

PalArch's Journal of Archaeology
of Egypt / Egyptology

DELAYS AND PENDENCY OF COURT'S CASES IN INDIA – AN ANALYSIS

RAJNISH JINDAL

**Assistant Professor, Symbiosis Law School, NOIDA, U.P., Symbiosis
International (Deemed University), (SIU), Pune, Maharashtra, India**

Mr. AMIT RAJ AGRAWAL

Legal Consultant and Lawyer

**RAJNISH JINDAL , Mr. AMIT RAJ AGRAWAL Delays And Pendency Of Court's
Cases In India – An Analysis , Palarch's Journal Of Archaeology Of Egypt/
Egyptology 18(8). ISSN 1567-214x.**

**Keywords-Rule of Law, Court, Delays and Pendency, Law Commission of India,
Justice Administration System.**

Abstract:

The modern conception of rule of law requires inter alia speedy disposal of court's cases and adjudication of disputes in a time bound manner. There have been several reports published both at international and national forum, which depict the alarming status of justice delivery system in India. The issue relating to delays and pending of court's cases are not new. There have been multiple conferences and seminar organized on the subject and plan of action has also been suggested, but nothing concrete has come till date. At present around three cores court's cases are pending at all the levels of courts in India. The Law Commission of India in its various reports addressed the issue at length, but on account of lack of political will and inefficiency in the justice administration system, the concern becomes gargantuan. The present paper makes an attempt to analyze the root cause of delay in the justice delivery system in India. The paper also undertakes the recommendations of the Law Commission of India along with the views of the renowned scholars on the subject.

I. Prologue:

Since beginning of the twenty first century, India has been showing its impact world around in terms of its economic growth, space technology and improved living standard of the people. This has become possible because of coordinated and concentrated efforts of all the limbs of the government and effective communication system, the government employs to interact with its people. Nonetheless, the constitutional commitment is yet to realize. Despite, fast economic growth, scientific achievements resulting in better possibilities of human existence, as per recent economic survey (2017-18), it has been observed that:[I]ndia needs to reduce pendency of cases and cut delays in the judicial delivery system to further improve its ranking in the World Bank's ease of doing business index.

Unnecessary delay in disposal of cases may adversely affect the economic prospects of the country. Judicial delay particularly in commercial matters discourages investments, adverse impact on tax collections and stalling of projects are other obvious impacts. Therefore, it has been emphasized in recent economic survey that: [A] clear and certain legislative and executive regime backed by an efficient judiciary that fairly and punctually protects property rights, preserves sanctity of contracts, and enforces the rights and liabilities of parties is a prerequisite for business and commerce.

Further, Law Commission of India in its 245th Report expressed its concern on inability of the judicial system to deliver timely justice because of number of judges being disproportionate to the population resulting in huge backlog of the cases. Further, the commission observed that in addition to the already backlogged cases, the system is not being able to keep pace with the new cases being instituted, and is not being able to dispose of a comparable number of cases. The already severe problem of backlogs is, therefore, getting exacerbated by the day.

However, there is no single or clear understanding of when a case should be counted as delayed. Often, terms like “delay,” “pendency,” “arrears,” and “backlog” are used interchangeably. This leads to confusion. To avoid this confusion and for the sake of clarity, these terms may be understood as follows:

a. Pendency: All cases instituted but not disposed of, regardless of when the case was instituted.

b. Delay: A case that has been in the Court/judicial system for longer than the normal time that it should take for a case of that type to be disposed of.

c. Arrears: Some delayed cases might be in the system for longer than the normal time, for valid reasons. Those cases that show unwarranted delay will be referred to as arrears.

d. Backlog: When the institution of new cases in any given time period is higher than the disposal of cases in that time period, the difference between institution and disposal is the backlog. This figure represents the accumulation of cases in the system due to the system's inability to dispose of as many cases as are being filed

Many reasons have been identified for the causes of delay which can effectively be categorized as governments' related issues, judges' issues and finally the roles of lawyers.

Government is required to make timely and adequate appointments, necessary manpower should be provided to ensure the effective functioning of judicial system. The adequate

infrastructure and good working conditions must be provided. Government should ensure the application of technology and effective networking of computer system within the judicial hierarchy. This will help the judicial system to increase its efficiency and update its record.

