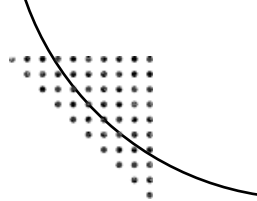




**Corporate
Professionals**

Burden of Court Cases in India

Pendency in Courts



Problems caused by Pendency

- Justice delayed - justice denied.
- Courts are overburdened – even the cause lists cannot be fully exhausted.
- Litigation costs increase due to increased time.
- Judiciary loses credibility.
- Rule of law is disturbed.

Problems

Problems caused by Pendency

- In a speech in 2019, Justice NV Ramana, former Chief Justice of India, stated that the backlog of cases in Indian courts was a cause for concern, and it was affecting the country's economic growth. He said that India was losing around 1.5% of its GDP due to the delays in the justice system.
- In a speech in 2018, Justice A.K. Goel, a judge of the Supreme Court, stated that the huge backlog of cases in Indian courts was causing delays and hardships for litigants, and it was also affecting the country's economy. He added that there was a need for the judiciary, the bar, and the government to work together to find solutions to the problem.

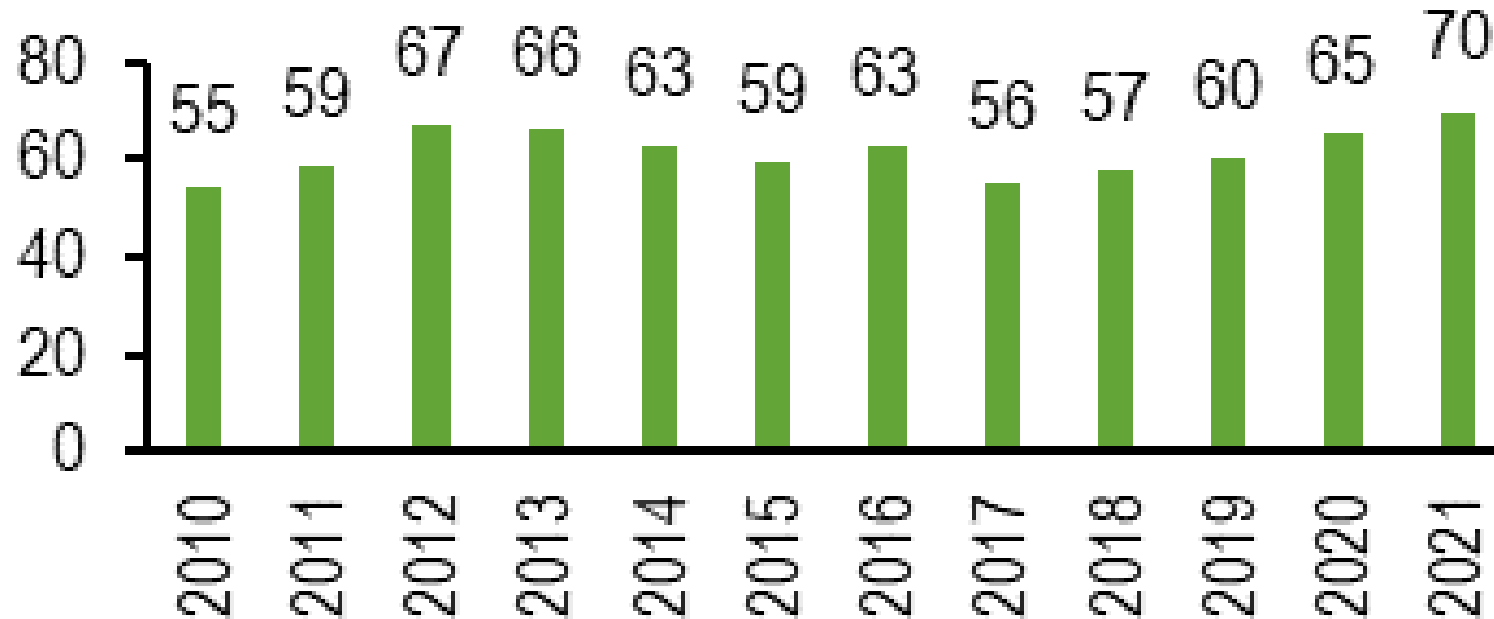


Pendency of Court Cases in India

Supreme Court

70,000 Cases*

Cases pending in Supreme Court
(in thousand)

