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**TOPIC**

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**GRUELLING COURSE OF  
LITIGATION IN INDIA**

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## GRUELLING COURSE OF LITIGATION IN INDIA

### Context

- Recently the President of India highlighted the **issue of court delays**, and noted that these delays are what are making people hesitate approaching courts.

### About the Litigation in India

- The Indian judicial system, often hailed as the guardian of justice, is paradoxically seen as a labyrinthine process that deters many from seeking legal recourse. The gruelling course of litigation in India is marked by endless adjournments, numerous appeals, and escalating legal costs, making the pursuit of justice a daunting task for many.
- As of May 2022, over 4.7 crore cases were pending across various levels of the judiciary, with 87.4% in subordinate courts, 12.4% in High Courts, and nearly 1,82,000 cases pending for over 30 years.

### Reasons For High Pendency

- **Endless Adjournments and Appeals:** One of the primary reasons for the prolonged litigation process is the frequent adjournments granted by courts, often requested by lawyers for various reasons, significantly delay the resolution of cases.
  - ◆ Additionally, the **right to appeal in higher courts**, while a crucial aspect of justice, often leads to cases dragging on for years, if not decades.
- **Escalating Legal Costs:** Legal fees, court fees, and other associated costs can escalate quickly, making it difficult for the average citizen to afford prolonged legal battles. It forces litigants to abandon their pursuit of justice midway.
- **Case Management and Scheduling Issues:** Effective case management, involving clear timelines for filing documents, conducting witness examinations, scheduling hearings, and limiting adjournments, is crucial.
  - ◆ However, the inconsistent implementation of these practices exacerbates delays and frustrations faced by litigants.
- **Psychological and Behavioural Aspects:** The uncertainty and stress associated with long-drawn legal battles can be overwhelming. This phenomenon, sometimes referred to as the **'black coat syndrome,'** likens the anxiety experienced by litigants to the white coat hypertension seen in clinical settings.
- **Systemic Pressures on Judges:** Judges, especially in the district judiciary, face immense pressure to manage their caseloads efficiently. However, **systemic issues**, such as directions from higher courts to prioritise certain cases and meet disposal targets, often compromise their ability to enforce strict case management timelines.
- **Government Litigation:** The government is the biggest litigant in India, contributing to a substantial portion of the backlog. Efforts to reduce government litigation have been ongoing, but the impact has been limited.

### Reforms and Initiatives To Overcome Challenges

- **Overhaul of Criminal Laws:** One of the most significant recent reforms is the introduction of three new criminal laws: the Bharatiya Nyaya Sanhita (BNS), the Bharatiya Nagarik Suraksha Sanhita (BNSS), and the Bharatiya Sakshya Act (BSA).
  - ◆ These laws aim to replace the British-era IPC, CrPC, and Indian Evidence Act, respectively.
  - ◆ The new laws are designed to modernise and streamline the criminal justice system, ensuring faster and more efficient justice delivery.
- **E-Courts Project:** The **e-Courts Mission Mode Project** continues to be a cornerstone of judicial reforms. It leverages **information and communication technology (ICT)** to digitise court records and proceedings.
  - ◆ As of now, 18,735 district and subordinate courts have been computerised, and video conferencing facilities have been enabled between 3,240 court complexes and 1,272 jails.

- ◆ It includes the establishment of 689 **e-Sewa Kendras** to assist lawyers and litigants.
- **National Judicial Data Grid (NJDG):** It is another critical initiative aimed at improving transparency and efficiency in the judiciary. It provides real-time data on case status, helping to monitor and manage case pendency effectively.
  - ◆ It is instrumental in identifying bottlenecks and ensuring timely disposal of cases.
- **Judicial Infrastructure Development:** Under the Centrally Sponsored Scheme for Judicial Infrastructure, significant investments have been made to improve court facilities. It includes the construction of court halls, residential quarters for judicial officers, lawyers' halls, toilet complexes, and digital computer rooms.
  - ◆ Since the inception of this scheme, the number of court halls has increased from 15,818 in 2014 to 21,271 in 2023.
- **Filling Judicial Vacancies:** Efforts to fill vacancies in the judiciary have been intensified. From May 2014 to March 2023, 54 judges were appointed to the Supreme Court, 887 new judges were appointed to High Courts, and 646 additional judges were made permanent.
  - ◆ The sanctioned strength of judges in High Courts has increased from 906 in May 2014 to 1,114 currently.
- **Alternative Dispute Resolution (ADR):** Promoting ADR mechanisms such as **mediation and arbitration** is another key reform.
  - ◆ ADR offers a faster and more cost-effective means of resolving disputes, reducing the burden on courts and expediting the justice delivery process.

### Conclusion and Way Forward

- The Indian judicial system faces significant challenges, but ongoing reforms and initiatives offer hope for improvement. By addressing these issues, we can hope to create a more efficient and equitable judicial system that truly serves the needs of the people.
- Addressing the gruelling course of litigation in India requires a multifaceted approach. Strengthening case management practices, increasing the number of judges, and improving judicial infrastructure are essential steps.
- Additionally, fostering a culture of timely justice and reducing the financial burden on litigants can help make the judicial process more accessible and efficient.

Source: TH

### Mains Practice Question

[Q] How does the lengthy and complex legal procedures in India contribute to the overall stress and financial burden faced by litigants, and what potential reforms could be implemented to alleviate these challenges?