Further, the Government is required to look for the possibilities of alternate mechanism to resolve the dispute in a cost effective manner and within a time frame. Though, in India, there have been numerous attempts made on this, which indeed proved to be effective in reducing the burden of the court, but still continuous monitoring and legal awareness requires on the subject.

In a recent study, it is estimated that on account of existence of alternate dispute resolution mechanism including the functioning of Lok Adalat and permanent Lok Adalat within a span of 2-3 years around one crore cases have been settled outside the court. As per the statistics compiled by the Law Ministry, the above figures include the combination of cases pending before the court as well as cases at pre-litigating stage. This certainly contributes in mitigating the challenges to justice delay, and improving the efficiency of the court on other important matters.

Another significant, observation on the issue comes from the Law Commission of India in its 245 report, though CPC and Cr.P.C prescribes for the fixation of time limit for completing certain stages of a case, but no time limit is fixed for the completion of the overall case.

On account of lack of punctuality, coming to court without preparation, attending social functions during working hours, liberal approach in granting adjournment, injunctions and stays are some of the obvious factors which contribute in delayed judicial process by the judges. On the other hand, lack of preparation, taking adjournments on trivial issues, poor understanding of law are some of the significant reasons which have been contributing to judicial delays and backlogs by the lawyers.

Sharp increase in special leave petition cases under article 136, which is supposed to be invoked in exceptional cases are another significant factor which defocus the apex court from the important constitutional issues resulting in overburden and pendency.

Requirement to increase the number of fast track courts and special courts and segregation of matter from regular courts to special court need attention. Most of the matters pertaining to negotiable instrument u/s 138 are pending before the regular magistrate courts, which in a way add up to the pendency and bring inefficiency.

Numerous attempts have been made from time to time by the Government and the judiciary to address the challenges caused by judicial pendency and delay but still the matter has not been addressed in its entirety.

II. Constitutional Perspectives:

The Constitution of India provides for attainment of broad objectives, among all other objectives Justice, Social Economic and Political occupies the pivotal position. Further incorporation of idea of justice and providing detailed provisions relating to civil and political rights along with social economic and cultural rights in Constitution of India as per international standard of human rights norms require effective state machinery in place to address the grievances of human in a quick and cost effective manner. The failure on the part of state to reach to its citizens, needless to say, derails the state from its constitutional journey. The broad visions of the founding father of the Constitution of India and conceptual practice of idea of liberal democracy require all the three wings of the state not only adhere to formal

version of the notion of rule of law rather it demands substantive compliance of individual rights, dignity and over all welfare of the society.

The constitution of India as a supreme document provides for the incorporation of principles of equality, freedom, dignity, and so many other rights which aim at building a welfare state, which truly cares for its citizen. This is evident with the observations of apex court in **N.Nagendra Rao v. State of Andhra Pradesh**¹ where the court while emphasizing upon the role of a state in a welfare set up observes that –

“In a welfare State, functions of the State are not only defence of the country or administration of justice or maintaining law and order but it extends to regulating and controlling the activities of people in almost every sphere, educational, commercial, social, economic, political and even marital”.

(Emphasis Added)

Further, Recently, Justice Rajesh Tandon, Member of Uttarakhand Human Rights Commission and former judge, Uttarakhand High Court, while deliberating from the text of Mahabharata

“SarvaBhanventu –SukhinaSarveSantuNirnaya,

SarvaBhadraniPashyantu Ma KashchidDukhbhagBhawet”

emphasies upon the importance of part III and Part IV of the Indian Constitution particularly with reference to Universal declaration of Human Rights 1948 and International Convention of Economic Social and Cultural rights, 1966 and observes for imperative state action in improving the standard of living of the mankind.

The constitutional promise of Justice- Social economic and political, liberty of thought expression belief faith and worship, equality of status and opportunity and fraternity assuring the dignity of the individual and unity and integrity of the nation will not be realized until and unless justice delivery system should be made within the reach of the individual in a time bound manner and within a reasonable cost.

Speedy trial is a part of right to life and liberty guaranteed article 21 of the Constitution of India, therefore, delay in disposal of cases may in a way result in denial of the fundamental right.

