



Research Paper

Indian Judiciary’s Problem: Justice Delayed is Justice Denied

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Abstract: There are almost 47 million cases pending in various courts of India. This is due to scarcity of judges in India. Clearly the only way to remedy this is to have adequate number of judges.

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I. Introduction

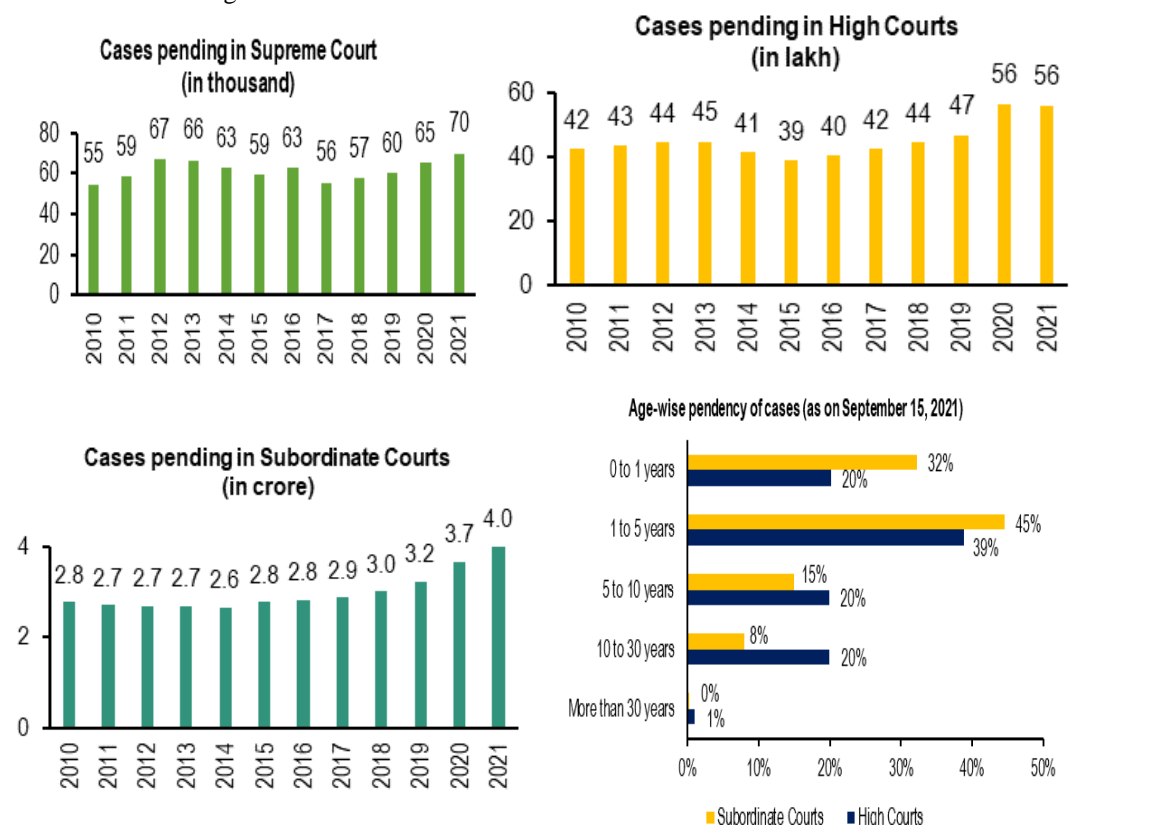
In Hamletian Soliloquy – ‘To Be or Not To Be’ the Prince of Denmark, laments that law’s delay may be one of the reasons he might contemplate suicide. If that were true then there is enough reason for almost 50 million Indians to commit suicide.

