



## The Copyright Quandary: Criminalization and Judicial Backlog in India

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India is facing 45 million overall pending cases only in the subordinate courts (excluding the Supreme Court and High Courts), which is very alarming and needs to be addressed as soon as possible. Law commissions, Supreme Court judges, and legal experts have all expressed concern about the increasing pendency of cases. The study investigates the criminalization of copyright cases, its impact on the judiciary, and how it contributes to the pendency of cases. The study is doctrinal however it used both primary and secondary data. Primary data include data published on the NCRB website. Secondary data include literature, online articles, news articles, scholarly articles etc. The study found that although copyright case registration is very less its disposal is less than 1% of the current year filing because the time taken for investigation and submitting charge sheet is very long up to three years and two years respectively. This further accelerates the current pendency of cases in India. The study suggests that rather than making copyright infringement a crime let it be civil or we can make it criminal on repeat infringement as currently under Section 63A of the Act, on repeat infringement enhancement of punishment is there. Establishing a specialized tribunal to deal with these cases can be solved within a reasonable time.

**Keywords:** Copyright, Pendency of Cases, Criminalization, Speedy Trial, Criminal Justice

The advent of the internet since the 1970s has been a significant challenge for lawmakers and intellectual property rights holders. The digitalization of copyright protection has led to economic setbacks for copyright holders and increased accessibility for violators. The Web 2.0 era has made information storage, sharing, and collaboration easier, making cyberspace an interwoven virtual community. However, the digitalization of copyright material has also presented technical and non-technical challenges to holders and owners. Intellectual property law enforcement is a global challenge, requiring both national and international solutions. International agreements aim to establish minimum international standards to help national governments combat widespread infringement and promote compliance with intellectual property laws.<sup>1</sup> Copyright holders have faced international pressure to enact/pass laws, with most states proposing their laws to align with international changes in copyright law under the World Intellectual Property Rights (WIPO) World Copyright Treaty (WCT) and WIPO Performances and Phonograms Treaty (WPPT). The digital era has experienced major changes, particularly in the Low-Tech and High-Tech Eras. The Digital Era can be further classified into the Analog Phase and Digital

Phase, which intensify infringements and pose greater challenges to lawmakers. States are slowly shifting from a civil remedy approach to criminalizing copyright law to meet the demands of copyright holders. This change is seen in almost all countries, as copyright holders are keen for criminal law to prevail in some circumstances. In the US, Congress has passed various laws to criminalize copyright, such as the Anticyber-squatting Consumer Protection Act (ACPA), the Digital Millennium Copyright Act 1998 (DMCA), and the Pro-IPAct. India, although not a signatory to the WCT amended its Copyright Law in 2012 and added Section 65A to criminalize copyright infringement in electronic/digital forms, particularly related to anti-circumvention and Rights Management Information. The criminalization of copyright violation is shaping up in a new direction due to technological advancements, with criminal liability present either with civil remedies or in addition to civil remedies.<sup>2</sup> To ensure fair enforcement of criminal law against copyright piracy, reformulation of the copyright law should be pursued through two legal steps: a judicial review to the Constitutional Court and revisions to the copyright law through the executive and legislative branches. Strengthening collective awareness among stakeholders is crucial to creating a sense of security and alleviating fears, fostering an environment where artistic works can

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flourish freely and with dignity.<sup>3</sup> This shows that merely criminalizing copyright infringement is not the solution. Addressing the complexities surrounding intellectual property violations necessitates a various approach that considers broader aspects such as education, awareness, and technological advancements.

