A STUDY ON THE PENDENCY OF CASES IN INDIAN COURTS VIS-À-VIS HUMAN RIGHTS

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Abstract:

In a progressive and developing society, one of the sound principles of the criminal justice system is that “Justice delayed is justice denied”. The delay in dispensation of justice adversely affects the two important fundamental rights which are, Right to access justice and the rule of Law. Both are the part of the Indian Constitution. In various decisions, the Indian Supreme Court has underscored the importance of expeditious trial. Right to speedy trial is one of the facets of the Right to life and personal liberty under Article 21 of the constitution of India. According to the Ministry of Law, there are nearly five crore cases are pending as of now in courts³. India is on the top in pending cases across the globe. In spite of the establishment of the tribunals, the situation of pendency is becoming worse. There are various reasons which can be attributed to the situation of pendency of cases. Among them some are; awareness of the legal rights by the people, emergence of new ways of access to justice such as RTI and PIL, inadequate number of judges in courts. Government needs to take initiative in controlling the backlog of cases so that time justice could be imparted to all segments of the society. In present time, the pendency of cases is directly connected to the issue of human rights. Pendency of a case in the court of law endangers numerous human rights. This research paper attempts to examine the various loopholes which leads to the pendency of cases in Indian courts and violates the human rights.

Keywords: Pendency, Justice, Courts, Judiciary, Human Rights.

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1. Introduction:

Jerome Frank who was the great American Philosophers once said “In a democratic country, courts do not belong to the judges and the lawyers but to the citizens of the country. The constitution of India guarantees social, economical and political justice to all the citizens. But it is heartbreaking that even after the 75 years of Independence; we are unable to impart justice in an effective manner. An aggrieved person is made to run pillar to post in search of justice for years. At the end of this journey, he/she is left barely in the rags. Pendency of around 5 crore cases among all courts shows that how many flows are there in the system with which Indian Judiciary is going through. Indian courts show that how many flows are there in the system with which Indian judiciary is going through. Indian courts in some of the cases take the entire life of a person in disposing of a case. There is also a common notion prevalent about judiciary is that civil suits passes from one generation to other as an inheritance gift. As per the theory of Separation of powers, judiciary is an integral part of the State so it is the responsibility of the state to do away with all the procedural flaws and lacunas existing in the system and ensure a fair, reasonable and timely justice to all the citizens of this country.

The landmark document of English law “Magnacarta” mentions that “Right to speedy trial is a fundamental right and as per the article 21 of the constitution of India, right to life and personal liberty and it cannot be denied except the procedure established by law and with due process of law. If there is denial of this right to speedy to some accused person then he is entitled to approach the Hon’ble Supreme Court under article 32 for the redressal of his grievance. In the Babu Singh and Ors. vs State of Uttar Pradesh. Justice Krishna Iyyer stated that “Our justice system even in grave cases suffers the slow motion syndrome which is liable to fail trial, whatever the ultimate decision is”. Concept of speedy justice also has the social purpose. Speedy trial serves two fold purposes; first, it puts the offender behind the bars after convicting him which results in stability in the society. Second is that if the alleged offender is innocent, he is saved from the unending wrath of the trial courts. Thus, he is saved from the ordeals he might face during such lengthy trials. In another case, Justice PN Bhagwati in Hussainara Khatoon & Ors. v. Home Secretary, State of Bihar observed that the State can’t eschew its responsibility of providing fair and timely justice to litigants citing financial and administrative constraints. It is the duty of the court to provide speedy trial for the enforcement of fundamental rights of the accused. For this purpose, the court can direct the State to ensure proper investigation, establishing new courts & judicial infrastructure, appointment of judges and all steps that could ensure a speedy trial in the judicial system.
The 221st Law Commission report provided suggestions for speedier disposal of cases. Various committees also have been constituted to inquire about the reasons for the pendency of the cases and to resolve this issue. Malimath Committee which was constituted under Justice Malimath provided suggestions to combat the pendency of the cases. One of the proposal was to dispose of the appropriate cases through some other channels such as Lok Adalats on a priority basis. The cases were sought to be heard on day to day basis without any adjournments. Pendency of cases not only affects the rights of the people which are enshrined in the Statutes and the constitutional law, but it is human right violation too. The term ‘Human Right’ itself connotes the meaning that they are natural rights which comes into existence with the birth of an individual. There are endless rights which an individual accrue on his birth.

