

Justice barred

The latest statistics available from the Supreme Court's report on vacancies and pending cases, the apex court has now run up a backlog of 56,383 cases — the highest figure in a decade. The situation is similar in the country's 21 high courts (42 lakh) and the subordinate courts (2.8 crore). If the cases pending in various tribunals and other quasi-judicial bodies were also added to the grand total, the arrears in lower courts would well cross the figure of 3 crore, which is alarming, to say the least. (<http://www.tribuneindia.com/2012/20120313/edit.htm#6>)

Since fresh cases exceed the number of cases getting resolved, this leads to an increase in pendency. Interestingly, the number of cases that are resolved each year has increased substantially. However, this has not kept pace with the increase in fresh filings. For example in Rajasthan, the court arrears in September 2011 stood at 2,75,798 with disposal of 74,667 cases. This essentially means that 2,01,131 cases were newly filed which is more than double than the cases resolved.

High vacancy in courts and low judges-to-population ratio are the two main reasons to explain high pendency of cases. At present, the vacancies in the three-tier judicial structure from the apex to subordinate courts stand at 04, 279 and 3,634 respectively. India's judges-to-population ratio is significantly lower than developed economies as stated by the United Nations Survey of Crime Trends and Operations of Criminal Justice Systems. The Law Commission in its 120th Report recommended that the strength of judges per one million population may be increased from 10.5 to 50 judges per million population. It was reiterated by the Supreme Court, in its judgment of 21st March, 2002, in *All India Judges' Association & Ors vs. Union of India & Ors*, which directed the States that the above stated increase in the Judge strength should be effected and implemented within a period of five years. This is yet to turn into a reality.

CHRI's in-depth work in Rajasthan and other states also attributes the attitude of the judicial officers and lawyers as another reason for high pendency. Their attitude is to dilate court practices through unnecessary extension of remand, poor legal representation and frivolous adjournments that have become routine in the name of procedure. This vicious circle traps people into longer detentions in a jammed criminal justice system.