

## **DELAYED JUSTICE IS JUSTICE. REJECTED DOC TYPES: EVALUATION**

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### **ABSTRACT:**

Pendency of huge build-up cases in the Indian General set of laws has turned into an obstacle in the way of getting to equity to the bothered party. “Justice Delayed is Justice Denied” is a fundamental standard of organization of equity in a moderate and enlightened society. The delay in the conveyance of equity influences the two essential rights admittance to equity and law and order given by constitution of India, consequently influencing every one of the areas of the society. Apex Court in a few of its decisions has featured the need of fast path. The idea of quick preliminary goes under the ambit of article 21 as a fundamental piece of major right to life and individual freedom under the constitution of India. Statically, talking an information given by Public Legal Information Lattice there are 31 million of cases forthcoming in the locale courts, 43,63,260 cases in High Court and 58,669 cases in High Court. India is on the top in conditions of overabundance cases on the planet. Numerous previous Boss Judges have communicated their anxiety over this grave circumstance and the disappointment of the public authority in talking such circumstance. In spite of foundation of new authoritative courts, the pendency of cases has not been controlled. There are different elements which are all in all answerable for the enormous expansion in the cases. The expansion in mindfulness about the freedoms among everyday person, new mechanism of admittance to equity (PIL and RTI), absence of judges in courts have added up to increment in the cases. The public authority needs to bring the underlying along with the administrative changes which would assist in combatting with the overabundance cases guaranteeing the admittance to equity on time. In this article, we will break down the issues that drives the pendency of cases in the court and the powerful method for decreasing the pendency.

**Keywords :** speedy justice, pendency of cases, timely justice.

## INTRODUCTION

The constitutional framework for speedy justice in India finds its most powerful expression in Article 21, which declares that "no person shall be deprived of his life or personal liberty except according to procedure established by law." The interpretative evolution of this provision has been remarkable and demonstrates the capacity of constitutional jurisprudence to respond to systemic challenges. From its initial narrow reading as a mere procedural guarantee, Article 21 has been expansively interpreted by the Supreme Court to encompass a wide array of rights essential to dignified existence, including the right to a speedy trial.

The interpretative journey of Article 21 reflects a broader judicial commitment to the protection of fundamental rights and the realization of constitutional values. In the early decades after independence, the Supreme Court adopted a relatively narrow interpretation of Article 21, holding in *A.K. Gopalan v. State of Madras* that procedure established by law, as distinct from procedural due process, was sufficient to satisfy the constitutional requirement. This restrictive interpretation was gradually abandoned in subsequent decades, as the Court embraced a more expansive vision of fundamental rights. The watershed moment came with *Maneka Gandhi v. Union of India*, in which the Court held that the procedure established by law must be fair, just, and reasonable, thereby incorporating substantive due process into Article 21.

The landmark judgment in *Hussainara Khatoon v. State of Bihar* in 1979 marked a watershed moment in the jurisprudential development of the right to speedy trial. The Court, confronted with the shocking reality of thousands of under trial prisoners languishing in Bihar's jails for periods far exceeding the maximum punishment for the offences with which they were charged, held that the right to speedy trial is a fundamental right implicit in Article 21. The Court observed that any procedure that does not ensure a reasonably quick trial would be unconstitutional, thereby establishing a

direct linkage between procedural delay and constitutional violation. The Court further held that the state is under a constitutional obligation to provide free legal aid to ensure that the right to speedy trial is not rendered meaningless by economic disability.

This principle was further elaborated in a series of subsequent decisions. In *Sheela Barse Union of India*, the Court explicitly stated that if an accused is not tried speedily and the case remains pending for an unreasonable length of time, the fundamental right to speedy trial would be violated unless the delay is attributable to interim orders of a superior court or to the accused's own conduct. The Court further held that the consequence of such violation would be the quashing of the prosecution itself, making the remedy not merely declaratory but substantive. In *Abdul Rehman Antulay v. R.S. Nayak*, the Court established comprehensive guidelines for determining when delay constitutes a violation of the right to speedy trial, balancing various factors including the nature of the offence, the complexity of the case, and the conduct of the accused.