Considering the observations of the apex court and scholarly wisdom of justice Rajesh Tandon, it is needless to say that the laws of the land provides for securing the common good of the masses. But still, the majority of the people in India are not able to get their due. The reasons are manifold, but among many, the prominent reason is long pendency of cases and on account of lack of proper infrastructure facility, inability of the judiciary to address the grievances of the masses in time bound manner necessarily exposes the state and question the primary role of the state in administering justice. Further, illiteracy and poverty are other prominent reasons which add to the woes.

¹ AIR 1994 SC 2663.

According to the data compiled by Ministry of Law and Justice , total number of cases pending before the supreme Court as on July 17, 2017 is 58,438 of which criminal cases are 9, 666 and 48,772. As far as 24 high courts in the country are concerned, they altogether account for around more than 40 lakh pending cases. The condition of subordinate judiciary in the country is alarming as they accounts for around 2.74 crores of pending cases. If all the figures are combined, the statistics itself will depict the alarming state of affairs in the country as more than three crores of cases are pending in the country.²

On account of increasing number of cases day by day where already a good number of cases are pending before the courts have severely affected the justice delivery system in the country. Further, emphasizing upon the importance of timely disposal of the cases, Law Commission of India in its 245th Report observes that:³

Denial of ‘timely justice’ amounts to denial of ‘justice’ itself. Two are integral to each other. Timely disposal of cases is essential for maintaining the rule of law and providing access to justice which is a guaranteed fundamental right.
(Emphasis Added)

Further, it is important to note here that because of slow disposal rate of cases on account of poor infrastructure facility, lack of necessary resources; people have been languishing in jails for number of years which results in denial of their fundamental rights.⁴ This is evident with the observations of the apex court:⁵

“Unduly long delay has the effect of bringing about blatant violation of the rule of law and adverse impact on the common man’s access to justice. A person’s access to justice is a guaranteed fundamental right under the Constitution and particularly Article 21. Denial of this right undermines public confidence in the justice delivery system and incentivises people to look for short-cuts and other fora where they feel that justice will be done quicker. In the long run, this also weakens the justice delivery system and poses a threat to Rule of Law. Access to justice must not be understood in a purely quantitative dimension. Access to justice in an egalitarian democracy must be understood to mean qualitative access to justice as well. Access to justice is, therefore, much more than improving an individual’s access to courts, or guaranteeing representation. It must be defined in terms of ensuring that legal and judicial outcomes are just and equitable”. (Emphasis Added)

² “Pending Cases go down in Supreme Court, and High Courts: but see upward swing in lower courts” *available at*: <https://indianexpress.com/article/india/pending-cases-go-down-in-supreme-court-high-courts-but-see-upward-swing-in-lower-courts-4869471/> (Visited on July 15, 2018).

³ Law Commission of India. 245th Report on Arrears and Backlog: Creating Additional Judicial (wo)manpower. (July 2014).

⁴ *Hussainara Khatton v. Home Secretary, Bihar (I)* , AIR 1979 SC 1360)- right to speedy trial is part of one’s right to life and personal liberty enshrined under article 21 of the Constitution of India.

⁵ *Imtiyaz Ahmed v. State of Uttar Pradesh*⁵, AIR 2012 SC 642.

Recent Reports and Concerns:

Recently as per **Economic Survey (2017-18)**, it has been observed that India needs to cut delays and reduce pendency of cases as to secure a better business environment for economic prosperity of the country.

Further, **World Justice Project⁶ Rule of Law Index, (2017-18)** certainly depicts the alarming position of India, when it secures 62nd positions out of 113 countries at global forum and 3rd position out of 6 countries at regional forum.. As far as civil and criminal justice system in the country is concerned, report exposes India to the issues of unreasonable delay and timely and effective adjudicatory mechanism. Among other factors and sub factors, report also depicts India's unsatisfactory performance in combating corruption, enforcing due process of law and maintaining open Government. Overall analysis of report conclusively raises the concern about the justice delivery system in the country particularly in reference to unreasonable delay in decisions making process and timely disposal of the court cases.