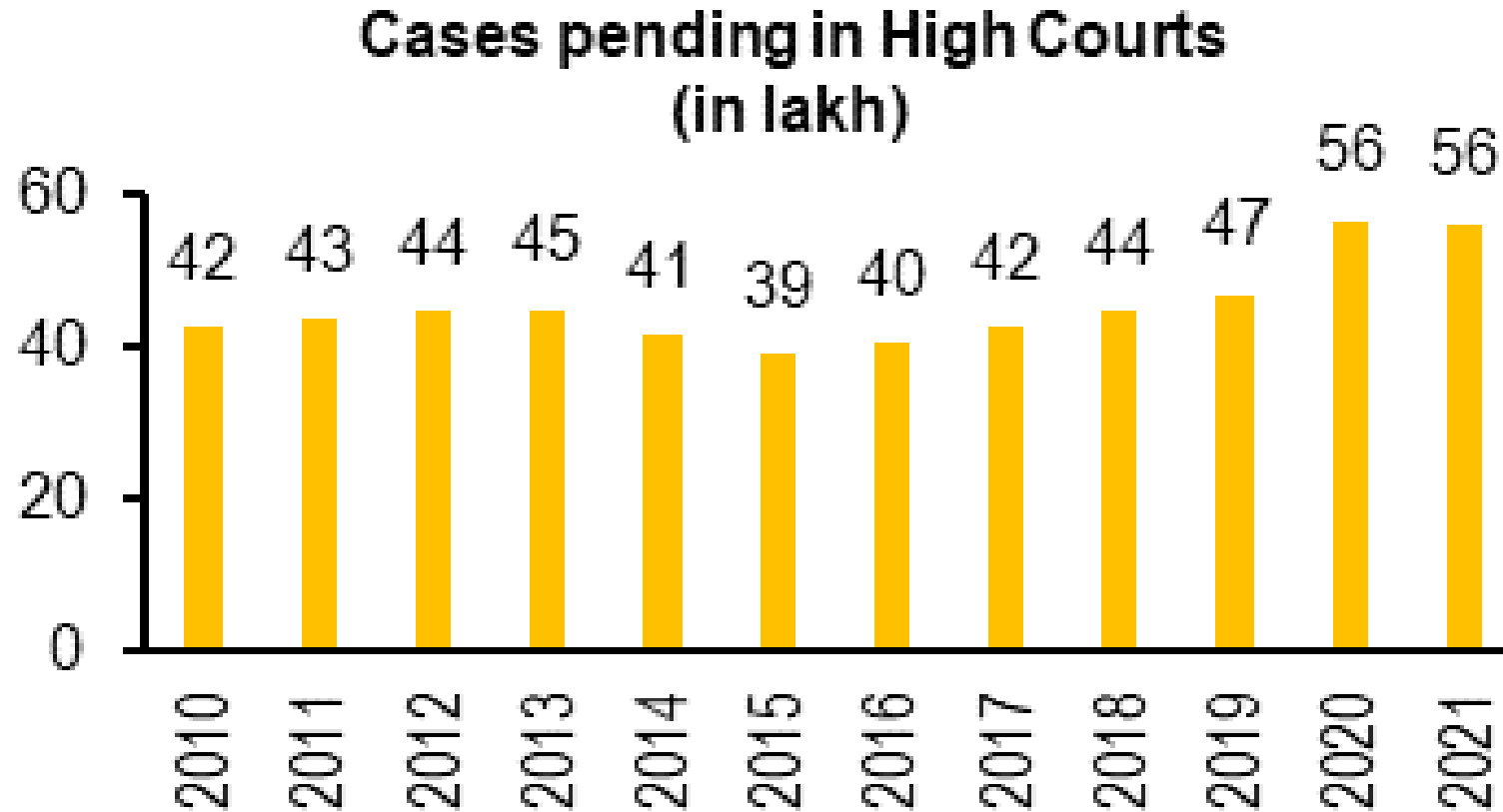


*National
Judicial Data Grid
(NJDG)

68,847 (As per 2023 Data*) ↓

High Court

56 Lakhs*

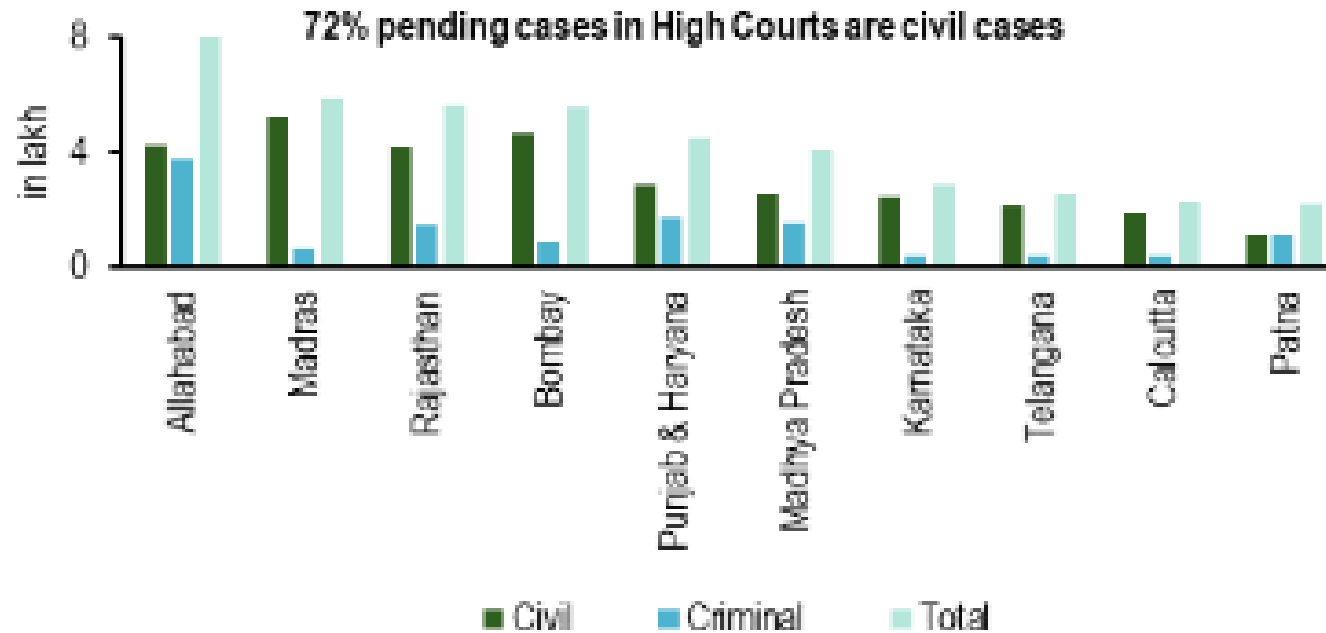


*National Judicial
Data Grid (NJDG)