In an organized society, sometimes conflicts of interests would arise among the masses. And such conflict must be resolved as soon as possible so that chaos and instability in the society can be prevented. Because of the pendency of a case, individuals in prisons languish for a long period of time in apprehension, which further affects the mental health of the family member of such prisoner. In prisons, they are forced to live in most unhygienic conditions. Due to pendency, they do not get proper attention which they are entitled to and have to live in crowded prisons. And this became even more dangerous for them while the Covid-19 pandemic was going on recently. Due to the long lasting of the cases, sometimes it is also a possibility that would become even more hardened criminals. In this way, a person which could have been reformed adequate by disposing of his case swiftly, becomes more hardened criminal facing all advertise in the jail. Therefore, pendency of cases has not only pointed out the lack of procedural safeguards in the criminal justice system but also the gross violation of human rights too which need to be taken care of as soon as possible. Similarly, the High Court arrears committee under the chairmanship of Justice C.R. Das was constituted in 1949. In 1969 also, Chief Justice Hidayatullah was also designated as chairman of the committee inquiring into the reasons of pendency of the cases. Thus, there were some of the committees so far has been constituted to resolve this issue. The Supreme document which advocates the protection of human rights across the globe is the ‘Universal Declaration of Human Rights.’

Article 3 of this declaration talks about Right to Life, liberty and security of persons and article 5 postulates prohibition against torture, inhumane and degrading treatment. Right to life is such a vast right that it is not restricted to one or few aspects of life rather it includes all those dimensions which are directly or indirectly connected to the dignified life. In the similar manner, the existence of life would be there if it is free from torture and inhumane treatment.

Now the relevance of both these two articles can be connected to the issue of pendency of cases. When a matter is pending before a court, either it is criminal or civil, and it last beyond the expectations of the litigants, then time, energy and money goes on draining day by day. Also, if the case remains in the court for years, then the life threat to the important witness also increases which denies them right to life and security of person right as per article 3 of the declaration. Long pendency of the case also causes mental or psychological trauma to the parties to the proceedings. They have to pass their each day in mental agony. They are adversely affected by the uncertainties associated with outcome of the case. Sometime, they got to avoid their important undertakings just to attend the court. All these factors suggest and show that a person stuck in such a situation is severely denied the right to life and liberty. He/she just have to live in lurches and such a life is no more than an animal life.

Long pendency of case also becomes the reason for inhumane treatment of the under trial prisoner. Indian prisons are in dire need of overhauling reforms and rehabilitation. They are overburdened with the number of prisoners per unit of prison. In case, the matter before the court takes too much time, then prisoners in such jails are put on a greater disadvantages position risking their health most importantly. Not only this, when an individual is left for long time in the jail due to pendency of case, then it is more likely that would become more hardened criminal as he would be living in the jail with likeminded people. In this way, aim of the Reformist Theory gets defeated completely. Therefore, such inhumane treatment instead of reforming an individual to fit in a society, makes him more notorious. Therefore, the violation of human rights to this extent has to be stopped.
2. Statement of Problem:

