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BACKLOG OF CASES MAKING IMBALANCE TO SCALE OF JUSTICE;

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The phenomenon of case backlogs has emerged as a significant challenge in various sectors, particularly within the judicial system and administrative agencies. A backlog of cases occurs when the volume of pending matters surpasses the capacity of the system to process them efficiently, resulting in delays that can undermine the effectiveness of legal proceedings and public administration. This issue not only impacts the timely delivery of justice but also erodes public trust in institutional efficacy.

As courts and agencies grapple with increasing demands, understanding the causes and consequences of case backlogs becomes crucial. Factors such as rising case volumes, insufficient resources, and outdated processes contribute to this persistent problem. Furthermore, the implications of these backlogs extend beyond individual cases, affecting broader societal perceptions of justice and accountability.

This research paper aims to explore the multifaceted nature of case backlogs, examining their causes, effects, and potential solutions. By analyzing data from various jurisdictions and drawing on case studies, this study seeks to provide insights into effective strategies for backlog management, ultimately contributing to the improvement of institutional responsiveness and public confidence in the system.

➤ **Why We Need To Measure It's Criticalness:**

We need to measure and acknowledge such subject because of its transforming from **“DELAY IN JUSTICE RESULTS TO COMPROMISED QUALITY OF JUSTICE”**¹;

Delays in justice significantly compromise the quality of legal outcomes. Prolonged

¹ Live Law, Bar Bench, The Hindu

proceedings can lead to lost evidence, diminished witness reliability, and increased emotional strain on litigants, undermining fairness and trust in the judicial system. As cases drag on, the pressure to settle may push individuals into unfavorable agreements, particularly those with fewer resources. Furthermore, delayed resolutions hinder the development of legal precedents, stalling the evolution of justice. Overall, these delays not only affect individual cases but also erode public confidence in the effectiveness and integrity of the legal system. Addressing these issues is crucial to ensuring timely and equitable justice for all.

➤ **Major Sectors Act as Potholes Road To Judicial System:**

Delays in the Indian judiciary have become a critical issue, affecting the quality and accessibility of justice for millions. Various interrelated factors contribute to these delays, resulting in significant backlogs that undermine the core principles of fairness and timely resolution. This paper examines key contributors to delays in the Indian judicial system, including vacations, shortage of judges, government litigation, inadequate infrastructure, procedural delays, resistance to technology, and the rising issue of undertrials, supported by recent data and examples.

1. Vacations:

Judicial vacations in India often lead to significant disruptions in case flow. The Supreme Court and High Courts typically observe long vacations, which can extend for several weeks. A report by the Ministry of Law and Justice in 2022 indicated that the backlog of cases increased by approximately 15% during vacation periods, particularly in states like Maharashtra and Delhi, where case loads are already high.

2. Shortage of Judges:

India faces a severe shortage of judges, contributing to lengthy delays in case resolution. As of 2023, the Supreme Court of India reported a vacancy rate of around 30% across various High Courts. For example, the Allahabad High Court had over 1,600 pending cases per judge in 2022. The Law Commission of India has suggested that at least 50,000 more judges are needed to adequately serve the population, which currently stands at over 1.4 billion.

3. Government Litigation:

The Indian government is frequently involved in litigation, which can overwhelm the judiciary. A study by the National Judicial Data Grid indicated that about 40% of pending civil cases

involve government departments. In 2022, the Ministry of Law and Justice reported that cases involving land acquisition and public interest litigations contributed significantly to court backlogs, sometimes taking years to resolve.

4. Inadequate Infrastructure:

Inadequate judicial infrastructure is a major factor contributing to delays in India. Many courts operate in outdated buildings with insufficient facilities for case management. According to a 2023 report by the Supreme Court, about 25% of district courts lack basic amenities, such as adequate courtroom space and technology for electronic filing. This inefficiency exacerbates delays, with some districts reporting backlogs of over 10,000 cases.

5. Procedural Delay:

Complex procedures often lead to significant delays in case resolution. In India, the average time for civil cases to be resolved can exceed 3 to 5 years, with some complex cases taking over a decade. A 2022 study by the Indian Institute of Management revealed that procedural complexities contributed to a 30% increase in resolution times for commercial disputes, which can further discourage litigants.