59,87,477 (As per 2023 Data*) ↑

High Court

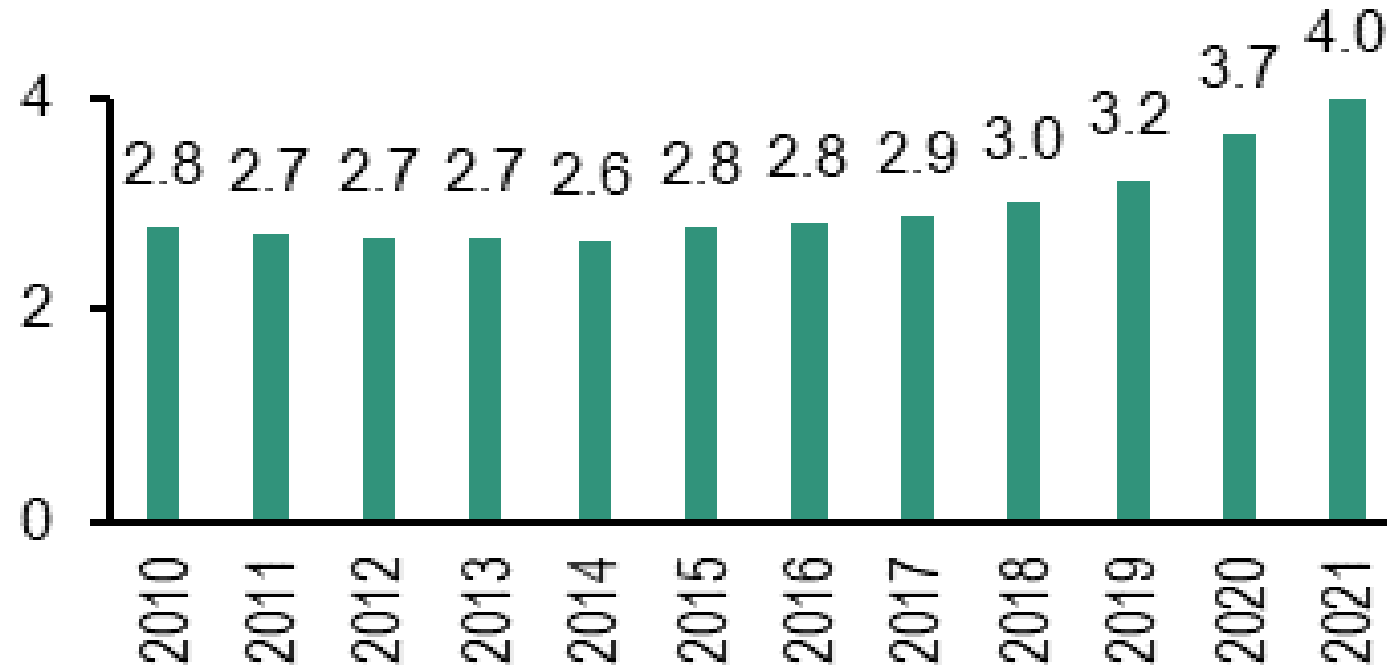
72% pending cases in High Courts are civil cases



Subordinate Courts

4 Crores*

Cases pending in Subordinate Courts
(in crore)



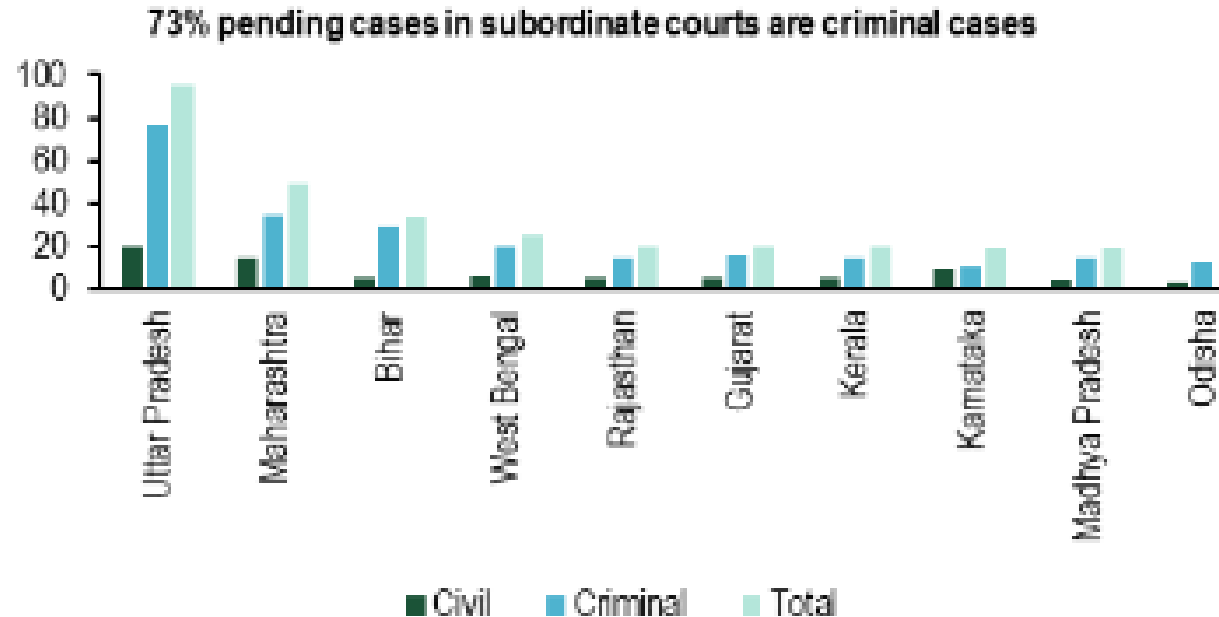
*National
Judicial Data
Grid (NJDG)