The constitutional significance of speedy trial extends beyond the rights of the accused. It encompasses the broader societal interest in the efficient administration of justice, the rights of victims to closure and vindication, and the public interest in the deterrent and preventive functions of criminal law. The Supreme Court has repeatedly emphasized that the right to speedy trial operates for the benefit of all stakeholders, including society at large, which has a vested interest in the timely enforcement of criminal sanctions. The Court has observed that when trials are delayed, the deterrent effect of criminal sanctions is diminished, the credibility of the justice system is undermined, and the social fabric is weakened.

### **The Magnitude of the Problem: An Overview**

The scale of the case backlog crisis in India is staggering and continues to grow at an alarming rate. As per the latest data available on the National Judicial Data Grid, as of December 2025, a total of 54,912,646 cases were pending across all courts in India, comprising 90,897 cases before the Supreme Court, 6,363,406 cases before the High Courts, and 48,457,343 cases before the District and Subordinate Courts. This represents more than a doubling of the pending caseload since 2016, when the then Chief Justice of

India, T.S. Thakur, broke down in tears before the Prime Minister while pleading for judicial appointments to address what he termed an "avalanche" of cases. The rate of increase has been accelerating, with the backlog growing by approximately five million cases per year in recent years.

The backlog has become so monumental that experts estimate it would take several hundred years to clear the docket at the current rate of disposal. This estimate, while alarming, captures the gravity of the situation. The rate at which new cases are filed in Indian courts consistently exceeds the judiciary's capacity to issue judgments, creating a widening gap that shows no signs of abating. The gap between filing and disposal has been widening for decades, and the COVID-19 pandemic exacerbated the situation by temporarily reducing court operations while case filings continued unabated.

The oldest pending case in the system provides a dramatic illustration of the depth of the problem. A bank liquidation lawsuit filed in November 1948, more than two decades before India's independence, was only disposed of in early 2023, and then only for the most pedantic of reasons: nobody appeared at the final hearing scheduled. This case, which spanned the lifetimes of multiple generations of judges and lawyers, illustrates the profound dysfunction that has permeated the system. While this is an extreme example, it is not unique, and there are numerous cases pending for decades that represent complete failure of the justice system.

The criminal justice component of this backlog is particularly concerning. Criminal cases, by their very nature, demand more urgent attention than civil disputes. The liberty of the accused, the rights of victims, and the societal interest in public safety are all implicated in criminal proceedings. Yet criminal cases constitute a substantial proportion of the pendency, with under trial prisoners bearing the most devastating consequences. As of recent data, under trial prisoner's account for approximately seventy seven percent of India's prison population, a figure that represents a fundamental failure of the pretrial justice system. These individuals, who have not been convicted of any crime, are held in custody for periods that often exceed the maximum punishment they would face if convicted.

The government's role as the largest litigant further compounds the problem, as it is involved in approximately half of all pending cases. The sheer volume of litigation initiated by the state, much of which is pursued without adequate legal scrutiny or strategic assessment, places an enormous burden on the court system. This includes hundreds of thousands of cases arising from bounced cheques, which are treated as criminal offences in India despite being civil matters in many other jurisdictions, and tens of thousands of bail applications that flood the High Court's daily. The state's litigation strategy or lack thereof contributes significantly to the back log and must be addressed as part of any comprehensive reform effort.

The backlog is not evenly distributed across the country, with some states and courts experiencing more severe congestions another's. The High Courts of Allahabad, Madras, and Bombay account for a disproportionate share of the total pendency, reflecting both population density and institutional factors. Similarly, the district courts in states with large populations and complex administrative structures face greater challenges than those in smaller states. Understanding these variations is important for developing targeted reform strategies.

The composition of the backlog is also significant. Criminal cases constitute a major portion of the pending cases, with serious crimes such as rape, murder, and terrorism often being delayed for years. Special laws such as the Unlawful Activities Prevention Act, the Narcotic Drugs and Psychotropic Substances Act, and the Protection of Children from Sexual Offences Act, which involve complex evidentiary requirements and stringent bail conditions, contribute to the backlog in disproportionate measure. The cumulative effect is a system that fails to deliver timely justice in even the most serious and urgent cases.