In the United Kingdom (UK) Copyright infringement is a civil wrong and where infringement occurs a claim may be brought by the copyright owner or a person who has an exclusive licence to the work through the civil courts. In certain circumstances copyright infringement can amount to a criminal offence as well. Under Section 107 of the Copyright, Designs and Patents Act 1988 (CDPA 1988), you commit a criminal offence if, without the licence of the copyright owner.<sup>4</sup> In the USA Remedies for copyright infringement typically include: payment of any profits the infringer gained and compensation for any losses incurred by the copyright owner, or statutory damages if proving actual losses is difficult; issuance of a court injunction to halt further infringing activities; potential confiscation and destruction of infringing materials; and reimbursement of attorneys' fees and legal costs. These measures aim to both compensate the copyright owner and discourage future infringements, ensuring the protection and enforcement of copyright. Under the Copyright Act's criminal provisions, willful infringement constitutes a criminal offense if committed for commercial advantage or financial gain, by reproducing or distributing copyrighted works worth over US\$1,000 within a 180-day period, or by distributing works intended for commercial distribution on a public computer network, knowing or should have known of its commercial intent. These provisions aim to deter and penalize significant copyright violations that involve financial benefit or widespread distribution through digital means.<sup>5</sup> The Supreme Court of India has passed a far-reaching judgment resolving the question of whether copyright infringement, which is punishable with imprisonment for a term which may extend up to three years under the Copyright Act of 1957, is a cognizable offence under the Code of Criminal Procedure (CrPC), 1973. While the *Knit Pro International v The State of NCT* judgment is sparse in its reasoning, its conclusion is clear: copyright infringement is a cognizable offence under the CrPC.<sup>6</sup> UK and USA's law of copyright is weak than India as most of the cases are civil, only few considered as

criminal, but India made not only criminal but also it is cognizable that eventually accelerate the pendency of cases.

### **Civil and Criminal Nature**

The distinction between civil and criminal matters is based on the nature and scope of the wrong. When disobedience is confined to private individuals or entities, it typically falls under the ambit of civil law. In these instances, the primary objective is to address the harm or dispute between the parties involved and seek redress or compensation. Civil cases are often characterized by disputes over contracts, property, personal injuries, or familial issues. In civil cases, the resolution typically involves compensating the aggrieved party financially or through equitable remedies such as injunctions or specific performance. The focus is on restoring the affected party to the position they were in before the wrong occurred.<sup>7</sup>

Some authors argued that the reformulated copyright law should serve as a deterrent tool, imposing severe penalties for piracy offences, and promoting social welfare.<sup>3</sup> The scope of copyright protection depends on the availability and effectiveness of enforcement mechanisms. Copyright crime is as much about criminal law as copyright law, and proposals to protect digital copyright through criminal sanctions should be scrutinized through the lens of criminal law as well. The effectiveness of traditional civil enforcement mechanisms is threatened by digitization, with peer-to-peer file-sharing networks, broadband connections, file compression formats, and circumvention applications expanding the scope of copyright infringement.<sup>8</sup>

Criminal penalties for copyright infringement are not a distinct type of "white-collar crime" but rather cover various offences, such as securities fraud or embezzlement. Infringement may not correlate well with certain white-collar characteristics, such as the defendant's high social status, corporate resources, or reliance on fraud or deceit. However, infringement may correlate better with other white-collar characteristics, such as the use of special skills or professional training. Factors suggest that criminal prosecution of copyright infringement will increase in the near future. The number of criminal violations has increased in the last few decades, and law enforcement agencies are paying closer attention to intellectual property-related crimes.<sup>9</sup>

On the contrary, when disobedience extends beyond individual grievances and poses a threat to the broader fabric of society, it is categorized as a criminal matter. Criminal offences are considered offences against the state or public order, and the legal proceedings are initiated by the government. The purpose of criminal law is not only to redress the harm caused to specific individuals but also to safeguard the overall well-being and safety of the community, and social order and prevent further misconduct. It involves punitive measures aimed at deterring and punishing the offender. The state, represented by the prosecutor, pursues charges against the accused, and if found guilty, the penalties may include fines, probation, imprisonment, or a combination thereof.<sup>10</sup>

The digital age presents a real threat of unlimited and unauthorized copying of copyrighted works, as copyrighted works are increasingly viewed as "just like" any other property and deserving protection against theft. Both civil and criminal law aims to shape individuals' behaviour for societal benefit by deterring harmful actions. The only element of criminal copyright infringement that stands between legitimate protection for copyright owners and illegitimate criminalization of widespread practices is the requirement that the infringement be willful. The NET Act, its legislative history, and prior case law support the application of a standard of willfulness, which requires proof that the defendant was aware that their activities constituted infringement.<sup>11</sup>