4.34 Crores (As per 2023 Data*)



Subordinate Courts

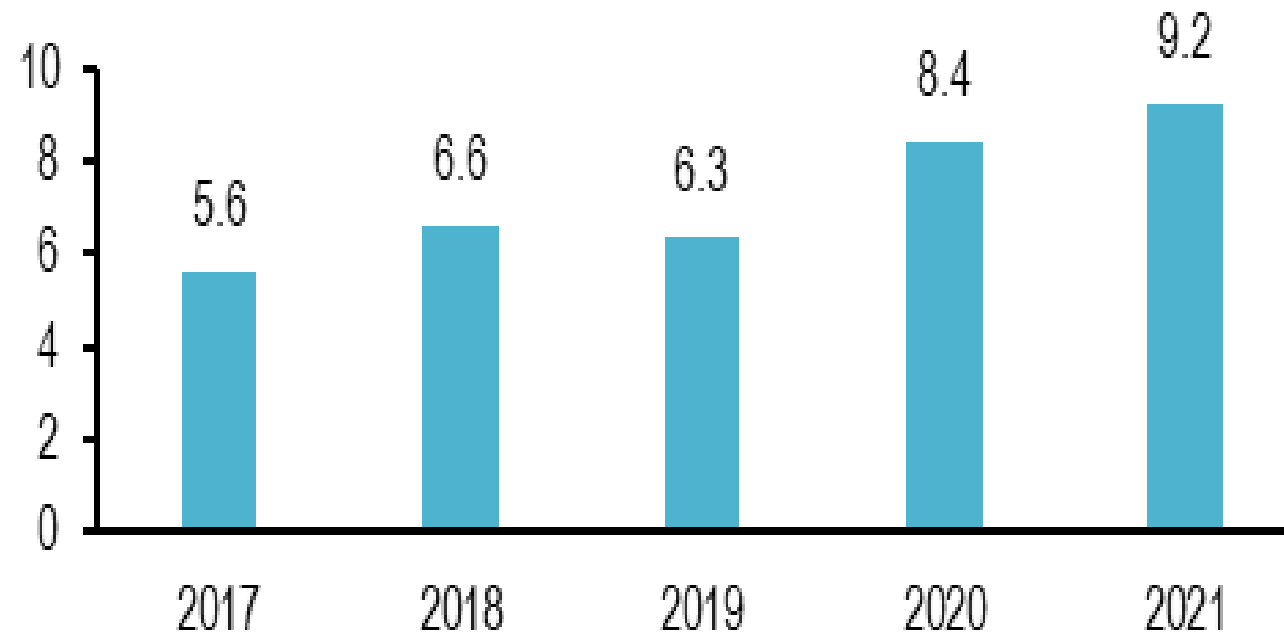
73% pending cases in subordinate courts are criminal cases



Fast Track Courts

9.2 Lakhs

Cases pending in Fast Track Courts (in lakh)



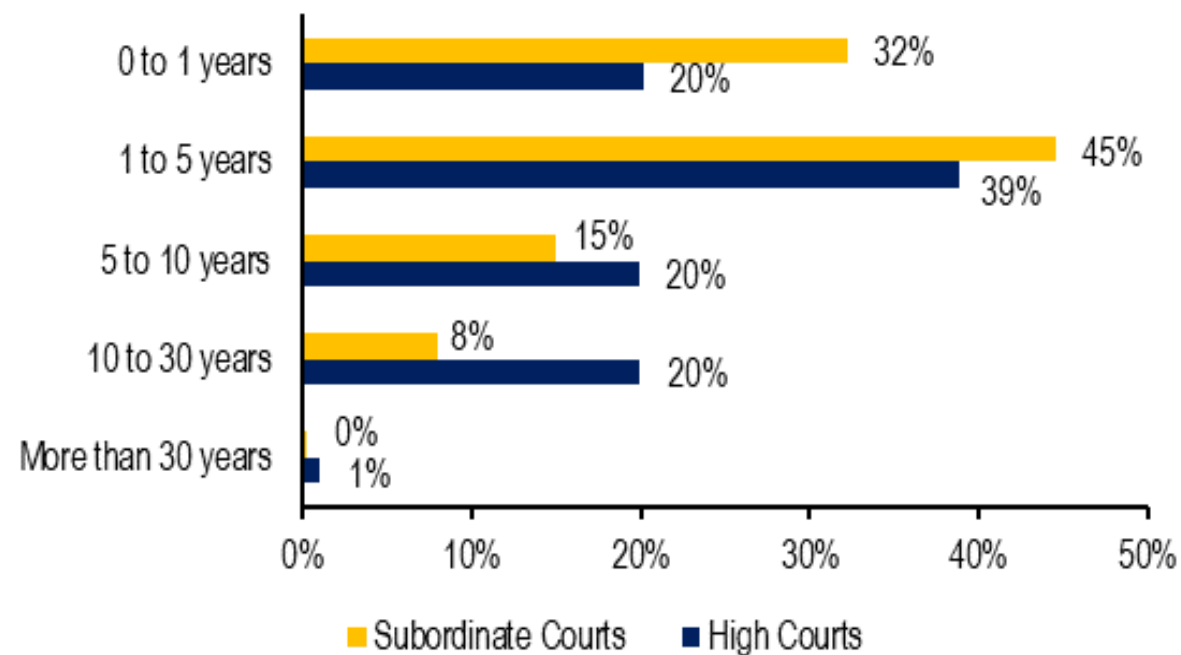


National Company Law Tribunal (NCLT)