The human dimension of this crisis is devastating and demands urgent attention. Families like that of Dr. Asha Goel, a Canadian citizen murdered in Mumbai in 2003, have waited over two decades for a verdict despite having a confession from one alleged assailant and strong DNA evidence with a match probability of one in ten billion<sup>30</sup>. Activists like Sudhir Dhawale have languished in jail for six and a half years, including two years in

solitary confinement, awaiting bail on charges that remain unclearly framed in a 25,000 page charge sheet. These are not isolated cases but emblematic of a system in which delay have become the norm rather than the exception.

## **LITERATURE REVIEW**

### **Procedural Causes**

Procedural causes of judicial delays have received extensive attention in the scholarly literature. The culture of adjournments is perhaps the most frequently cited procedural factor contributing to delays. Lawyers routinely seek adjournments for a variety of reasons, including inadequate preparation, lack of witness availability, and strategic considerations. In many cases, adjournments are granted even when there is no genuine reason, and the cumulative effect is to prolong trials indefinitely.

The procedural complexities inherent in the criminal justice system also contribute to delays. The requirement to serve copies of documents to the accused, the elaborate procedures for examination and cross-examination of witnesses, and the multiple provisions for appeals, revisions, and reviews all create opportunities for delay. The adversarial nature of the system encourages parties to exploit these procedural provisions to their advantage, often at the expense of timely justice.

The role of the legal profession in perpetuating delays has also been the subject of scholarly inquiry. Some studies have suggested that bar members, for whom delays may be financially beneficial, contribute to the adjournment culture and resist reforms aimed at expediting proceedings. However, this observation must be tempered with an acknowledgement that lawyers also have a professional obligation to represent their clients effectively, and the current procedural framework often necessitates adjournments and other procedural maneuvers.

The procedural causes of delays are also linked to the evidentiary framework of the criminal justice system. The rules of evidence, including the requirement for the

examination of witnesses and the admissibility of documents, can create significant delays if not managed efficiently. The absence of streamlined procedures for the admission of documents and the examination of witnesses has been identified as a significant bottleneck in the trial process.

### **Investigative Causes**

The literature on judicial delays has increasingly focused on the investigative stage as a critical source of delays. Delays in the registration of First Information Reports (FIRs), inadequate crime scene investigation, and the lack of scientific methods in investigation have been identified as significant contributing factors.

The non-registration of FIRs is a particular concern, driven by political interference, police apathy, and corruption. Even when FIRs are registered, delays in the lodging of FIRs can have severe consequences for prosecution credibility, as judicial responses to delayed FIRs often view such delays with suspicion. The crime scene visitation process is often inadequate, with police officers lacking the training and resources to collect and preserve evidence effectively. This results in the loss of crucial evidence and hampers subsequent prosecution.

The absence of scientific methods in investigation has been extensively documented. Indian police forces continually rely on out dated techniques, over-reliance on traditional evidence, and inadequate use of forensic science. The lack of forensic infrastructure, including the shortage of forensic laboratories and outdated equipment, means that even when evidence is collected, its analysis is often delayed for months or even years. The result is that investigations take far longer than they should, and the quality of evidence is often compromised.

Political interference in investigations is another factor that contributes to delays and undermines the integrity of the criminal justice process. When investigations are influenced by political considerations, they may be deliberately delayed or derailed, resulting in impunity for powerful offenders and a loss of public trust in the system. The

literature has documented numerous instances of political interference in high-profile cases, where investigations have been transferred, delayed, or compromised for political reasons.

The quality of police training and the absence of specialization in investigation are also identified as significant factors. Police officers are often assigned to investigation duties without adequate training, and the absence of specialised investigation units for different categories of crimes, such as economic offences, cybercrime, and sexual offences, means that investigations are conducted in a generalised and often inefficient manner. The lack of coordination between police and for enrich agencies further exacerbates the delays at the investigative stage.

### **Systemic Causes**

The literature has also identified systemic causes of judicial delays that operate at a broader level beyond individual cases or institutions. Over-criminalization is one such factor, with the expansion of criminal law through special statutes and the criminalization of civil matters contributing to the overwhelming caseload of the courts. The government, as the largest litigant, is involved in approximately fifty per cent of pending cases, and the volume of government litigation places an enormous burden on the judicial system.