Jordan and the UAE criminalize copyright infringements and trademark (TM) counterfeiting, but their judicial practices often discourage criminal measures for intentional commercial IP infringements. The Criminal Chamber of Courts of First Instance offers lenient judgments, but this may not deter infringements. Current enforcement is minimal, imposing fines without a prison sentence, which may negatively impact deterrence, investment, and innovation. To improve criminal enforcement, Jordan and the UAE should create a culture of social awareness, amend laws to require imprisonment sentences for most infringements, increase specialized judges, and encourage private enforcement measures.<sup>12</sup> The author argues that a paradigm shift in copyright law is not happening due to the legal community's current understanding of copyright law from a civil to a criminal perspective. A shift requires structural changes in practice, as criminal copyright

cannot be primarily a legislative act. Factors contributing to this gap include international pressure, political barriers, deterrence through legislation, difficulties for enforcement agencies, social, moral, and economic considerations, and prioritization of law enforcement agencies. Legislation alone is insufficient to create a paradigm shift, as enforcement of criminal copyright is crucial for a paradigm shift.<sup>13</sup>

Canada may face challenges in decriminalizing copyright infringement due to its obligations under international law. To achieve this, Canada should commit to not further criminalizing copyright infringement, which could involve amending the Copyright Act or signing additional treaties that require criminalized infringement. Reservations, a valid exercise of State sovereignty, must be permissible according to the Treaty's terms and accepted by other State parties. Canada may face international backlash for taking a stand against criminalized copyright infringement, likely from its American neighbours. The Copyright Modernization Act has significantly contributed to Canadian Copyright Law, making it one of the most innovative and unique approaches in the world.<sup>14</sup>

As far as copyright infringement is concerned it is both civil as well as criminal in India, as under the law person can institute a civil suit as well as a criminal complaint.<sup>15</sup> So copyright holders have two ways to protect their intellectual property rights. In this copyright holders have the option to initiate legal proceedings through a civil suit. This involves filing a lawsuit in a Civil Court to seek remedies such as injunctions to prevent further infringement, damages to compensate for the loss suffered or an account of profits gained by the infringing party. Civil actions provide a mechanism for copyright owners to assert their exclusive rights and obtain redress for the unauthorized use or reproduction of their creative works. Simultaneously, the Copyright Act recognizes the criminal dimension of copyright infringement. Section 63 of the Act specifically addresses criminal offences related to copyright, stipulating that certain acts of infringement can lead to criminal prosecution. Criminal complaints can be filed with law enforcement agencies, leading to investigations and potential legal action. The penalties for criminal copyright infringement may include fines and imprisonment, serving as a deterrent against unauthorized reproduction, distribution, or public display of copyrighted works.

The dual nature of copyright enforcement in India, combining civil and criminal matters, shows the significance of safeguarding intellectual property rights. This comprehensive legal approach aims to strike a balance between compensating copyright holders for their losses in civil cases and deterring potential infringers through criminal prosecution. Overall, the dual-track approach to copyright infringement in India reflects the legal system's commitment to providing robust protection for intellectual property rights, catering to the diverse needs and preferences of copyright holders seeking legal recourse.<sup>16</sup>

Infringement, which may not have been considered a white-collar crime in the past, may correlate better with other white-collar characteristics. Factors suggest that criminal prosecution of copyright infringement will increase shortly, leading law enforcement personnel to include infringement as another long-identified "white-collar crime." Some wrongs, like copyright infringement, are easier to detect than others, such as face-to-face crimes. To respond to wrongful activities with a low likelihood of detection, the legal system can increase penalties. However, the "social attractiveness" of greater criminalization may only be apparent to legislators, law enforcement agencies, and industries that depend on copyrights.<sup>9</sup>

By criminalizing certain copyright infringements, India aims to deter piracy and protect intellectual property rights. However, this approach has led to significant judicial backlog and resource strain, as criminal cases often require more time and resources compared to civil proceedings. This backlog delays justice and can hinder economic growth by discouraging innovation and investment in creative industries.<sup>17</sup> Furthermore, the uneven enforcement of copyright laws may disproportionately affect smaller creators and businesses, limiting their ability to compete and thrive in the digital economy. Balancing effective enforcement with judicial efficiency is crucial to fostering a robust creative economy while ensuring equitable access to justice for all stakeholders in India's copyright landscape.