**As on 31 March 2023:
21,205 cases were pending before the
National Company Law Tribunal (NCLT).**

Age-Wise Pendency of Cases (as on Sep 5, 2021)

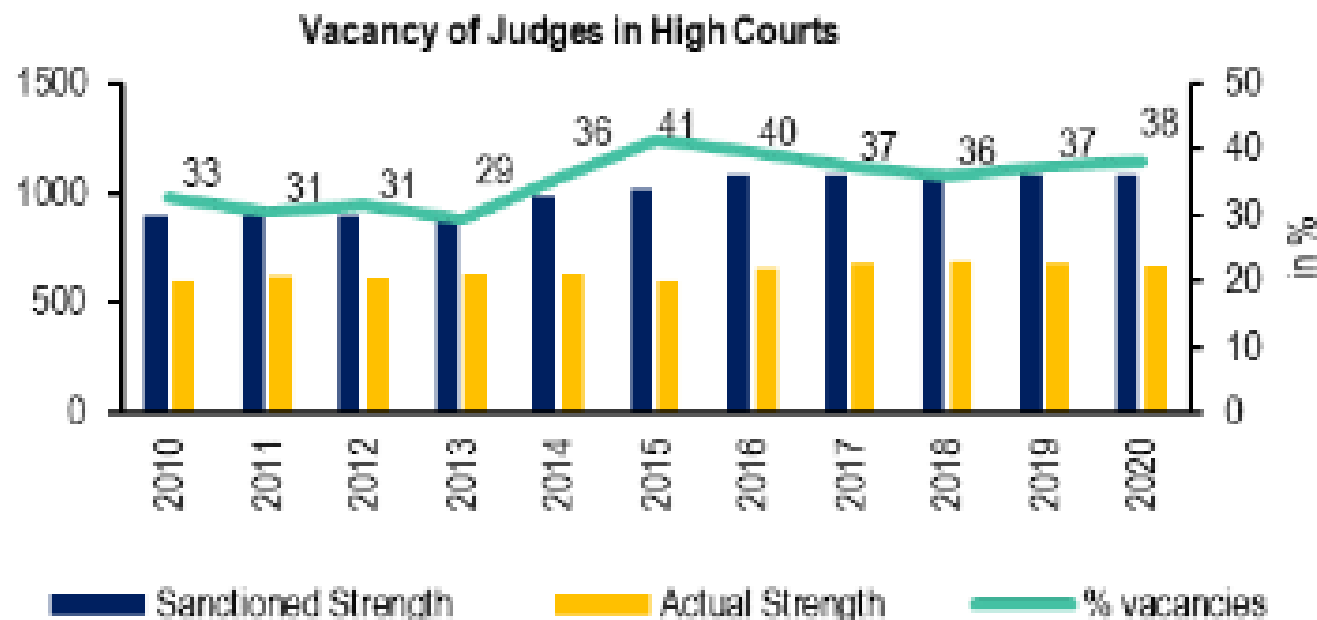
Age Wise	High Court (in %)	Subordinate Courts (in %)
0 to 1 Years	20	32
1 to 5 Years	39	45
5 to 10 Years	20	15
10 to 30 Years	20	8



Vacancies in the Judiciary

As on January 31, 2023, the Supreme Court have seven vacancies out of the sanctioned strength of 34 judges. In the High Courts, 30% of the total sanctioned posts for judges were vacant (775 out of 1108). *

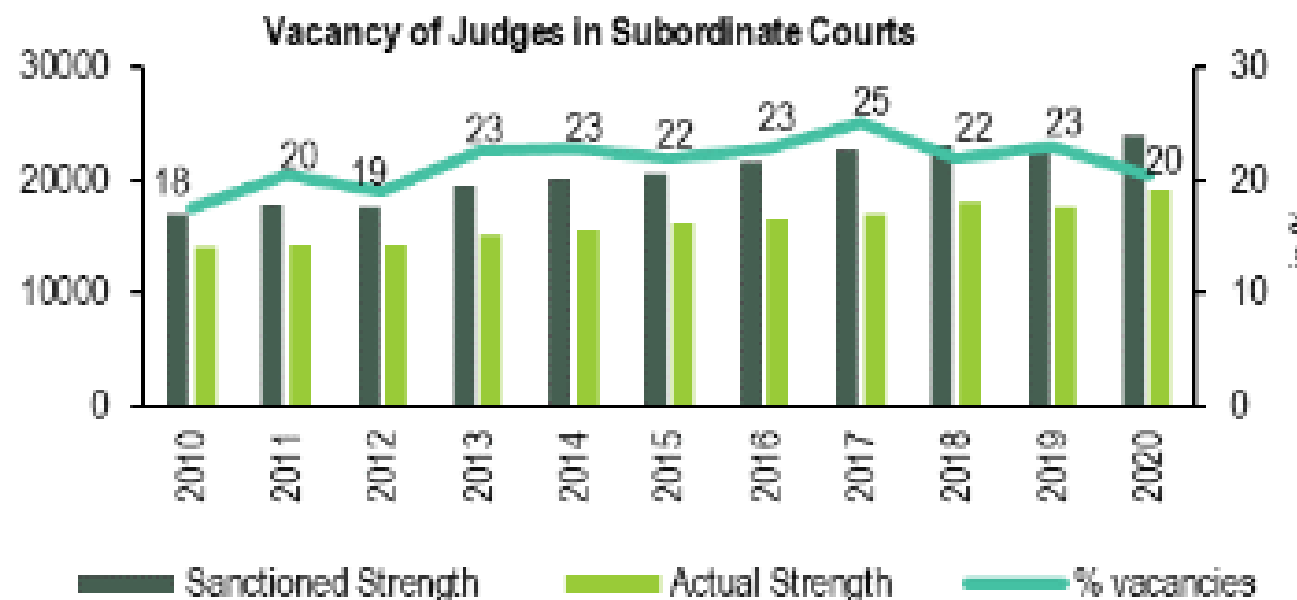
(In 2013 it was resolved to increase sanctioned strength of judges in HC from 906 in 2014 to 1108 now)



*India Justice
Report (IJR)
2022

Vacancies in the Judiciary

In subordinate courts, 23% posts out of the sanctioned strength of judges were vacant (5,850 out of 25,042).