Archaic procedures inherited from the colonial era continue to shape the functioning of the criminal justice system. Despite legislative amendments and judicial directives, many aspects of the criminal justice process remain governed by procedures that were designed for a different era and are ill-suited to contemporary needs. The result is a system that is procedurally elaborate but operationally inefficient.

The systemic causes of delays also include the absence of effective mechanisms for the management of cases and the monitoring of judicial performance. The National Judicial Data Grid (NJDG) has been introduced to provide real-time data on case pendency and disposal, but its effectiveness has been limited by the absence of comprehensive data

entry and the lack of meaningful analysis of the data generated. The literature suggests that the NJDG has the potential to enhance judicial accountability and improve case management, but this potential has not been fully realized.

## **THE ANATOMY OF DELAYS IN THE INDIAN CRIMINAL JUSTICE PROCESS**

The criminal justice system in India, a colonial inheritance meticulously structured to uphold the rule of law, presently finds itself ensnared in a paradoxical quagmire. While designed to deliver justice, its procedural labyrinth and institutional frailties frequently culminate in its polar opposite: the systematic denial of justice through inordinate delay. It posits that the crisis of pendency is not a monolithic phenomenon but a cumulative consequence of multifaceted failures that compound at the investigation, pre-trial, trial, and appellate stages. The words of the 17th century jurist John Godolphin, "To delay justice is injustice," serve as the philosophical cornerstone of this analysis, reminding us that the temporal dimension of justice is not merely an administrative concern but a substantive constitutional imperative.

Understanding the anatomy of delay requires moving beyond aggregate statistics to dissect the specific mechanisms through which time is dissipated. The Indian criminal process, as codified in the Criminal Procedure Code (CrPC) and recently replaced by the

Bharatiya Nagarik Suraksha Sanhita (BNSS), prescribes a detailed procedural framework intended to balance the imperatives of conviction with the safeguards of liberty. However, the gap between the statutory ideal and the operational reality is vast. The entire process can be conceptualized as a relay race, where the baton of justice is passed from the police to the prosecution, then to the trial court, and finally to the appellate courts. A failure at any stage—a dropped baton—not only delays that particular

case but contributes to the systemic overload that cripples the entire apparatus.

The National Judicial Data Grid (NJDG) serves as a stark testament to this failure, revealing that over 54 million cases are pending across Indian courts, with the backlog having doubled in the past decade alone<sup>136</sup>. At the current pace, experts estimate that it would take several hundred years to clear the docket completely. This staggering number represents a colossal human tragedy, impacting under trial prisoners who constitute approximately 75.8 percent of the prison population, victims who wait decades for closure, and a society whose faith in the rule of law is progressively eroded<sup>137</sup>. The situation is so dire that then Chief Justice of India's Supreme Court, Tirath Singh Thakur, famously broke down during a speech to the Prime Minister, describing the caseload as an "avalanche" and pleading for more judges to tackle the backlog<sup>138</sup>. That was in 2016, when the number of pending cases was approximately 27 million, half of what the backlog is now.

This chapter will systematically anatomize the criminal justice process, beginning with the crucial investigation stage where the foundation of a case is laid, moving through the pre-trial stage where liberty is often curtailed indefinitely, dissecting the trial stage where evidence is tested, and culminating with the appellate stage where finality is sought, complicating the judicial landscape. By mapping the journey of a criminal case and identifying the critical junctures where time is lost, this analysis aims to provide a foundational understanding of the systemic dysfunctions that necessitate urgent and comprehensive reform.

### **Delays at the Investigation Stage**

The investigation stage is the bedrock upon which the entire criminal trial rests. A flawed or delayed investigation inevitably undermines the prosecution's case, often leading to acquittals and, more significantly, contributing to the cycle of adjournments and protracted litigation. The primary responsibility for the investigation lies with the police, an institution often overburdened, under-resourced, and susceptible to external pressures. The delays in this stage are not merely administrative inconveniences; they have profound constitutional implications, often infringing upon the fundamental right to a

speedy trial under Article 21 of the Constitution. The efficacy of the entire justice delivery system is predicated upon the promptness and integrity of the preliminary inquiry and subsequent investigation.