The inclusion of criminal provisions for copyright infringement in India does introduce an additional layer of legal complexity, and concerns have been raised about its potential impact on the pace of adjudicating existing and pending cases. One notable challenge arising from the criminalization of

copyright infringement is the potential acceleration of existing pending cases. It also places an additional burden on an already burdened criminal justice system, further affecting the expeditious resolution of cases. In response to these concerns, it becomes crucial for legal practitioners, lawmakers, and the judiciary to consider strategies for streamlining the adjudication of copyright infringement cases. This could involve establishing specialized courts or tribunals, enhancing the capacity and efficiency of law enforcement agencies, and adopting procedural measures to expedite both civil and criminal proceedings. Balancing the need for robust copyright protection with the imperative of timely dispute resolution is essential.

### **The Copyright Act, 1957**

Copyright refers to the exclusive right to reproduce, issue, perform, and make cinematograph films, or sound recordings of a work or its substantial part, subject to the provisions of this Act. For literary, dramatic, or musical works, copyright allows for reproduction in any material form, including electronic storage, public performance, and communication. For computer programs, copyright allows for the following acts: (i) performing the work in public, (ii) making a cinematograph film or sound recording, (v) making a translation, (vi) making an adaptation, and (vii) doing any of the acts specified in sub-clauses (i) to (vi). For artistic works, copyright allows for reproduction in any material form, including storage, depictions in three dimensions, or depictions in two dimensions. For cinematograph films, copyright allows for making a copy of the film, including a photograph of any image forming part of it, and selling or giving on commercial rental or offer for sale. For sound recordings, copyright allows for making any other sound recording that embodies the work, including storage, selling or giving on commercial rental or offer for sale, and communicating the sound recording to the public. A copy sold once is considered a copy already in circulation.<sup>18</sup>

No person shall be entitled to copyright or any similar right in any work, whether published or unpublished, except as provided by the Act or of any other law for the time being in force, but nothing in this Section shall be construed as abrogating any right or jurisdiction to restrain a breach of trust or confidence.<sup>19</sup>

When it is considered as infringed: Copyright in a work is considered infringed when a person does anything without a license granted by the copyright owner or the Registrar of Copyrights, or in contravention of the conditions of a license granted or imposed by a competent authority. This includes allowing for profit any place to be used for the communication of the work to the public, unless the person was not aware and had no reasonable ground for believing such communication would be an infringement of copyright. Similarly, when a person makes for sale or hire, sells or lets for hire, distributes for trade or to affect the owner of the copyright, exhibits in public, or imports infringing copies of the work into India, the copyright owner is deemed infringed. For this Section, the reproduction of a literary, dramatic, musical, or artistic work in the form of a cinematograph film is considered an "infringing copy."<sup>20</sup>

#### **Civil Remedy**

Where copyright in any work has been infringed, except as otherwise provided by this Act the owner of the copyright is entitled to all remedies for infringement of copyright in a work, including injunctions, damages, and accounts. If the defendant proves that they were unaware of the copyright infringement and had no reasonable grounds for believing it existed, the plaintiff can only receive an injunction and a decree for the defendant's profits from the sale of infringing copies. If a name appearing on copies of a literary, dramatic, musical, or artistic work, or a cinematograph film or sound recording, appears, the person presumed to be the author or publisher of the work in any proceeding concerning copyright infringement. The court has the discretion to determine the costs of all parties involved in copyright infringement proceedings. If the defendant proves they were not aware of the copyright infringement at the time, the plaintiff may only receive an injunction and a decree for the defendant's profits.<sup>21</sup>

#### **As Offence**

The Act outlines the penalties for knowingly infringing or abetting the infringement of copyright or other rights, except for Section 53A. Penalties include imprisonment for up to three years and a fine of up to fifty thousand rupees. If the infringement was not for profit in trade or business, the court may impose a shorter sentence or a fine of less than fifty thousand

rupees. However, the construction of a building or structure that infringes or would infringe copyright in another work is not considered an offence under this Section.<sup>22</sup> The Copyright (Amendment) Act, 1984 (65 of 1984) provides for enhanced penalties for second and subsequent convictions of an offence under Section 63. For each subsequent conviction, the offender is punishable with imprisonment for up to three years and a fine of up to one lakh rupees. However, the court may impose a lesser sentence for non-profit infringements, provided there are adequate reasons for the decision.<sup>23</sup>

#### **Appeal**

Any person aggrieved by an order made under sub-Section (2) of Section 64 or Section 66 may, within thirty days of the date of such order, appeal to the Court to which appeals from the court making the order ordinarily lie, and such appellate court may direct that execution of the order be stayed pending disposal of the appeal.<sup>24</sup>

As discussed earlier making it both civil and criminal accelerates the pending cases, also it provides provision for appeal which delays justice by consuming the time of the court.