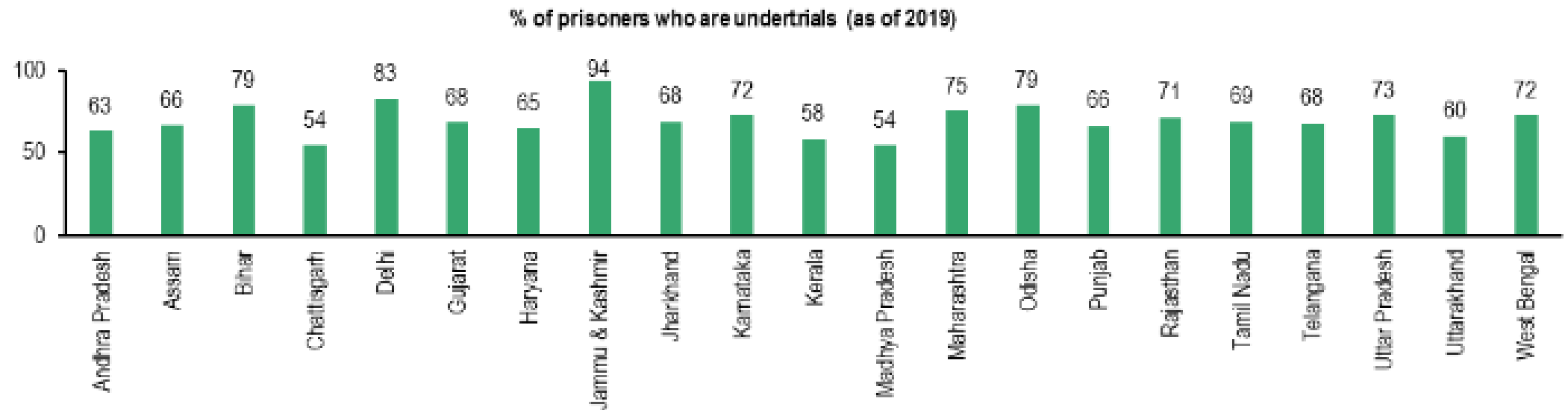


Source: Ministry of Law and Justice Reply dated 22/12/2022

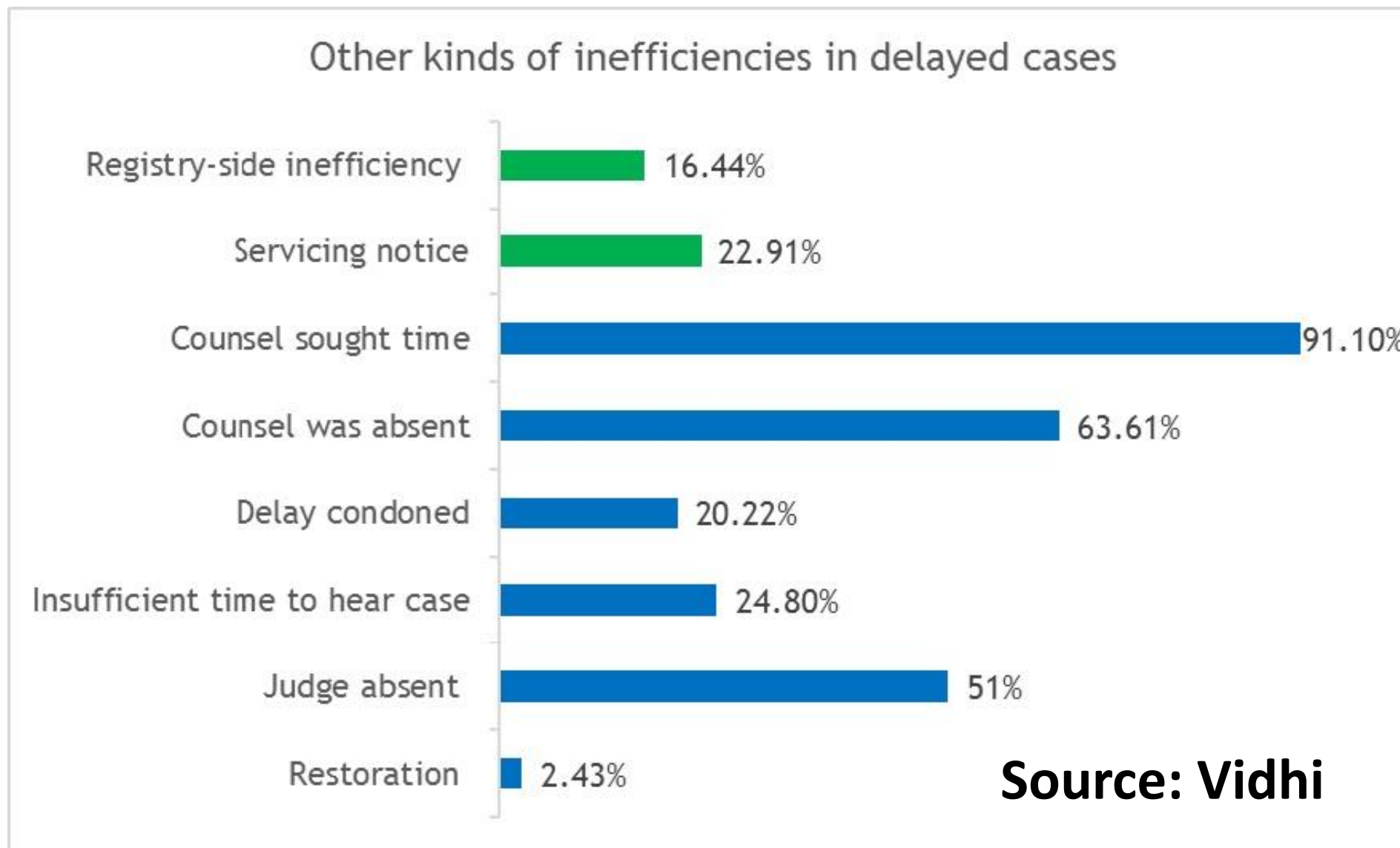
National Company Law Tribunal (NCLT)