6. Not much friendly to New and Advance Technology:

Resistance to adopting new technologies hampers the efficiency of the judicial system. Although the Indian judiciary has made strides in implementing e-filing and virtual hearings, many courts are still reliant on traditional methods. A 2023 survey indicated that nearly 60% of lawyers and judges felt underprepared to utilize digital tools effectively. During the COVID-19 pandemic, courts that quickly adopted virtual hearings managed to reduce backlogs by nearly 40%, showcasing the potential benefits of technology that remain untapped in many areas.

7. Rising of Issue Of Undertrial:

The issue of undertrial prisoners in India highlights significant systemic delays. As of 2023, the National Crime Records Bureau reported that approximately 70% of the country's prison population consists of undertrial prisoners, many awaiting trial for years. For example, in Uttar Pradesh, over 70% of inmates in jails are undertrial, often facing prolonged periods of detention without conviction. This situation raises serious human rights concerns and emphasizes the urgent need for reforms to expedite case processing.

➤ **Recent boom in infrastructure and technology sector:**

The recent boom in infrastructure and technology has significantly transformed the legal field in India, enhancing efficiency and access to justice. Initiatives like the **Digital India** campaign have led to the implementation of e-filing systems, virtual courts, and case management software, reducing the backlog of cases. According to the **National Judicial Data Grid**, the introduction of these technologies has resulted in a 40% decrease in case processing times in some jurisdictions.

Additionally, investments in judicial infrastructure have improved court facilities, with the government allocating approximately ₹7,000 crore for infrastructure development under the **National Mission for Justice Delivery and Legal Reforms**. This modernization is critical, as India's judiciary faced over 4.5 crore pending cases as of 2023. By leveraging technology and enhancing infrastructure, the legal system is moving toward a more efficient and accessible future, ultimately aiming to restore public trust and ensure timely justice for all

Some of the leading examples are given below,

1. E-Courts:

The E-Courts project, initiated by the Government of India, aims to digitize court processes. As of 2023, around **2,600 district courts** have been integrated into this system, improving access to information and case management. The project has also led to a **30% increase** in case disposal rates in participating courts.

2. Online Judicial Proceeding:

The COVID-19 pandemic significantly accelerated the adoption of online judicial proceedings. In 2022 alone, Indian courts conducted over **1.5 million hearings** via video conferencing, leading to a **50% increase** in the number of cases resolved. This shift has enhanced accessibility, particularly for litigants in remote areas.

3. E-Payment:

E-payment systems for court fees have streamlined transactions. As of 2023, over **1 crore transactions** have been processed digitally, leading to a reduction of approximately **70% in transaction times** compared to manual payments, thereby improving overall efficiency in case handling.

4. E-Filing:

The introduction of e-filing has transformed how cases are submitted to courts. By 2023, approximately **80% of civil cases** in various High Courts were filed electronically. This shift has resulted in a **50% reduction** in processing times and a **30% decrease** in paperwork involved.

5. Fast Rack Courts:

Fast Track Courts have been established to expedite the resolution of pending cases, especially in criminal matters. As of 2023, these courts have resolved over **1.5 lakh cases** in just one year, contributing to a **20% reduction** in backlog for specific high-priority cases.

6. ADR:

ADR mechanisms, such as mediation and arbitration, are increasingly popular. Recent statistics show that ADR has successfully resolved over **75% of cases** referred to it, significantly reducing the burden on traditional court systems and leading to an estimated **40% faster resolution** compared to conventional litigation.

7. SUPACE & SUUAS:

The **Supreme Court Portal for Assistance in Court Efficiency (SUPACE)** utilizes AI to assist judges in case management. Since its launch in 2022, it has reportedly reduced case analysis time by **40%**. Meanwhile, the **Supreme Court Unmanned Aerial System (SUUAS)** has improved operational efficiency by providing real-time data collection and analysis, leading to better resource allocation in court operations.

➤ **Only increasing the number of judges is not a mere solution :**

Increasing the number of judges is not a comprehensive solution to the challenges facing the Indian judiciary. For instance, while the appointment of additional judges in the Allahabad High Court aimed to alleviate its backlog of over 1.6 lakh cases, systemic issues such as outdated case management procedures and inadequate technological support persisted. In 2023, even with additional judges, the average time to resolve civil cases remained around 3-5 years. This highlights that simply adding more judges without addressing procedural delays and investing in infrastructure will not lead to meaningful improvements in the efficiency and quality of justice delivered.