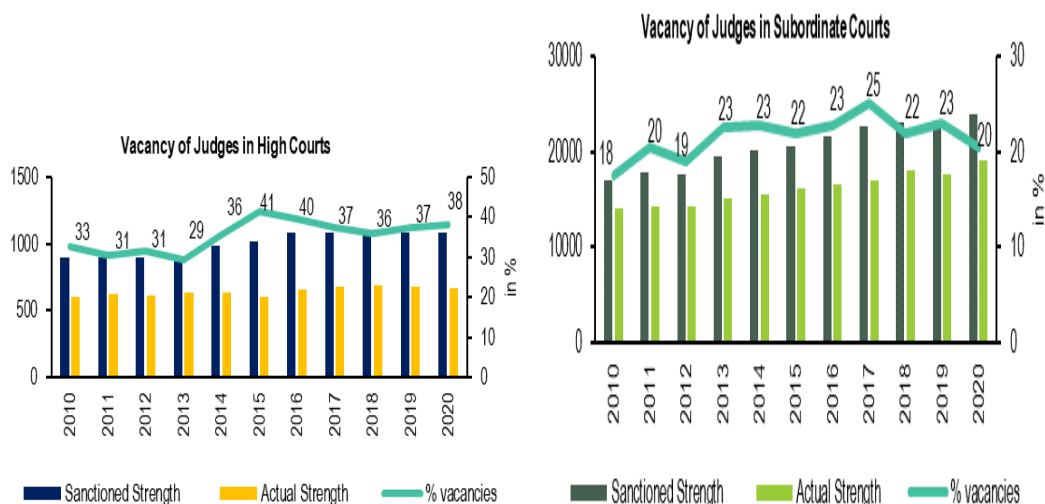
Without going into details of the pains and anguish due to delays in judicial verdict, it is suffice to say that judicial delay nullifies judicial presence. Apart from other canons of justice, one that requires emphasis is judicial agility.

This paper firstly studies the extent of judicial delays in India, then finds its causes and recommends solution

Extent of Judicial Delay in India

There are almost 47 million cases pending in various courts of India. Almost 87.4% are in subordinate courts and 12.4% are in High Courts.





Source : Parliament Research Services

Number of Judges is Inadequate

Law Minister Kiren Rijiju said that number of judges in Indian courts is 20 per million. Ex-Chief Justice Ramana underlined the need to improve the judge-to-population ratio to reduce the workload of judges who he said are already disposing of an “unimaginable” number of cases. The number of sanctioned judges in India is around 25000.

Let us now compare judges to population ratio in various countries with that in India of 20 per million.

Nation	Judges to Population Ratio(per million)
Russia	467
European Union Countries Average	180
United States	100
Afghanistan	86
Thailand	45
United Kingdom	22
Japan	24
Ethiopia	1.5
Papua New Guinea	6.5
Qatar	92
China	159
Croatia	402
Slovenia	388
Mexico	14

Source : Nation Master

Clearly when even Afghanistan has more judges per million than India, there is strong reason for improvement. Perhaps India has taken off from United Kingdom, its former master where there are only 22 judges per million. Interestingly European Union nations have almost 180 judges per million, which is almost twice the number of judges in USA at 100 per million. China, a nation, India likes to compare itself with has 159 judges per million.

Increasing Number of Judges Five Times is Affordable

So how many judges should India have? Say 100 per million is a good figure. That will mean almost 100,000 additional judges. While the salary of Supreme Court Judge is around 250000 per month, the salary of average judge in India can be taken to be around 100,000 per month. So additional 100,000 judges should cost around Rs. 10,000 crores, which is certainly affordable and just 0.05% of India’s GDP. Even after adding overheads that still is affordable.

There are almost 20 lakh lawyers in India. Surely if there are 20 lakh lawyer and 20 thousand judges the ratio of lawyers to judges is rather unfavourably skewed against judges. It is almost as if each judge tackles 1000 lawyers. On that ground to there is strong case for increasing number of judges.

II. Conclusion

The fact that there are nearly 50 million cases pending in India is alarming enough statistics to require us to increase the number of judges per million in line with other nations of the world. It is recommended that India increase its judge to population ratio five times from present 20 per million to around 100 per million.

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