In Indian Justice System, for the disposal of case irrespective of its nature, there is need of infrastructure, manual help in the forms of judges and clerical staff, technology, electronic gadgets and most importantly the will to dispose of the case. If there above mentioned factors are sufficient and enough availability is there of all these, then no matter how complicated a matter is, it would be resolved in a reasonable time. Conversely, if the same factors are suffering from various lacunae, then its impact would be seen in pendency of the cases. The duty to maintain infrastructural need i.e. establishment of courts is upon the government. But due to inadequate funds, the requirements of the required courts are not being fulfilled. Further lacks of judicial officers worsen the condition of disposal rate of the cases. Also, with the so much advancement in the science and technology, we have proceedings in the court electronically. However, government has taken steps too in this direction but that are not sufficient. Further lack of will on behalf of the judges/Magistrates to dispose of a case enhances the pendency of the cases. There is no doubt that there are certain lacunas in the system which are responsible for the large pendency of the cases. But the repercussions of such pendency also can’t be ignored. Impacts of such pending cases results in many human rights violation too. Because of the protracted trials, not only the parties are victims but their family members too. In the long run, when a pending issue is resolved by that time it has taken more than it has the power to give back to the parties. Therefore the concern is also of protection of human rights due to such pendency.

3. Meaning of Human Rights and Pendency of cases:

Basically the human rights are those rights which are already inherited in all the humans and these rights are beyond the caste, sex, their place of residence as well as any other status of a person. But in the present time a huge number of court cases related to different matters are pending in the courts and this problem of pendency is also affecting and also violating the human rights at a large level.

3.1 Pendency of cases vis-à-vis Human Rights violations:

Pendency of cases and human rights violations are interconnected issues. The more pendency of a matter lasts, the more gross violation it goes on to become day by day. This issue of pendency is not restricted only to the Indian scenario rather it can be given an international perspective too. In the Universal Declaration of Human Rights which was adopted on 10 December 1948, however does not mentioned this issue expressly in the list of its 30 Articles but a purposive interpretation can be given even to those articles so as to include this human rights violation because of the pendency.

3.2 Pendency of the cases and Indian Constitution:

The broadest scope of article under Indian Constitution is of Article 21. In Maneka Gandhi Case, the Hon’ble Supreme Court had interpreted it in much broader sense than ever before. Since then, in appropriate cases, apex court keep on broadening its scope. Basically it gives right to life and protects personal liberty of the person. It also ensure a free, fair and reasonable trial and this has been held in Hussainara Khatoon case that a reasonable trial must be provided to the parties. Reasonably here indicates that trial of a must be completed within legitimate time period. If it goes on for unending period, it would deny this fundamental right to the person affecting by such unending period. Therefore, there is also the need of protecting such important fundamental rights which are also the human rights.

4. Reasons for Pendency of Cases:

There are multiple reasons for the pendency of the cases which are as follows:

4.1 People becoming aware of their rights:

With the advancement in the science and technology, people are becoming more aware about their rights. Before the various advancements, people especially in rural areas were used to be unaware of their rights. But the moment the technology extended its hands up to the rural and urban areas, they come to across the rights, they had never thought of besides this, existence of various NGOs had led the people to know about their rights. Multiple NGOs could be seen working for the welfare of the
society such as against corruption, for LGBTQ rights, orphanages, several evil practices such as dowry and forceful abortion etc. When people connect with these NGOs, they represent the aggrieved parties in the courts. Apart from this, Government is also taking steps to make the people to know about their rights. Government’s step in introducing the RTI was one of those steps. Now when people know their rights through all such mechanisms as discussed above, they readily approach the courts, if there any infringement is caused to them. This consequently led to the situation of piling up the cases day by day but there was no system in the judicial domain to handle such pendency of the cases. Neither the infrastructure nor the adequate judicial staff. Therefore, pendency of cases was obvious result.

4.2 Inadequate number of judges:

Inadequacy of judges is one of the significant factor for the pendency of the cases. Seeing the alarming rate of pendency of cases, Union government has also increased the strength of Supreme Court judges from 31 to 34. At present 33 justices are working at the apex court along with the Chief Justice of India. According to the statistical data provided by the Ministry of Law and Justice, there are around 400 vacancies in the various High Courts across the India. And this number of vacancies in the subordinate judiciary is much dreadful which is about 5000. Once while addressing a seminar former Chief Justice of India Tirath Singh Thakur said that “vacancies in the High Courts have become a national challenge and the efforts are made to persuade the government to expedited this matter. The highest number of pending cases are in high courts such as Punjab and Haryana, Rajasthan, Madras and Madhya Pradesh. Similarly, the appointment process of the Judicial Magistrates in the subordinate judiciary is also very sluggish. Untimely appointment causes the backing of cases. The Ministry of law and justice now is planning to purpose such as mechanism which will recruit the judges in the same manner as UPSC recruits the IAS, IFS etc. A centralized mechanism will appoint the judges across the nation that will not only bring the uniformity in appointment of judges rather there would also be transparency and greater quality of judges. Various Law Commission Reports had also suggested to fill up the vacancies swiftly, otherwise the problem of pendency of cases could be even worse than it is right now.