III. Historical Notions and the Law Commission of India- Some observations-

Undoubtedly, the issue of delay and arrears of cases have constitutional significance and inevitably linked to the idea of rule of law. Further, the latin maxim *Ubi Jus Ibi Remedium*, also strengthen the argument in favor of timely disposal of cases as to ensure the existence of meaningful right. Keeping in view the importance of the matter, the Government has always endeavored to address these issues and many committees and commissions were constituted for the same even before and after the independence of the country⁷. After independence, the Law Commission of India in its several reports has also taken up the matter for study. In its 14th report, the commission observes that:⁸

The inordinate delay results in the miscarriage of justice and increases the cost of litigation. The compensation granted on these delays is totally in fructuous. The legal maxim *Justice Delayed is Justice Denied* is well established in the present system. However, the speedy justice never means a hasty or summary dispensation of justice. It is to be ensured that there should be determination of facts in controversy and the application of the legal principles on those determined facts. (Emphasis Added)

⁶The World Justice Project (WJP) is an independent, multidisciplinary organization working to advance the rule of law worldwide. Effective rule of law reduces corruption, combats poverty and disease, and protects people from injustices large and small. It is the foundation for communities of equity, opportunity, and peace—underpinning development, accountable government, and respect for fundamental rights. Learn more at: www.worldjusticeproject.org

⁷Pranav Tripathi and Tripti Tripathi, 'Delay Defeats the justice: Issue of Large Pendency of Cases in Indian courts' available at: <http://ijldai.thelawbrigade.com/wp-content/uploads/2016/11/Pranav-Tripti.pdf> (Visited on July 15, 2018). As per the observation of the author Various committees have been formed to investigate causes of pendency time and again. For instance, Rankin Committee was set up in the year 1924 on delay in civil cases in High Courts and subordinate Courts. Further, a High Court Arrears Committee under the chairmanship of Justice S.R. Das was appointed in 1949. In 1969 Hidayatulla CJ presided over a committee to look into the problem of arrears in all its aspects. Later on, Justice Shah was appointed the Chairman of the Committee. The Committee was known as High Courts Arrears Committee, 1972.

⁸Law Commission of India, 14th Report on Reform of Judicial Administration (September 1958).

The commission in order to address the problems of delays and arrears observed congestion of work in higher courts is a major problem and recommended for reallocation of work in lower courts. Further, fixation of time limits for the conclusion of cases, increase in the power of the magistrates, emphasis on summary procedure, creation of additional courts on temporary basis for disposal of arrears of cases at all levels are other notable recommendations of the commissions. Commission in its wisdom also emphasized upon appointment of honorary magistrates.

Further, the Commission in its 27th report also got an opportunity to examine the matter and observed that⁹ delay is caused mainly because of four factors which are insufficiency of judicial officers, inadequate ministerial staff, personal factors and defects in the procedure. Commission accordingly recommended for appointment of more judicial officer and noticed inadequacy of present pay scale. Further, the commission recommended for sufficient strength of ministerial staff and for removal of defect in trial procedure.

In its 58th report¹⁰, the commission once again visited the issue and recommended for improving the service conditions of the Judges, alternative dispute mechanism was another important recommendation of the commission. For removing delay, the commission while deliberating upon constitutional provisions as to certificate of appeals in criminal matters emphasized upon uniformity and certainty.

Further, in its 77th report¹¹, the Commission minutely observed the issues relating to conduct of the trial in criminal matters and recommended for maintaining the record of the witnesses. The commission also noticed the police practice of not producing all the material witness and expressed its concern on the matter and accordingly recommended for deputation of police officer to ensure the turning up of the witness. Improving the efficiency of trial judges, direct representation of the accused by the counsel in cases where there are more than one accused and one of the accused is absent are some of the important recommendations of the commission.

Thereafter, time and again, one way or the other Law Commission of India in many of its report expresses the concern of delay and suggested valuable recommendations to address the issues, the commission in its wisdom¹² recommended for judicial manpower planning for securing the mandate of article 39A and 21 of the Constitution of India. The court observed inadequate strength of judges in comparison to population of the country and recommended for sound scientific analysis for recruitment of judicial officer as per the population of the country. Again, in its 121st report¹³, the commission recommended for new forum for appointment of judges. In 124th report¹⁴, the commission raises the concern about the workload of the higher judiciary and recommended that there is need of decentralization of system of administration of justice by establishing other tiers or systems within the judicial hierarchy to reduce the volume of work in the Hon'ble Supreme Court and the High Courts. Further, in its 125th report¹⁵, 11th law commission of India recommended for creation of additional bench of the Supreme Court to

⁹ Law Commission of India, 27th Report on Code of Civil Procedure, 1908 (1964)

¹⁰ The Law commission of India, 58th Report on Structure and jurisdiction of the Higher Judiciary (1974)

¹¹ Law Commission of India, 77th Report on Delay and Arrears in Trial Courts (1978).