#### **Reason of Criminalization**

The criminalization of copyright infringement serves several purposes, reflecting a broader strategy to combat intellectual property violations and uphold the interests of creators and copyright holders.

Criminal penalties act as a strong deterrent against copyright infringement. The threat of criminal prosecution, including fines and imprisonment, is intended to discourage potential infringers from engaging in illegal activities. The severity of the consequences is meant to signal the gravity of copyright violations and dissuade individuals and entities from engaging in unauthorized reproduction, distribution, or public display of copyrighted works.<sup>25</sup> It also empowers law enforcement agencies to take proactive measures against piracy and counterfeiting. By treating copyright violations as criminal offences, authorities can initiate investigations, conduct raids, and pursue legal action against those involved in large-scale and organized copyright infringement activities. This approach enhances the ability to combat piracy effectively, especially when dealing with networks or entities operating on a commercial scale.<sup>25</sup> The criminalization of copyright infringement aligns with international standards and obligations.

Table 1 — Copyright cases registered year-wise

Year	2016	2017	2018	2019	2020	2021	2022
Cases	4606	3335	2280	1965	1255	1835	1866

Source-NCRB as available in March 2024

Many countries recognize the importance of harmonizing intellectual property protection to facilitate global trade and collaboration. Including criminal provisions in copyright laws helps maintain consistency with international agreements, treaties, and conventions that emphasize the need for healthy protection of intellectual property.<sup>26</sup> Copyright infringement can have a significant economic impact on creators, publishers, and other stakeholders. Criminalizing copyright violations is seen as a means to safeguard the economic interests of copyright holders by providing them with additional legal tools to combat piracy, counterfeiting, and other forms of unauthorized use that may lead to financial losses.<sup>27</sup> By establishing criminal penalties for copyright infringement, governments aim to foster an environment conducive to creativity and innovation. Protecting the rights of creators encourages investment in artistic, literary, and technological endeavors, as creators are more likely to produce and share their works when they have confidence in the legal system's ability to deter and punish infringement.<sup>28</sup>

**Results and Discussion**

The data presented in Table 1 illustrates the annual fluctuations in the number of registered copyright cases in the years from 2016 to 2022. Notably, there is a discernible trend of diminishing case numbers from 2016 to 2020, with a notable decline from 4606 cases in 2016 to 1255 cases in 2020. However, a subsequent upturn is observed in 2021 and 2022, indicating a rebound with 1835 and 1866 cases, respectively. The fluctuations may be influenced by various factors such as changes in legal frameworks, enforcement efforts and economic conditions. Although the cases registered each year are less we must also see the disposal rate reflected in the Table 2.

Table 2 reveals a persistent challenge in the timely disposal of copyright cases by the court system. Over the years, the total cases scheduled for trial remained consistently high, with disposal rates lagging significantly behind. In 2018 and 2019, merely a few cases were resolved out of the total, leading to substantial backlogs of 506 and 509 cases,

Table 2 — Case disposal by Court(current year filing)

Year	Total cases for trial	Disposed off	Remaining
2018	510	4	506
2019	510	1	509
2020	533	1	532
2021	560	8	552
2022	563	6	557

Source: NCRB as available in March 2024

respectively. Although the disposal rate slightly increased in 2021 with 8 cases resolved out of 560, the remaining cases remained considerable at 552. The trend continued in 2022, where 6 cases were disposed of out of 563, leaving 557 cases unresolved. This pattern suggests potential inefficiencies or bottlenecks in the legal process, leading to a growing backlog of copyright cases awaiting resolution. Further analysis and measures may be necessary to address these challenges and enhance the efficiency of the court system in handling copyright disputes.