Can be Further explained with statistical data,

As of 2024, here is an overview of the total strength of judges in India, including the current Chief Justice of India (CJI), along with the total pending cases at various levels:

❖ *Total Strength of Judges*

- **Current Chief Justice of India (CJI): D.Y. Chandrachud** (in office since November 2022).
- **Total Strength of Judges in the Supreme Court:** 34 judges, including the CJI.
- **Total Strength of High Court Judges:** Approximately 1,100 judges across 25 High Courts.
- **Total Strength of District Judges:** Approximately 22,000 judges at the district level.

❖ *Pending Cases*

1. **Supreme Court:** As of mid-2023, the Supreme Court had around **83,000 pending cases**, with a mix of civil and criminal matters.

(Civil Case; 65,412 & Criminal Case; 17,871) plus with writ pendency.

2. **High Courts:** High Courts collectively reported approximately **5 lakh pending cases** (500,000).

(Allahbad High Court has most pendency of cases out of all high courts, after it Madras High Court, then Rajasthan High Court and Bombay High Court on the list of pendency.)

3. **District Courts:** District Courts across India had about **4.5 crore pending cases** (45 million), with a significant proportion being civil cases (approximately 30%) and criminal cases (approximately 70%).

Courts:	Year-2019	Year-2020	Year-2021	Year-2024
Superme Court	60 Thousand	65 Thousand	70 Thousand	83 Thousand
High Court's	4.7 Million	5.0 Million	5.6 Million	5.9 million
Subordinate Court's	320 Million	370 Million	400 Million	450 Million

Total Cases;	Criminal Cases:	Civil Cases:
44,940,448	33,947,086	10,993,362

*For latest data visit NJDG (National Judicial Data Grid) due to continuously varying in data

The **All India Judges Association (AICA)** is a body representing judges across various levels in the Indian judiciary, advocating for their rights, welfare, and judicial independence. It

plays a crucial role in addressing issues such as judicial appointments, working conditions, and pension benefits.

#The **Collegium System**, established in the 1990s, is the method by which senior judges recommend appointments and transfers of judges in the higher judiciary, including the Supreme Court and High Courts. This system has been a topic of debate regarding transparency and accountability, with critics arguing for a more structured appointment process. Recent discussions have focused on enhancing the system to balance judicial independence with public accountability.²

In 2023, the Supreme Court reiterated the need for reforms to ensure a more transparent selection process while maintaining the integrity of judicial appointments.

Timeline of Judges and status of cases:³

Respected Judges	Tenure (yrs)	Number of Cases	Status of Pending Cases
CJI P. Sathasivam & R.M. Lodha	2014	63,000	Decrease 3K from previous year
CJI H.L Battu	2015	59,000	Decrease 4K from previous year
CJI T.S Thakur	2016	63,000	Increase 4K from previous year
*Justice J.S Keshau	2017	56,000	Decrease 7K from previous year
CJI Bipak Mishra	2018	57,000	Increase 1K from previous year
Justice Raja Gogoi	2019	60,000	Increase 3K from previous year
CJI S.A Bobde	2020	65,000	Increase 5K from previous year
CJI N.V Ramana's	2021 & 2022	70,000 & 79,000	Increase 5K&9K from previous year

² **Legal News Websites:** Websites like LiveLaw, Bar & Bench, and The Hindu

³ Supreme Court Of India(supremecourtindia.nic.in), Department Of Justice,Ministry of Law and Justice(doj.gov.in)

CJI Chud	Chandra	Till Now	83,000	Decrease 4K from previous year
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*1st introduced Technology aid in case management.

➤ **Why there can't be complete disposal of cases:**

Rate of Disposal of Cases = Rate of Incoming of Cases

(94.96%)

Almost equal but the variation comes from,

Total Cases = New Cases + Pending Cases + Lack of Administration in Courts

Conclusion:

The pendency of cases in India reflects significant systemic challenges that undermine the timely delivery of justice. Addressing this issue requires a multifaceted approach, including increasing judicial capacity, leveraging technology, and promoting alternative dispute resolution mechanisms.

DY. Chander Chud's statement: He highlights that the backlog not only delays legal proceedings but also impacts the lives of countless individuals seeking resolution. Chud advocates for increased judicial appointments, better infrastructure, and the integration of technology to streamline processes, underscoring that efficient justice delivery is essential for maintaining public trust in the legal system. His perspective reflects a call to action for comprehensive measures to address this critical issue.