¹² Law Commission of India, 120th Report on Manpower planning in Judiciary: A blueprint (1987).

¹³ Law Commission of India, 121st Report on A New Forum For Judicial Appointments (1987).

¹⁴ Law Commission Of India, 124th Report on The High Court Arrears-A Fresh Look (1988).

¹⁵ Law Commission of India, 125th Report on The Supreme Court – A Fresh Look (1988).

provide convenience to party who has to come from far distant places. In 142nd report¹⁶, the commission recommended some alternative mechanism to address the issue of delay and pendency of case. The aim of the commission was to make the Criminal Justice System just, efficient, speedy and cost-efficient so as to restore the confidence of the people in the system. Plea bargaining and concessional treatment to the accused who have pleaded guilty are important recommendations of the commission. In its 154th report¹⁷, the commission recommended for speedy trial and also recommended for change in certain procedural aspects of law. Important observations were made by the Law Commission of India in its 177 report¹⁸, where the Commission observed for establishment of separate investigation agency from police engaged in the maintenance of law and order. And to effect this, the commission recommended for necessary changes in Police Acts both at the center and the state, police regulations, police manuals, police standing orders be made by the Home Department in consultation with Law Department of the State Governments.

Further, it is important to highlight the 213th report¹⁹ of the Law Commission, where the commission considering the numerous pendency of cases relating to cheque bounce matters, recommended for establishment of fast tracks court at magisterial level with high –tech facilities. Commission also emphasized upon the need of alternate dispute resolution mechanism with proper training and infrastructure to mediators and conciliators. Similarly, in its 221st report²⁰, the commission considering the fact of huge pendency of cases in district and high courts, noted the need for change in procedural aspects of law relating to filing of appeal and revisions and accordingly recommended change. Further, in its 229th report²¹ the commission observed arrears of cases accumulated in the Supreme Court and recommended for separate Constitution bench at Delhi and other legal divisions in four regions –North, South, East and West. The Commission also recommended for increasing the judicial strength in the Supreme Court and increasing the retirement age of supreme court and High Court judges to 70 and 65 years respectively. In its 230th report²² the commission once again reiterated its earlier views and recommended for establishment of fast track courts. The Commission expressed concern while considering the fact that the institution of cases is much more than the disposal and it adds to arrears and accordingly recommended for increasing the present judicial strength. Along with it, the commission also recommended for increasing the number of working days at all levels of judicial hierarchy.

Apart from the Law Commission recommendations, some committees²³ have also expressed their recommendations for reform in Judiciary and advocates for speedy trial by bringing suitable amendment in existing legal system.

¹⁶Law Commission of India, 142nd Report on Concessional Treatment for Offenders who on Their initiative choose to Plead Guilty without any Bargaining (1991).

¹⁷Law Commission of India, 154th Report on The Code of Criminal Procedure, 1973 (Act no. 2 of 1974), 1996.

¹⁸ Law Commission of India, 177th Report on Law Relating to Arrest (2001).

¹⁹ Law Commission of India, 213th Report on Fast Track magisterial courts for dishonored cheque cases (2008).

²⁰ The Law Commission of India, 221st Report, Need for speedy justice- some suggestions (2009).

²¹ The Law Commission of India, 229th Report, Need for the division of the Supreme Court into a Constitution Bench at Delhi and cassation benches in four regions Delhi, Chennai/Hyderabad, Kolkata, Mumbai (2009).

²² Law Commission of India, 230th Report, Reforms in the Judiciary -Some Suggestions (2009).

²³ Vohra Committee (1993), Malimath Committee.

The constitutional promise of Justice- Social economic and political, liberty of thought expression belief faith and worship, equality of status and opportunity and fraternity assuring the dignity of the individual and unity and integrity of the nation will not be realized until and unless justice delivery system should be made within the reach of the individual in a time bound manner and within a reasonable cost.