Table 3 provides a comprehensive view of the distribution of copyright cases pending trial over various timeframes. The data reveals a consistent volume of pending cases each year, ranging from 26,996 in 2018 to 28,651 in 2022. Notably, a substantial portion of cases falls within the 1-3 years and 3-5 years categories, indicating an enduring backlog of medium-term cases. The distribution across timeframes shows some fluctuations, with a shift in 2021 towards longer durations, notably in the 3-5 years and 5-10 years categories. This suggests a potential challenge in expeditiously resolving cases, possibly influenced by factors such as legal complexities, resource constraints, or procedural intricacies. Addressing these trends may require targeted interventions to streamline legal processes and manage the backlog effectively.

Table 4 presents data on the time taken for investigations in copyright cases, offering insights into the efficiency of the investigative process over the years. The total number of investigations has shown a gradual increase from 2,137 in 2018 to 2,281 in 2022. Notably, the distribution of investigation durations demonstrates a consistent trend, with a substantial portion of cases being resolved within

Table 3 — Cases pending for trial

Year	Total	3-6 Month	6-12 Month	1-3 years	3-5 Years	5-10 Years	More than 10
2018	26996	1699	3854	10790	6904	2809	940
2019	27035	1272	3342	11170	6639	3527	1085
2020	27686	1486	2773	11304	7103	3648	1372
2021	28459	1228	2445	10580	9225	3641	1340
2022	28651	1393	2589	11273	8440	3904	1052

Source: NCRB as available in March 2024

Table 4 — Time taken for investigation

Year	Total	Up to 6 months	6m – 1 Year	1-3 years	More than 3
2018	2137	489	640	855	153
2019	2062	508	539	890	125
2020	2123	502	501	964	156
2021	2163	482	595	937	149
2022	2281	688	454	749	390

Source: NCRB as available in March 2024

6 months. However, the data also indicates a notable increase in investigations taking more than 3 years in 2022 compared to previous years. This shift may suggest evolving complexities in cases or potential challenges in the investigative process that need attention for improved efficiency. Addressing factors contributing to prolonged investigations could enhance the overall effectiveness of handling copyright cases.

Table 5 provides a breakdown of the time taken for submitting charge sheets in five consecutive years (2018-2022). In 2018, out of a total of 2419 cases, 475 were submitted within 2 months, and a significant number took longer, with 403 cases submitted within 1 to 2 years. The subsequent years witnessed fluctuations in the distribution, with 2019 showing a decrease in cases submitted within 2 months but an increase in those taking 2 to 3 months. In 2020, the total number of charge sheets decreased to 1029, with a notable reduction in cases submitted within 1 to 2 years. The year 2021 saw a slight increase in the total number of cases (1454), with a notable rise in charge sheets submitted within 3-6 months. In 2022, the trend continued, with a decrease in cases taking 1 to 2 years and an increase in those taking 3-6 months. Overall, the analysis highlights variations in the time taken for submitting charge sheets over the years, with potential implications for the efficiency and timeliness of legal processes.

### Pending Cases in India

As of now, India has a population of about 1.42 billion people.<sup>29</sup> Presently, the Indian judicial system

faces with an overwhelming backlog of cases, a total of 44.9 million cases. This huge figure comprises 11 million civil cases and a significant majority of 33 million criminal cases. Notably, a substantial portion of these pending cases, specifically 77.41% of civil cases and 78.02% of criminal cases, have lingered unresolved for more than a year. The persistent delay in cases is evident as 77.86% of pending cases have been unresolved for over a year.<sup>30</sup>

About 25% of these cases have not been solved for several years, showing that the courts are slow. This slowness in the court system causes problems for both the economy and society. A pertinent example of this impact is evident in India's ranking of 163 out of 190 nations concerning the "enforcing contracts" indicator, reflecting the challenges faced in the speedy and effective resolution of contractual disputes.<sup>31</sup> Uttar Pradesh holds the distinction of having the highest number of pending cases, with more than 10 million cases. Following closely, Maharashtra occupies the second position with approximately 5 million pending cases within the lower courts. Bihar accounts for around 3.5 million pending cases, while West Bengal grapples with a backlog of about 2.7 million cases in the lower court system.

Table 6 provides as of 9 March 2024, the National Judicial Data Grid reports a total of 44,992,833 overall pending cases in Indian subordinate courts, categorized into Civil (10,949,039) and Criminal (34,043,794). The distribution of cases across different time durations reveals that the majority fall within the 0 to 1 years and 1 to 3 years categories, accounting for 28.71% and 26.91% of the total pending cases, respectively. Notably, the percentage decreases as the duration increases, with the least cases falling in the above 30 years category at 0.23% of the total. These statistics highlight the need for efficient judicial processes and the potential challenges posed by prolonged legal proceedings.