4.3 Insufficiency of Courts:

Insufficiency of courts is also one of the reasons why there is so much pending cases in the courts. Lack of judicial infrastructure not only becomes the reason for pending of cases rather it also loses the trust and confidence of the public in judiciary. The 245th Law Commission Report suggested that Governments could set up special courts for trivial matters such as traffic challans, civil offences etc. As such matters does not require a special expertise in law so the fresh law graduates could be appointed for the adjudication of such matters. With the advancement in the science and technology, a new type of crimes has been emerged i.e. cybercrimes. Cybercrimes are committed through the internet. Easy access to internet and mode of committing offence through this channel being simple has caused increment in the cybercrimes. Owing to these crimes, registering of cases automatically rises. Therefore, for specified crimes, these should be special courts are being set-up gradually but rural areas should also be kept in mind for the same reason.

4.4 Misuse of RTI and PIL:

The commencement of the RTI and PIL has been from 2005 and 1980’s respectively. These two tools were introduced for the representation and protection of the rights of the citizens. But as the time passed, people started to use them for their personal benefits which could be reaped by coercing the public authorities under the influence of RTI and for publicity through PILs. In a petitions through PIL prayed the High Court issue a writ of mandamus under article 226 of the constitution directing the respondents to issue orders for to conduct compulsory medical tests of the candidates who were contesting the legislative Assembly Elections in Tamilnadu. This was filed to protect the lakhs of voters from dismissed this PIL citing groundless, vexatious and publicity stunt. In similar manner, sometimes it is seen that RTI applications are filed to seek personal benefits and exerting under influences over the authorities. Using such useful tools in this manner is the travesty of the system. High Courts are often flooded with such applications and PILs and thus wasting the time and energy of the courts and judges.
It directly hampers the speedy rate of disposal of cases and results in increasing the pendency of cases.

4.5 Lack of Infrastructure and Administrative expertise:

It is one of the significant factor behind pendency of cases in courts. Judicial infrastructure and the expert staff are keys to reduce the burden of cases over the courts. They are the modes through which dispensation of justice is done. First of all, lack of infrastructure is not only limited to judicial complex buildings but also to the other materials such as availability of technical gadgets, access to internet, number of courts etc. In India, courts are hardly less with all such equipment. First and foremost requirement is of courts. Establishment of courts would further necessitate the appointment of new judicial officers who are crucial to dispose of the cases frequently.

Now, when if there is sufficient availability of judicial infrastructure, then next need would arise of appointing the staff in it. Not just manual staff rather all the staff should be well conversant with the proper functioning of the all technical equipment such as computer system, projectile system etc. Now in the present time, governments are investing in infrastructure but it is failing to provide adequate and proper training to the staff who runs the judiciary. There should be corresponding duty upon the government to provide proper expertise to the judicial officers along with providing technical gadgets. In the absence of proper training, work in the courts used to lag behind on a daily basis and in the long run, it results in piling up a huge amount of cases.

4.6 Burden of Government Cases:

There is huge backlog of cases for which the Central and the State Government are responsible. As per the statistics provided by legal information. Management and Briefing System (LIMBS) reveals that for the most of the cases which are pending (about 45%) in the Indian court, the Union and the State Governments are liable.

