Pendency of Cases in Judiciary

Why in news?

The Chief Justice of India (CJI) has recently remarked that the judiciary was burdened with about 3 crore pending cases.

What are the observations made?

- Of the 3 crore pending cases, 81 lakh cases were just an year old and 50 lakh were petty cases such as the MV (Motor Vehicles) Act violation.
- About 25 lakh cases had been pending for more than 10 years.
- Besides, of the 392 vacancies in the High Courts, the High Courts were yet to send their recommendations for 270 posts.
- There were around 5,000 judicial vacancies in district courts, of which at least 75% would be filled up before 2019.
- Subordinate courts had around 5,000 vacancies, which are about one-fourth of the total sanctioned strength.
- The dispensation of justice and morality go together; pendency and lack of judges made the justice dispensation system vulnerable.

Is vacancy the only reason?

- Vacancy in the judiciary is not the only reason for pendency in courts and tribunals.
- On average, the vacancy ratio is about 25% to 33%, on filling of which the disposal of cases is expected to increase by the same percentage.
- But even then, it may not make a big difference to the present rate of disposal of cases.
- So the disposal rate must increase and other improvements must happen to lower pendency.

What are the other shortfalls and the ways out?

- **Adjournments** are the foremost reason for the very slow disposal of cases.
- There must be a positive approach to finish cases without giving adjournments to lawyers for unsubstantiated reasons.
- The High Courts can give directions in a general manner to lower courts to minimise adjournments.
- **Filing** of too many court cases, mainly for the desire of lawyers to create

litigation is another issue.

- Cases are also being filed to hamper the government from taking straight action or to prevent legal action.
- So the courts should not **admit cases** without proper reason.
- **Disposal** of cases will increase if the cases are bundled issue wise.
- Another way to improve disposal is to make courts on specific subjects as fiscal courts, administrative courts, etc.
- Also, the old cases could be given to one or two judges so that they dispose them of, having no other option.

Source: The Hindu, Business Standard