Table 5 — Time taken for submitting the charge sheet

Year	Total charge-sheeted	2 months	2-3 months	3-6 months	6-12 months	1 to 2 years	More than 2 yrs
2018	2419	475	385	502	524	403	130
2019	1914	335	464	417	320	291	87
2020	1029	167	269	219	187	137	50
2021	1454	323	318	332	197	202	82
2022	1553	309	414	420	213	149	48

Source: NCRB as available in March 2024

Table 6 — Overall Pending cases in India of all types in subordinate courts

Particulars	Civil	Criminal	Total
0 to 1 Years	3302553(30.16%)	9612840(28.24%)	12915393(28.71%)
1 to 3 Years	3094190(28.26%)	9015305(26.48%)	12109495(26.91%)
3 to 5 Years	1670226(15.25%)	5322436(15.63%)	6992662(15.54%)
5 to 10 Years	2012323(18.38%)	6504423(19.11%)	8516746(18.93%)
10 to 20 Years	725869(6.63%)	3071997(9.02%)	3797866(8.44%)
20 to 30 Years	111647(1.24%)	446515(1.24%)	558162(1.24%)
Above 30 Years	32231(0.29%)	70278(0.21%)	102509(0.23%)
Total	10949039	34043794	44992833

Source: National Judicial Data Grid as on 9 March 2024

**Discussion**

Although the fresh copyright case registration is less as shown in Table no 1 if we see the disposal rate of the current year filling (Table 2) then it is very low less than 1% of the filling and remaining case pending investigation and trial. Table 3 shows that the copyright case pending for even more than 10 years which is very disappointing. Table 4 shows the time taken to investigate the copyright cases, and it can be seen that only for investigation three years were taken for some cases Table shows the time taken for submitting the charge sheet and it is evident that only submitting a charge sheet two years was taken for some cases.

The data presented in Tables 1 to 5 revealed a concerning state of affairs in the realm of copyright enforcement. While Table 1 indicates a modest number of fresh copyright case registrations, Table 2 reveals an alarming disposal rate of less than 1%, resulting in a substantial backlog of cases pending investigation and trial. Table 3 shows that the copyright case pending for even more than 10 years which is very disappointing. Table 4 shows the time taken for investigation of the copyright cases, and it can be seen that only for investigation three years were taken for some cases Table showing the time taken for submitting the charge sheet and it is evident that only for submitting the charge sheet two years taken for some cases. These findings collectively emphasize the imperative for a comprehensive reform

of the copyright enforcement framework, addressing procedural inefficiencies, augmenting investigative resources, and streamlining legal processes to ensure a more responsive and expeditious system for handling copyright infringement cases.

Table 6 represents the data on the pendency of cases available on NJDG which is also at the alarming stage because about 4.5 crore cases are pending only in the subordinate courts and the pendency of copyright cases further accelerates the total pending cases in India, which is bad for law enforcement and judicial accountability. Public trust in the judiciary also decreasing day by day as justice is delayed due to increased pending cases, for people are taking the law into their own hands by trying to do justice by themselves like revenge etc. This trend signifies a pressing need for systemic reforms to alleviate case backlogs, enhance judicial efficiency, and restore public confidence in the legal system. Addressing the root causes of case delays, including those in the realm of copyright enforcement, is paramount to fostering a more responsive and accountable judiciary.

**Conclusion**

In this busy world, people are reluctant to allocate precious time to court proceedings. As time passed innovation and business increased which resulted in various disputes, among these copyright infringement is one of the common disputes between individuals.

As the Copyright Act, of 1957 criminalized copyright infringement, the result showed that it further accelerated the current pendency of cases which is currently about 4.5 crores. However, the Act also provides that it can also be a civil case by providing the civil remedy. The author suggested that copyright infringement may be regarded as civil cases only and criminal in case of repeated infringement. As provided under Section 63A on repeat infringement there will be enhanced punishment and fine. There can be specialized tribunals for copyright and trademark disputes alike we are having National Green Tribunal (NGT) for environmental cases. This will help in the smooth administration of the criminal justice system by reducing the overall pendency of cases in India.

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