



Mains Practice Question

Q. Courts are sitting on a pendency bomb and it has never been more urgent to strengthen the Indian judiciary. Discuss.

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Approach

- Start the answer by briefly mentioning the magnitude of pendency of cases in India.
- Discuss the major reasons for pendency of cases and steps to rectify them.
- Conclude Suitably.

Introduction

The Covid-19 pandemic has impacted virtually every aspect of socio-economic-political setup in India and quite obviously Judiciary hasn't been immune to it. As a result, when the lockdown of March 2020 was declared, there were 3.68 crore cases across all levels; which have already shot up to 4.42 crore.

Body

Reasons for Pendency of Cases in India

- **Persisting Vacancies:** Across India, there are vacancies against even the sanctioned strengths of courts and in the worst performing states those vacancies exceed 30 per cent.
 - Due to this, the average waiting period for trial in lower courts is around 10 years and 2-5 years in HCs.
- **Poor State of Subordinate Judiciary:** District courts across the country also suffer from inadequate infrastructure and poor working conditions, which need drastic improvement, particularly if they are to meet the digital expectations raised by the higher judiciary.
- **Government, the Biggest Litigant:** Almost in 86% of pending cases the government is the litigant.
 - Poorly drafted orders have resulted in contested tax revenues equal to 4.7 per cent of the GDP and it is rising.
- **Less budgetary allocation:** The budget allocated to the judiciary is between 0.08 and 0.09 per cent of the GDP. Only four countries — Japan, Norway, Australia and Iceland — have a lesser budget allocation and they do not have problems of pendency like India.

Way Forward

- **Increasing Strength of Judicial Service:** One of the solutions is to substantially increase the strength of the judicial services by appointing more judges at the subordinate level — improvements must start from the bottom of the pyramid.
 - Institutionalising All-India Judicial Service can be a step in the right direction.
- **Adequate Budgeting:** The appointments and improvements will require significant but

absolutely necessary expenditure.

- **Hibernating Unnecessary PILs:** The Supreme Court should mandate summary disposal of all 'hibernating' PILs - those pending for more than 10 years before HCs - if they do not concern a question of significant public policy or law.
- **Correcting Historical Inequalities:** Reforms in Judiciary should also encompass addressing social inequalities within the judiciary.
- **Promoting Alternative Dispute Resolution:** Mechanisms such as ADR (Alternate Dispute Resolution), Lok Adalats, Gram Nyayalayas should be effectively utilised.

Conclusion

Courts are sitting on a pendency bomb and it has never been more urgent to strengthen the judiciary. Thus, there is a need to take a holistic and realistic view of the present situation of the Indian Judiciary.

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