5. Reasons for delay in civil cases:

The situation of pendency of civil matters in Indian courts is worrisome. If we compare the time period taken by the courts in disposing of the civil period taken by the courts in disposing of the civil and criminal cases, then civil matters lags far behind the criminals in disposal rate. There are many procedural reasons behind the long pendency of civil cases which are:

5.5 Frequent adjournment:

As per the scheme of the Code of Civil Procedure, 1908 under Order XVII Rule 1, adjournments can only be granted for three times in a civil case. But courts do not strictly adhere to this rule and grant routinely adjournments to the parties on one pretext or the other. However, more than three adjournments can also be provided but those have to be granted imposing heavy costs. Thus, unnecessary adjournments becomes the major reason for delay in disposal of the civil matters. For the efficiency of the courts, it has to be prevented.

5.2 Non-adherence to the section 89 of the Civil Procedure Code:

Section 89 of the Civil Procedure Code, 1908 deals with the methods which can be adopted to resolve the disputes outside the court. It depends upon the nature of the subject-matter of the dispute whether it could be sent for the alternate dispute resolution. ADR consists of various methods like Arbitration, conciliation, Meditation, Judicial settlement and Lok-Adalats. Basically, this section was added keeping in mind the purpose of expeditious disposal of cases so that courts are not burdened with too many cases at a time. It is the duty of the court and lawyers to decide a dispute outside the court room if it is so requires. Unnecessarily burdening the courts with the case which could be resolved outside the court is the wastage of time and energy of courts and parties. But in practice, it is hardly noticed that disputes are being referred to the mediation, arbitration etc. cells. Rather as a daily routine, all the matters are placed before the judges and are being continued without the tenability of the cases. This is the major reason behind pendency of civil cases in India.
5.3 Non-appearance of the parties on hearing date:

It is also a significant reason why the civil cases remain pending for years. Whenever the court fixes a date of hearing, either the plaintiff or the defendant remains absent. Their absence may be for many reasons like non-preparedness of document, inability of a witness to attend the court, health issues of counsel or the parties or sometimes, parties deliberately avoid to attend the court so that case may last a bit longer. This kind of attitude of the parties in not attending the court becomes the reason of lasting the cases forever.

5.4 Non-compliance with the order X of the Civil Procedure Code, 1908:

Order X of the Civil Procedure Code, 1908 provides that court would examine the parties orally for the purpose of bringing out the real controversy between the parties. When real conflict is found out, it becomes easy for the court to frame the issues. Non-examination of the parties leads to various kinds of anomalies and causes delay in framing the issues. Unless issues are settled properly, suit cannot be decided. Therefore, non-examination of the parties also becomes the reasons of pendency of cases.

6. Reasons of delay in Criminal matters:

6.7 Delay in investigation:

The procedural aspects of the criminal law has been dealt by Code of Criminal Procedure, 1973. Under the scheme of CrPC, no time limit has been fixed for completion of the investigation in a criminal matter except in the sexual cases. It is the prerogative of the enforcement agency that within how much time, it completes the investigation. This lacuna of not setting a reasonable bar for completion of investigation is fully dominated by the police officers. Sometimes, they keep on doing investigation under on pretext or the other for their ulterior motives. This directly results in not filing the charge sheet. In the absence of charge sheet, court is unable to take cognizance of the case, and held trial. Thus, late-filing charge sheet due to lengthy and unending investigations becomes the reasons of trilling up of the cases in recorded room of the courts.

6.8 Frequent Adjournments:

As per section 309 of the Code of Criminal Procedure, trial of a case should be continue on a daily basis unless it is necessary to adjourn up to a next day. But as in the civil cases, in criminal matters also, adjournments are given in a routinely manner which enhances the prudency of cases.

6.9 Excessive Cross Examination:

This issue plays an important role in hampering the case. Sometimes in the court while cross-examination of a witness, irrelevant and slanderous questions are asked, despite the fact that they are prohibited by the Indian Evidence Act. Such questions makes the process of cross-examination lengthy and thus wastes the time of the court which ultimately increases pendency of the cases.

6.4 Lack of Will on behalf of Judges/Magistrates:

Even if there is everything which could be used to resolve the problem of pendency of cases, it will still continue growing, if the judicial officers lack the will of removing the pendency. A judicial officer is obliged to work with mental and physical spirit to reduce the pendency of the cases. If they lack this will, it would lead to many drastic consequences like increment in pendency of cases.