### **Non-Registration of First Information Reports**

The statutory duty to register a First Information Report (FIR) upon receiving information about a cognizable offence is mandatory under Section 154 of the CrPC. However, in practice, this is often the first significant barrier to justice. Instances of police apathy, corruption, or political interference frequently result in the deliberate non-registration of FIRs. This initial denial of access to justice has a cascading effect. When an FIR is not registered promptly, the victim is compelled to approach the courts, often through the filing of a private complaint or a writ petition for a direction to register the FIR. This preliminary legal battle can consume months, if not years, before the substantive investigation even commences FIR due to the burden of investigation or external pressure from influential accused persons. This initial delay not only traumatises the survivor further but also results in the loss of crucial forensic and testimonial evidence that is time sensitive.

The non-registration of FIRs is also a manifestation of the systemic power imbalance that characterizes the relationship between the police and the citizenry. The police, as the gatekeepers of the criminal justice system, exercise enormous discretion in deciding which complaints to register and which to dismiss. This discretion, when exercised arbitrarily or corruptly, effectively denies citizens access to the judicial process. The Supreme Court has consistently held that the registration of an FIR is mandatory if the information discloses the commission of a cognizable offence, and any deviation from this mandate is a violation of the law. However, the enforcement of this principle remains a formidable challenge, as the police often operate with impunity, and the victims lack the resources or the wherewithal to challenge their inaction.

### **Delays in Lodging FIR**

Even when an FIR is registered, a significant delay in its lodging can be fatal to the

prosecution's case. The foundational principle of the rule against delay in lodging an FIR is rooted in the idea that a prompt report to the authorities ensures that the evidence is fresh and untainted, and that the culprits are apprehended before they can escape or destroy evidence. A delayed FIR raises considerable suspicion about the version of events presented. It provides an opportunity for the accused to concoct a defence, for witnesses to be tutored, and for the prosecution to be accused of fabricating a story. The Supreme Court has held in numerous judgments that a delayed FIR is not necessarily fatal to the case if the delay is satisfactorily explained. However, the burden of explaining the delay falls on the prosecution, and in practice, many cases suffer from an inability to provide a credible and acceptable explanation, thereby leading to acquittals or prolonged arguments on the admissibility of evidence.

The reasons for delayed FIRs are manifold. In many instances, the victim or the complainant may be in a state of shock or trauma, or they may be unaware of the legal procedures. In other cases, there may be a genuine difficulty in accessing the police station, especially in rural areas. However, in a significant number of cases, the delay is attributable to the dilatory tactics of the police or to attempts to negotiate a compromise with the accused. The courts have evolved a body of jurisprudence to deal with delayed FIRs, but the process of examining the reasons for the delay and determining whether it is fatal to the prosecution's case often consumes considerable judicial time, thereby contributing to the overall pendency.

## **CONCLUSION AND RECOMMENDATIONS**

### **The Conclusion**

This thesis has undertaken a comprehensive and contemporary analysis of the case backlog crisis in the Indian criminal justice system, examining its causes, consequences, and potential solutions through a doctrinal and analytical methodology. The preceding chapters have systematically dissected the structural, procedural, and institutional dimensions of this crisis, revealing a problem that is deeply entrenched, multifaceted, and resistant to piecemeal solutions. This concluding chapter synthesizes the findings of the

study, tests the hypotheses that have guided the research, and proposes a comprehensive framework of reforms to address the case backlog and ensure timely justice delivery.

The case backlog crisis in India's criminal justice system is not a recent phenomenon but the culmination of decades of systemic neglect, institutional inertia, and in adequate policy responses. The colonial inheritance of the criminal justice system, with its archaic procedures and adversarial orientation, continues to shape the functioning of courts, police, and prosecutorial agencies. Despite the constitutional promise of a speedy trial as an integral facet of the right to life and personal liberty under Article 21 of the Constitution of India, the system has failed to deliver timely justice to millions of citizens. As of September 1, 2025, over five crore cases are pending across all courts in the country, which includes nearly 4.7 crore pending trials in the lower courts, over 63 lakhs pending in the high courts, and over 88 thousand pending before the apex court.

