to have a case decided."

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