6.5 Fast growing population:

Due to fast growing population, there would be more breach of rights which results into litigation. Increment in litigation leads to large number of cases which results in pendency of cases.

6.6 Salaries and Perks of judges:

If sound salary and perks are provided to the judges, then better lawyers would be interested in becoming judges. Today, less lawyers are interested in becoming judges because of which the quality of judges is down and due to this justice delivery system is also suffering.
7. Effect of pendency on Human Rights:

Pendency of cases not only points out the procedural and administrative flaws rather it also has the effects which often are ignored or no one would ever thought of. These are some of them:

7.6 Denial of fair trial:

As point out earlier, irrespective of the side of the parties, every person is entitled to fair trial. Fair trial here means meeting adequate opportunities in presenting the case, timely disposal of case so that witnesses do not become of hazy memory etc. But if matter remains for long in the court, it would adversely affect all these situations just mentioned and it would result in denial of fair trial.

7.7 Denial of Right to life and personal liberty:

Suppose if a person is found innocent after a long protracted trial and he is released after the significant time he has already spent in jail. Then what is the point in finding him innocent as he already gone through punishment for a long period. This must be stopped. Untimely disposal of cases thus denies right to life and liberty keeping a person behind the bars.

7.8 Inhuman treatment in the prisons:

Long pendency of the case makes the accused closed in the jail. There he remains with the hardened criminals which often subjects him to severely inhumane conditions. They make the other accused to wash the toilets, washing clothes, physically torture etc. And all this happens because of the lethargic and irresponsible behavior of the jail superintendents and the long pendency of the case.

7.9 Psychological stress to accused and his family:

When a case lasts for years, a lot of time, energy and money is spent on it. Along with this, parties and their family members go through mental trauma and stress. Long pending matters in the court makes them uncertain about the outcome of this case and thus this goes on increasing, if the matter last longer.

7.10 Denial of voting Rights to prisoners:

Till the time a matter is resolved, many times elections has already been held. And meanwhile this, if accused is in the prison due to long pendency of the case, he can’t his vote, thus, it denies him to participate in a democratic process.

8. Human Rights and their International Perspective:

Human Rights can be treated as natural rights. There rights something for which humans are not obliged to ask someone to make available for them rather they are per se present in the nature. They are attached with the person the moment he takes birth. The conferment of these rights is not dependent upon the legislative will or any enactment of certain statute. Even if any legislative body is ignorant in carrying for such rights, society can assert them collectively without any constraint. Keeping in mind all these aspects, a Universal Declaration was made by many countries across the globe that they would protect and conserve all possible human rights in letter and spirit to their utmost potential. However, an exhausted list of some of human rights was prepared which consisted of 30 articles categorizing further Civil and Political Rights and Economic & Social Rights. This formal documentation of all these rights was said Universal Declaration on Human Rights and it was adopted by the committed nations on 10th December, 1948.

In the list of Civil and Political Rights, the fist listed right is of Right to life, liberty and security of the person. Here, the issue of pendency of cases is not expressly mentioned here but it can be connected to the Right to life and liberty in a certain way. Long pendency sometimes keeps the person specially accused in the prison till the time matter is disposed of. For this whole time, he has to remain behind the bars. If there are such mechanisms and procedural safeguards which would enhance the possibility of disposing of the case swiftly, only then he would be able to come out of the darkness. In the absence of speedy disposal, he would be denied the right to life and liberty which would be against the principle and commitment of the India which it had made to Universal Declaration of Human Rights to protect the every right of the individuals.
In the list of Civil and Political Rights third right is of prohibition treatment. Long pendency of the care leaves the prisoner in lurches and many times the prisoners has to face inhumane and degrading treatment from the co-inmates. Thus in this way it also results in violation of these human rights.

