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## **JUDICIAL BACKLOG: A CONTEMPORARY LEGAL ISSUE IN INDIA**

### **Abstract –**

*This article attempts to point out the relevance of judicial backlog. Judicial backlog is the problem facing by the Courts at present. Court backlog refers to the situation where unresolved legal cases that have been filed but not decided resulting from a situation where the rate of new cases files and pending cases exceeds the rate of cases being resolved or disposed of by the court system. The goal of this article is to examine the causes, consequences, various reforms and recent developments regarding judicial backlog, to promote equitable justice to all and a more efficient judicial system. This article further analyzes the present situation of Judicial system in India.*

### **Key words –**

Judicial Backlog, Judicial System, Supreme Court, High Court, Fast-Track Court, Subordinate or District Courts, Alternative Dispute Resolution, Judges.

## **Introduction –**

Esteemed judiciary is a cornerstone of India's constitutional democracy. It is currently battling a crisis of monumental proportions which is a persistent and growing backlog of cases that threatens the fundamental principle of timely justice. As the millions of cases are pending in the Supreme Court, High Courts and Subordinate Courts; the phrase "justice delayed is justice denied" resonates more profoundly than ever, eroding public faith and efficiency within the legal system. In India Judicial backlog is one of the most pressing problems facing by the court system at present. It threatens the faith in institutions, burdens the poor disproportionately, compromises fundamental rights and even impairs economic growth. This article will delve into its root causes, the devastating consequences for citizens and the economy and the urgent need for comprehensive judicial reforms to alleviate the immense burden on India's justice delivery system and ensure the swift administration of law.

## **Delay of cases in the Judicial System –**

Judicial delays can be considered as a significant challenge to the Indian Courts. For the delay in justice there are backlog of ongoing cases and overworked courts. The legal system in India is burdened by the volume of court proceedings, inadequate judicial resources and inadequate infrastructure. And litigants are enduring protracted waiting times which erodes their trust in the legal system and denies justice to those who need it. There are various factors which contribute to this problem of protracted judicial procedures. India has disproportionate number of judges compared to its population due to a chronic shortage of judges this problem has become worse. The current situation of the high courts and lower courts regarding vacant post is concerning. Increasing the number of judges and expediting the nomination process is required to ensure the justice is administered promptly. Complexity of the legal system is also a main factor which contributes to the extension of court delays. In our legal system outdated legislation and ineffective procedural impediments make it even worse. There are several laws which have not been even repealed or amended resulting in unnecessary complications and obstacles in the litigation procedure. Modernizing the laws and streamlining legal processes are essential steps to reduce court workloads and enhancing judicial effectiveness.

## **Dimensions of the problem –**

- **Scale of Pendency** – As of recent data India has over 50 million plus cases pending across Judicial hierarchy; Supreme Court, High Courts and Subordinate or District Courts. The bulk of this pendency nearly 85 to 90% is in subordinate or district courts of India.
- **Special mention** – Thousands of cases have been pending for decades, some even for over 30 years.
- **Judges per capita** - India's judge to population ratio is about 21 judges per million people. Various expert bodies like law commission of India have recommended raising this to about 50 judges per million to bring courts closer to international standards.

- **Vacancies and resource deficits** – There a significant proportion of sanctioned and unfilled judicial positions. Other Courts stuff like clerks, stenographers, support personnel and infrastructure like courtrooms, record rooms, digital technology are also stretched.
- **Nature of the cases** – Cases range from simple civil disputes to serious criminal matters all types of cases are pending in India. Some categories mainly land or property disputes government litigation etc. form a large proportion of pending matters. There are many cases which are old, with witnesses no longer available, evidence lost etc.

### **Judicial backlog in India<sup>1</sup> –**

- **Supreme Court** - 87,000 pending cases as of July 2025 of which a majority are at the admission stage.
- **High Courts** - 6.2 million pending cases, with states like Uttar Pradesh and West Bengal facing the heaviest load.
- **District or Subordinate courts** - Total 47 million cases are pending, accounting for nearly 85% of the backlog.
- **Long delays** - Over 1,80,000 cases pending for more than 30 years with the Calcutta High Court alone holding 94% of cases pending over 50 years.