Speedy trial is a part of right to life and liberty guaranteed article 21 of the Constitution of India, therefore, delay in disposal of cases may in a way result in denial of the fundamental right.

In India a good number of people are poor, illiterate, downtrodden and are forced to live the life in ignorance. They are the one who need quick, timely, inexpensive justice. In the absence of it, they may be tempted to take law in their own hands. On this Chief Justice Anand has rightly observed –This is what the judicial system must guard against so that people do not take recourse to extra judicial methods to settle their own scores and seek redress of their grievances.

IV. Scholarly observations and concerns:

Justice V.R Krishna Iyer, former judge, Supreme Court of India observed that:²⁴

“In India, the arrears of litigation are so terrible that Justice in the Indian Courts with its slow processes and appeals, revisions and reviews making Justice, justices and justicing an interminable phenomenon Actually a patriotic legislature if it has concern for social and economic justice should take away too many appeals and revisions, one appeal being sufficient this measure will make number of cases considerably reduced. The expenditure on lawyers and litigative process will be made inexpensive. Today, a lawyer is an expensive creature. This need not be Here the legislature has to be active. Today, litigation lives long. The litigant himself with the heavy expenditure finds himself short lived”.(Emphasis Added)

Observations of Justice Krishna Iyer carry an immense significance as far as arrears and delay in disposal of court cases are concerned. He also advocates for alternative dispute resolution mechanism.

Senior Advocate P P Rao, Supreme Court of India, observed that:²⁵

“Among the tree wings of the State, the judiciary enjoys maximum credibility. However, when it comes to disposal of cases, the delay is disquieting. Truly Justice delayed is justice denied. The right to speedy trial spelt out from Article 21 by the Court will have no meaning if quick

²⁴ R.C Agrawal, *Justice Delayed is Justice Denied, Constitution of India and pendency of Court cases* (KBC – Nano publication Pvt. Ltd, New Delhi, 1st edn., 2016).

²⁵ *Ibid.*

disposal of cases cannot be ensured. The situation is not so bad in the Supreme Court as it is in subordinates courts and High Courts where it is unmanageable indeed. In spite of the courts doing their best, they are unable to provide timely relief to the needy litigants. Some litigants reluctantly agree to go before Lok Adalat and are prepared to forgo part of their genuine claims and accept whatever is offered by the government or the public sector undertakings as they cannot withstand the agony of unending litigation. They feel that a bird in hand is worth two in the bush”.

(Emphasis Added)

Concern raised by senior advocate is certainly important and noteworthy as he outlines the effect of delay resulting in violation of sacrosanct constitutional rights. He further observes that - Access to justice means having resources to an affordable, quick and satisfactory settlement of disputes from a credible forum and accordingly advocates for alternative dispute resolution mechanism.

Senior Advocate and Member of Parliament, K.T.S. Tulsi, observed that:²⁶

“The real solution to the humongous pendency of court cases is in complete overhauling the criminal justice system. Our criminal justice system relies on bullock cart technologies in this supersonic age”.

(Emphasis added)

The observations of the senior advocate necessarily call for structural and technological advancement in existing system of criminal justice administration.

Keeping in view all the above stated observations, needless to say, it provides a direction to the government to bring suitable change in the existing system and procedure as to ensure that on account of delay in process of justice delivery system, enjoyment of sacrosanct rights are not defeated.

V. Judicial Acumen:

On the judicial side, setting of mandatory time limits was attempted by the Supreme Court in a series of cases –Common Cause v. Union of India²⁷, Common Cause (II)²⁸, Raj Deo Sharma v. State of Bihar²⁹, Raj Deo Sharma (II)³⁰.

²⁶ *Ibid.*

²⁷ (1996) 4 SCC 33.

²⁸ (1996) 6 SCC 775.

²⁹ (1998) 7 SCC 507.

³⁰ (1999) 7 SCC 604.