9. Suggestions to reduce the pendency of cases:

9.1 Adoption of ADR methods:
Encouragement to ADR (Alternate Dispute Resolution) is one of the ways through which pendency of the civil cases can be reduced. As per section 89 CPC, appropriate cases which can be settled amicably through mediation, judicial settlement or arbitration etc. must be sent for the same. It will lead to reduction in pending cases. Following the law, in fact, will solve the problem of pendency to a great level. But we instead of following the civil procedure, always they to find the solutions somewhere else. However, not each and every matter can be sent to ADR method. Only those matters which are suitable for ADR must be sent to it, otherwise, there can be miscarriage of justice.

9.2 Increase appointment of judges and court premises:
Regular appointments of the judicial officers would certainly reduce the pendency of cases to a certain extent. More availability of the judge would not only reduce the pendency but it will also level up the qualitative judgements. Along with appointment of new judicial officers, there is also need of establishing new courts. Central and the State Governments should pay attention in erecting more judicial complexes.

9.3 Establishment of Gram-Nyayalaya:
Gram Nyayalaya should be established at village level so that small disputes such as family matters, land disputes, offences of trivial nature, civil disputes etc. could be resolved at village level. Such nyayalaya derive their authorities under the Gram Nyayalaya Act, 2008. But at the village level, their existence is rare. The Central Government should pay attention towards setting up such courts so that petty matter could be resolved at grass root level and the courts are not burdened with such cases.

9.4 Increase retirement age of judges:
There is need of increment in the retirement age of the judges. 124th Amendment Bill was moved by the Central Government in the term of 15th Lok Sabha. This Bill sought to increase the retirement age from 62 to 65. But it could not be passed because of the dissolution of the Lok Sabha. Judges gain the experiences throughout their life but after the retirement, either they are made Chairperson of some committee or start independent practice.

9.5 Increase in working days:
The Hon’ble Supreme Court and the High Courts across the Indian do not have adequate working days in a year. Most of the days are either public holidays or vacations in various times-Generally apex court works around 190 days in a year and the High Court’s working days vary from 175-210 (in various states). Therefore, there is a need of increasing the working days so that disposal of cases can be speed up.

9.6 Setting up regional bench of apex court:
Looking at the number of cases that are pending in the Supreme Court, there is need of establishing one more branch of the apex court especially in southern India so that burden of the cases can be reduced over the Supreme Court. In fact, former Vice President Venkaiya Naidu had proposed to establish four regional benches of the Supreme Court across the India.

9.7 Setting up all India Judicial Services:
As of now, States are the sole authorities which appoint the newly judicial officers. Every state across the nation has its procedure and time period of recruiting the judges. All Indian Judicial Services will not only bring transparency but it will also speed up the process of recruitment of judges. Recently, Law Minister Kiren Rajiju had proposed to introduce All India Judicial Services but it is to see the light
of the day yet. In the similar manner, 1st, 8th, 11th and 116th Law Commission Report had also recommended to set up All India Judicial Services.

10. Conclusion:

Great American Activist Martin Luther King Jr. once said “Injustice anywhere is a threat to justice everywhere” and the delay in justice amounts to the denial of justice. Similar situation is with the pendency of cases. Pendency of cases causes injustice to the individuals and it is also against the principle that trial should be free, fair and reasonable. Now it is high time that State and judiciary should come together to eradicate or at least minimize the miserable pendency of cases. Indian courts should not allow the buzz phrase “Civil Cases in India are received in inheritance” to persist. Suitable steps by the State and judiciary, infrastructure, political will and a long-term vision will lessen the pendency of cases in courts.

In this research paper, researcher elaborately discussed how long pendency of the cases results in gross human rights violations. Long pendency of the case directly and indirectly causes many suffering to the individuals. It has unraveled so many defects in the criminal justice system that a holistic approach is required to be made for the protection of the human rights which are being violated due to pendency of the cases. National Human Right Commission, International Treaties to which India is a signatory, courts, governments, lawyers, jail authorities, all have to make collective efforts to resolve the problems which has been emerged due to pendency of the cases. Only then India can step forward towards an ideal justice system.

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