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Why is the Indian Judicial System So Sluggish?

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ABSTRACT

The Indian Constitution is made up of three pillars i.e the Legislature, the Executive, and the Judiciary. Among these three the Indian Judiciary system is one the foremost pillar of the Democracy in India, it also consists of a three-tier system that is lower courts, the State High Courts, and the Supreme Court.

Judiciary is always praise for working towards people's rights and entitlement, taking care of weaker sections of the society, and providing justice to all. Even though after having such enormous power, there are certain intrinsic problems that the Indian Judiciary faces. Whenever we hear the word 'JUDICIARY' the image of justice and equality is engrave in our mind, but after seeing the delay in delivering justice and gradually increase in pending cases over the past year leaves an everlasting impression on our mind.

I. INTRODUCTION

The Indian Constitution is made up of three pillars i.e the Legislature, the Executive, and the Judiciary. Among these three the Indian Judiciary system is one the foremost pillar of the Democracy in India, it also consists of a three-tier system that is lower courts, the State High Courts, and the Supreme Court.

Judiciary is always praise for working towards people's rights and entitlement, taking care of weaker sections of the society, and providing justice to all. Even though after having such enormous power, there are certain intrinsic problems that the Indian Judiciary faces. Whenever we hear the word 'JUDICIARY' the image of justice and equality is engrave in our mind, but after seeing the delay in delivering justice and gradually increase in pending cases over the past year leaves an everlasting impression on our mind. Nobody can ignore the fact that the justice delivery system in India is in poor shape. The problem of delays is not something very new, it is as old as the law itself. Delay in terms of justice signifies the time consumed in the disposal of a case, over the time within which a case can be persuasively expected to be decided by the court. Indeed, no one expects a case to be decided straight away or overnight but there is some expected life span of a case and problems arise when time exceeds its expected life span and

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that is when we say there is a delay in providing justice on time. It can be said that the problem lies at the grass-root level. The heap in the justice system only ends up hurting the interests of the nation. The extent of difficulty people experience in getting their cases heard impart largely to the overall mess in the system. Starting from the time that is taken to file an FIR to the time that is taken in the lower court, the High Court or the Supreme Court is far away from imagination. There are a lot of circumstances that people handle while dealing with legal issues. That is why it becomes crucial for the government to solve this crisis because people are losing faith in the judiciary day by day.

The Right to Litigate or the Right to get access to justice has been provided in our Constitution still getting justice on time remains an outlying dream for the layman because the Indian judicial system is inconsistent, unpredictable, and above all, it is extremely slow.

Between Feb. 1 and Aug. 31, 2020, the Supreme Court has seen a 3.6% increase in pending cases to 62,054. Between Jan. 29 and Sept. 20, the pending cases in high courts have risen 12.4% to 51.5 lakh. District and subordinate courts, too, saw a 6.6% increase to 3.4 crore cases in the same period. To be sure, the Covid-19 pandemic interrupted court proceedings in India and moved hearings from physical to virtual courtrooms.

Among high courts, the Allahabad High Court has the highest number of pending cases at 7.46 lakh, followed by the High Court of Punjab & Haryana and Madras High Court. The High Court of Sikkim, on the other hand, has only 240 cases yet in need of a resolution, the lowest in the country.

Over 70% of the unresolved high court files were civil cases, while the remaining one-third were criminal. The trend was the opposite for district and subordinate courts, where nearly 2.5 crores of the 3.4 crore awaiting cases were criminal.

At district levels, lower courts in Uttar Pradesh top the list with 81.86 lakh pending cases, followed by Maharashtra, Bihar, and West Bengal.

At least five crore cases are filed every year and judges dispose of only two crores.

II. PRIMARY CAUSES BEHIND LAW'S DELAY

1. New mechanisms (Eg: PIL) and new rights (Eg: RTI)
2. There are not enough judges
3. There are not enough courts.
4. There is too much litigation from the Government Side
5. Low judicial quality in lower courts

III. HOW THINGS CAN BE IMPROVED?

It is high time that we come out of this undeveloped state and something efficient is done to make the Indian judiciary speedy.

1. Setting up fast-track courts and benches to speed up pending cases.
2. Apply a strong warning for bringing up frivolous cases.
3. A plan to amplify the strength of the judiciary fivefold by expanding enrollments on all levels.
4. Keeping the courts open 365 days a year.
5. Modernisation of courts.

So you see the judicial pendency crisis is a gigantic and complicated one. It's not sufficient to merely point at the indicators and try to sort them without affecting somewhere else. *Generally, it boils down to three interconnected questions*

1. What kind of disputes is our judiciary handling today?
2. What is the finest way to handle them and make sure quality of justice?
3. Does the judiciary have the manpower and infrastructure to do so?

IV. CONCLUSION

The evils of corruption have crept into the system. With so much corruption in the legal profession, all processes are shrinking. People need to wake up and come out of this corruption. Despite the many evils that plague our judicial system, the overcrowded court case is a good indication of people's faith in justice. Sincere efforts must be made by the Bar, Bench, and Government to reinforce this pillar of justice.

However, no system, not even a justice delivery system can be better than the men who man it. We can make better laws and introduce new procedures, but they may not have done enough to fulfill the constitutional promise of justice. It would be pointless to do even the best for bad people. If followed properly the above appraises would go a long way, to ensure the that 'litigation' for a smooth affair for a litigant, as this is very relevant to ensure and maintain people's faith in the judiciary, and in the last to quash the very common bar room sketch ***“that in the average Indian litigation winner is the loser and the loser is dead”***.