**As of December 2023:
NCLT had 25 members out of a sanctioned
strength of 63.**

Number of undertrials in prisons more than twice the number of convicts

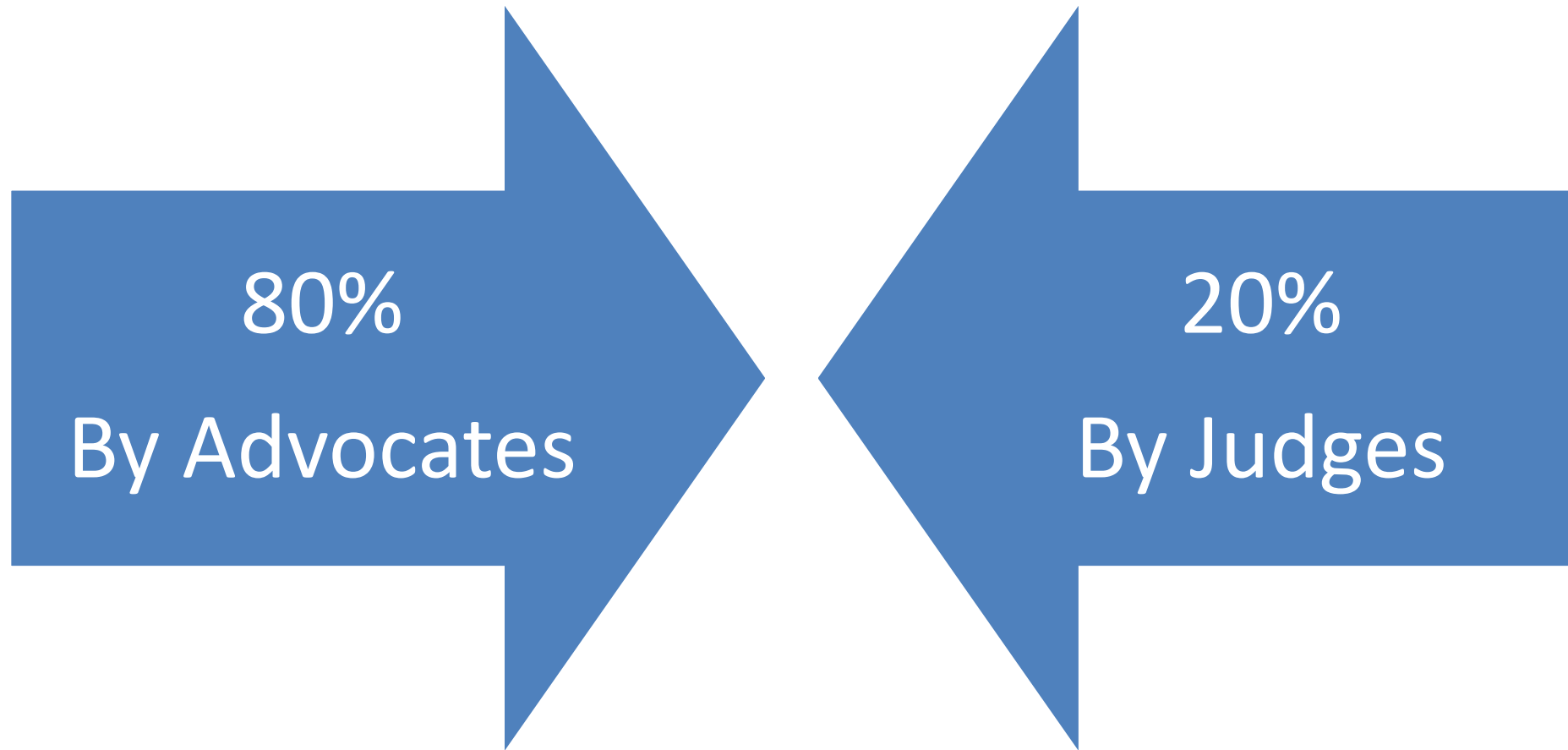


Kinds of inefficiencies in Delayed Cases



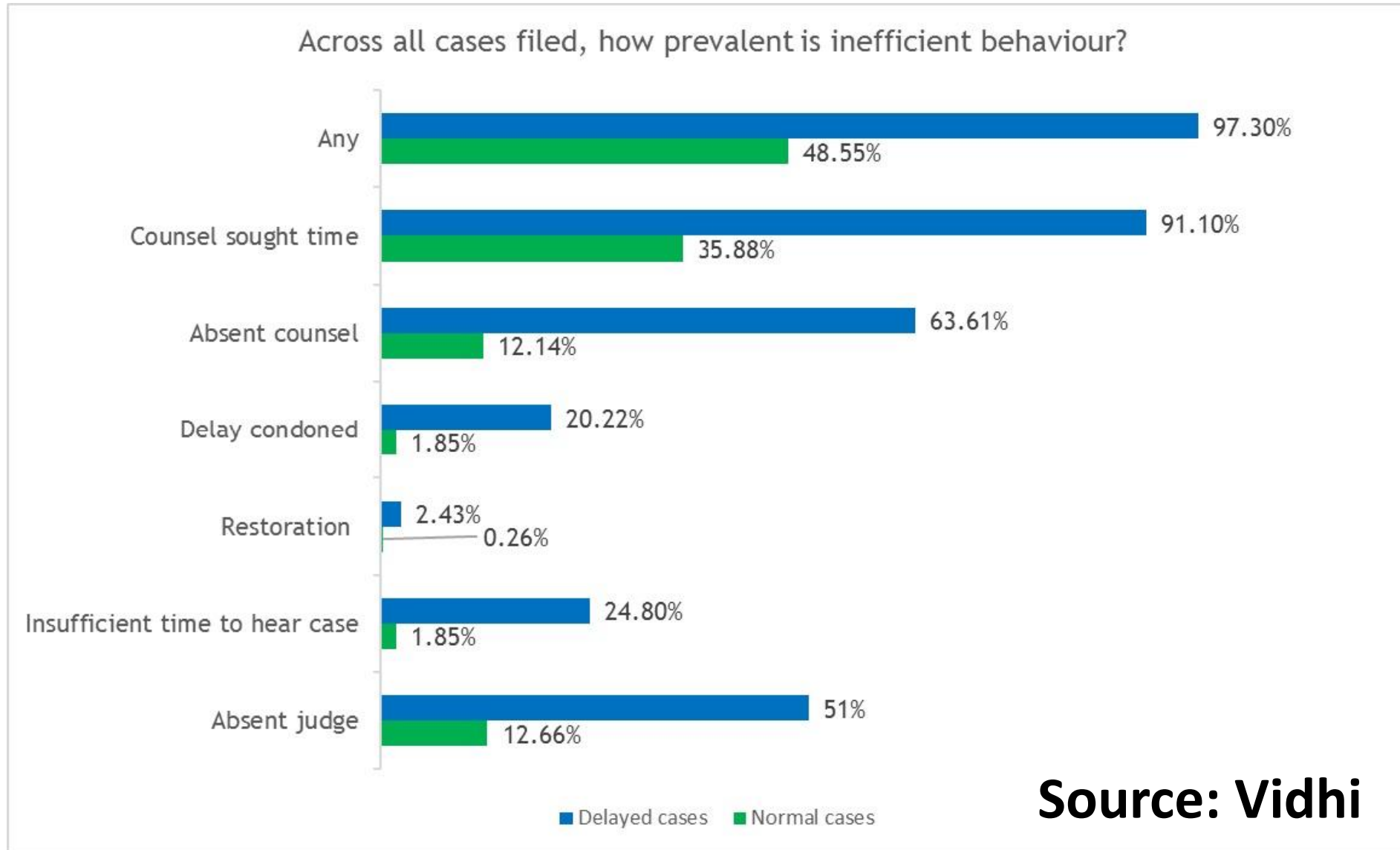
Source: Vidhi

Inefficiencies Attributions Compared



Source: Vidhi

Inefficiency across the board – A Matrix



Source: Vidhi

Principle to reduce the burden of Court Cases



Suggestions for reducing the burden of Court Cases.

Technological Improvements

- Data collection and its convergence into information;
- Website transformation – more functional and smart court websites;
- Analyzing and publishing information
 - Transparent MIS to judges and all concerned

Suggestions for reducing the burden of Court Cases.

Efficiency improvement in case proceedings

- Addressing counsel-side inefficiencies;
- Addressing court-side inefficiencies;
- Prioritising demand-side solutions
 - Deter Frivolous cases and forum shopping
 - Encouraging ADR solutions
 - Government cutting on litigation – currently Govt is single biggest litigator constituting 50%

Suggestions for reducing the burden of Court Cases.

Efficiency improvement in case proceedings

- ADR Mechanism to be utilized properly
- It should not become a second leg of litigation;
- Use of technology in ADR systems.

Suggestions for reducing the burden of Court Cases.

Efficiency improvement in case proceedings

- Opinion-based evaluation system at the pre-litigation stage
 - Neutral Evaluation
 - Non-adversarial
 - Lean Model

Suitable for commercial and civil cases involving interpretative and technical issues

Standardization of procedures

- The procedures of filing and contesting should be standard
 - across the board
 - Use of Infographics
- Software to intake data from people filing the cases and translating it to court-desirable forms;

Suggestions for reducing the burden of Court Cases.

Standardization of Procedures

- Adjournments to be reduced and ultimately negated;
- Stricter adherence timelines;
- Timelines for making pleadings/submissions.

Suggestions for reducing the burden of Court Cases.

Ttraining Judicial Periphery Constantly

- Court staff to be properly trained in use of technology;
- Support ecosystem of judges to be institutionalized (currently ad-hoc);
- Regular training for advocates and their staff;
- Authorities should be apprised of decisions of the higher courts;
- Revamping the legal education – thrust towards workable practicalities.



Affects of Reduction in Pendency

How reduction in Pendency will affect the situation?

- Access to Justice will be improved.
- Law enforcement would be strengthened.
- Better protection of Fundamental Rights.
- Upholding Rule of Law.
- Safeguarding Democracy.



Thank You