The backlog has more than doubled in the past decade, with the situation continuing to deteriorate with each passing year.

The research has identified multiple causes of judicial delays operating at different stages of the criminal justice process. At the investigation stage, delays are caused by non-registration of First Information Reports, outdated investigative methods, political interference, forensic backlogs, and failure to meet statutory timelines for filing charge sheets. At the pre-trial stage, the explosion in bail applications, prolonged under trial detention, and procedural complexities in framing charges contribute to the delays. At the trial stage, the culture of frequent adjournments, witness management issues, lengthy oral proceedings, and overburdened judges exacerbate the problem. At the adjudication and post-trial stage, delays in delivery of verdicts and the overlapping appellate process prolong the litigation cycle.

The institutional and systemic barriers to speedy justice are equally significant. India's judge-population ratio, at approximately fifteen judges per million, is abysmally low compared to international standards, and judicial vacancies remain persistently high. According to a government response in Parliament, there is a vacancy of 42 percent in the

High Courts, along with shortages of administrative staff in subordinate courts. The police-to-population ratio is inadequate, investigative capacity is limited, and forensic infrastructure is severely deficient. The prosecution system is understaffed and lacks the resources and training necessary for effective case presentation. Court management and administration are characterized by inefficient case management systems, slow adoption of technology, and outdated record-keeping practices.

The human cost of delayed justice, as examined in Chapter 6 of this thesis, is the most compelling argument for urgent reform. Under trial prisoners, who constitute nearly seventy seven percent of India's prison population, endure prolonged detention without conviction, suffering psychological distress, economic hardship, social stigma, and familial disruption. The socio-economic costs of judicial delay include the erosion of public trust, the rise of vigilantism, and a significant drain on the nation's Gross Domestic Product. The DAKSH report on commercial tribunals reveals that disputes worth approximately Rs 24.72 lakh crore, about 7.48 percent of India's Gross Domestic Product, are locked in pending cases before commercial tribunals alone. This represents frozen capital that should be circulating through the economy, contributing to growth and development.

The legislative and judicial responses to the case backlog crisis, while well-intentioned, have proven insufficient. Fast-track courts, evening courts, and special courts have been established, and the National Judicial Data Grid has brought digital transparency to court performance. Legislative reforms, including Section 309 of the Code of Criminal Procedure mandating day-to-day trials, Section 436A providing for the release of undertrial prisoners, and the introduction of plea bargaining, have been enacted. As of December 2024, 863 Fast Track Courts are functional for handling cases of heinous crimes, crimes against women and children, and 747 Fast Track Special Courts have disposed of more than 2,99,000 cases of rape and POCSO Act offences. However, as the analysis has demonstrated, the gap between legislative intent and institutional practice remains vast, and the reforms have failed to make a significant dent in the case backlog.

The implementation of the new criminal laws, while holding promise, faces formidable challenges. which provide for the release of under trial prisoners upon completion of one half of the maximum sentence for the alleged offence, and one third for first-time offenders, have been the subject of a special campaign by the Ministry of Home Affairs<sup>398</sup>. However, the monitoring of implementation has been inconsistent, and many states have failed to submit regular progress reports<sup>399</sup>. The proactive identification of eligible under trial prisoners and the filing of applications before the concerned courts remain sporadic. The success of these provisions in addressing the crisis of under trial detention depends on the sustained commitment of prison authorities, courts, and the executive, and the evidence to date suggests that such commitment is not yet forthcoming.

Former Supreme Court judge Justice Madan Lokur has suggested a pragmatic approach to addressing the backlog, noting that the first step should be to open each case file and assess which case is 'alive' and which case is 'dead'. He reported that when this strategy was used in the Supreme Court Legal Services Committee, out of about 3,000 cases, only about 700 cases were found to be 'alive'. This suggests that a significant portion of the backlog may be composed of cases that are no longer active, and that systematic case weeding could make a substantial contribution to reducing pendency.

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