However, in 2002 a seven judge bench of the Court in *P. Ramchandra Rao v. State of Karnataka*³¹ held that mandatory time limits could not be prescribed by the Court³² and observed that:

It is neither advisable, nor feasible, nor judicially permissible to draw or prescribe an outer limit for conclusion of all criminal proceedings. The time-limits or bars of limitation prescribed in the several directions made in *Common Cause (I)*, *Raj Deo Sharma (I)* and *Raj Deo Sharma (II)* could not have been so prescribed or drawn and are not good law. The criminal Courts are not obliged to terminate trial or criminal proceedings merely on account of lapse of time, as prescribed by the directions made in *Common Cause Case (I)*, *Raj Deo Sharma case (I)* and *(II)*. At the most the periods of time prescribed in those decisions can be taken by the Courts seized of the trial or proceedings to act as reminders when they may be persuaded to apply their judicial mind to the facts and circumstances of the case before them and determine by taking into consideration the several relevant factors as pointed out in *A.R. Antulay's* case and decide whether the trial or proceedings have become so inordinately delayed as to be called oppressive and unwarranted. Such time-limits cannot and will not by themselves be treated by any Court as a bar to further continuance of the trial or proceedings and as mandatorily obliging the Court to terminate the same and acquit or discharge the accused.

The judiciary though earlier made attempts to fix the time period for completion of the court cases, but later on the Apex Court authoritatively laid down that, it is not permissible for the judiciary to fix the time limit for the completion of the courts cases.

VI. Epilogue:

³¹ (2002) 4 SCC 578.

³²In Criminal Appeal No.535/2000 the appellant was working as an Electrical Superintendent in the Mangalore City Corporation. For the check period 1.5.1961 to 25.8.1987 he was found to have amassed assets disproportionate to his known sources of income. Charge-sheet accusing him of offences under Section 13(1)(e) read with Section 13(2) of the Prevention of Corruption Act, 1988 was filed on 15.3.1994. The accused appeared before the Special Court and was enlarged on bail on 6.6.1994. Charges were framed on 10.8.1994 and the case proceeded for trial on 8.11.1994. However, the trial did not commence. On 23.2.1999 the learned Special Judge who was seized of the trial directed the accused to be acquitted as the trial had not commenced till then and the period of two years had elapsed which obliged him to acquit the accused in terms of the directions of this court in *Raj Deo Sharma Vs. State of Bihar* (1998) 7 SCC 507 (hereinafter, *Raj Deo Sharma-I*). The State of Karnataka through the D.S.P. Lokayukta, Mangalore preferred an appeal before the High Court putting in issue the acquittal of the accused. The learned Single Judge of the High Court, vide the impugned order, allowed the appeal, set aside the order of acquittal and remanded the case to the Trial Court, forming an opinion that a case charging an accused with corruption was an exception to the directions made in *Raj Deo Sharma-I* as clarified by this Court in *Raj Deo Sharma (II) Vs. State of Bihar* (1999) 7 SCC 604. Strangely enough the High Court not only condoned a delay of 55 days in filing the appeal against acquittal by the State but also allowed the appeal itself both without even issuing notice to the accused. The aggrieved accused has filed this appeal by special leave.

In India a good number of people are poor, illiterate, downtrodden and are forced to live the life in ignorance. They are the one who need quick, timely, inexpensive justice. In the absence of it, they may be tempted to take law in their own hands. On this Chief Justice Anand has rightly observed: This is what the judicial system must guard against so that people do not take recourse to extra judicial methods to settle their own scores and seek redress of their grievances.

The problem of arrears and backlogs of cases are not new in the Indian Courts, what is important is to find out definite and concrete solution to the problems. Though, attempts were made both by the Government and Judiciary itself to address the issue, but it requires coordinated and concentrated efforts of all the limbs of the State. On this, the Law Commission of India in its 245th Report suggested solution based approach to the existing problem such as a. appointment of judges on a priority basis b. establishment of special traffic courts. c. periodic needs assessment for the Judiciary, d. Efficient Deployment of Judicial Resources, e. Timely filling of vacancies, f. increase in age of retirement of the Subordinate Judiciary and Need for system wide judicial reforms. The aforementioned observations are of utmost importance and require serious considerations.

Further, in order to maintain first rank in baseline profitability index, India requires coordinated and concentrated efforts of all the organs of the state. India, in coming years going to be the dominant economic actor at the international forum, this requires vigilant legislature, efficient executive and responsive judiciary. If judiciary continues its operation with the backlog of cases, in addition to new cases, needless to say it will severely affect the economy of the country.