### **Causes of Judicial backlog –**

#### **1. Structural Causes -**

- **Shortage of judges and staff** - In India the ratio of judges is very low and many positions are vacant.
- **Inadequate infrastructure** - Digital infrastructure and human resources like registrars, support staff beyond just judges and physical infrastructure like courtrooms, record rooms, transport are inadequate in our judicial system.

#### **2. Procedural or Legal Causes –**

- **Complex procedures** – The Civil Procedure Code, 1908 and Criminal Procedure Code, 1973 have not kept pace with the demands and volume of cases. Many aspects of the procedural codes allow for repeated adjournments, appeals etc.
- **Frequent adjustments, delays, re-hearings** – Lawyers often seek adjournments, evidence or witnesses may be missing, files may be misplaced or transfer of judges result in delays. These are the various factors of causing pending cases.
- **Multiplicities of appeals** – The Appeal system itself contributes to delay as cases go up to several layers before final adjudication.

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<sup>1</sup> <https://www.studyiq.com/articles/judicial-backlog-in-india/>

### **3. Socio-cultural Causes –**

- **Rise in litigation** – With growing legal awareness and many social problems more people are willing to litigate and there are more disputes, also sometimes non meritorious cases and frivolous litigations add to the burden.
- **Government as major litigant** – In India government itself is a major litigant. There are many pending cases involve many government agencies or departments which sometimes are slow in responding for having less urgency or are indifferent to delay.
- **Lack of Alternative Dispute Resolution use** – Alternative dispute resolutions like Mediation, Arbitration, Conciliation, Lok Adalat etc. are available in Indian Judicial system but they are underused and their capacity is limited.

### **4. Technological and Administrative Causes –**

- **Digital Divide and Poor ICT Infrastructure** – In remote or poor regions of India many courts still depend on paper filing, manual record keeping, and non-digitized archives, these things slow down the process of litigation.
- **Inefficient case management** – There are lack of uniform systems for tracking cases, prioritizing older cases, and fixed timelines of the cases etc.

## **Consequences of Judicial Backlog –**

### **A. Violation of fundamental rights –**

Article 21 of the Constitution of India guarantees the right to life and liberty and speedy trial<sup>2</sup> is implicit in those guarantees. Long delays in trials violate these rights especially for

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under trial prisoners who may be in custody for years without conviction. Delay in civil matters hurts access to justice especially for poor litigants who cannot afford long litigation.

### **B. Loss of evidence and Dilution of justice –**

When cases are dragged on for years after years evidence can be lost, witnesses may die or move away, memories may fade, which reduces the quality of justice.

### **C. Economic costs –**

Judicial backlogs impose cost on litigants like time, expenses and have several macroeconomic implications like delayed business disputes, delayed project clearances etc. Investors may perceive risk in protracted legal adjudication.

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<sup>2</sup> <https://share.google/SwiCUQdsnbeOnK9KO>

#### **D. Erosion of public confidence –**

The faith of the people in justice system weakens because when ordinary citizens see that their matters are taking decades after decades to resolve, it fades public confidence. Judiciary is essential for the rule of law but for those chronic delays in judicial system its credibility suffers.

#### **E. Social and political impacts –**

In the Indian Society the social and political disputes like land or property disputes are increasing day by day if they are not resolved in time they can tie up families, livelihoods for long period. It may lead to extra-legal or informal mechanisms of dispute resolution if people believe they cannot get justice through courts and even cause more serious damages to the society. Those who are not guilty get punished for the time the case is pending and those who are guilty can freely move around in the society. This judicial backlog gave some peoples like powerful peoples the audacity to do more offenses as they know that nothing will happen and the significance of the law gradually diminishing in the society. Law and order are established in the society for the protection of the individuals but the judicial backlog is causing more societal problems.

#### **F. Prison overcrowding –**

Undertrial prisoners form over 75% of India's prison population only due to delayed hearings.

### **Recent developments –**

#### **1. Technology adoption –**

- **E-Courts project** – The E-Courts project has been introduced to digitalize the record keeping process, enable e-filing, virtual hearings etcetera. The covid 19 pandemic accelerated the virtual hearings which showed both promise and limitations.
- **National Judicial Data Grid** – NJDG is a platform to track pendency, disposed cases, timelines etc. to improve accountability, monitoring and transparency of our judicial system.

#### **2. Creation of more courts and strengthening of subordinate judiciary –**

- **New courts** are opening in some states of India especially at lower levels to reduce the load of the cases on existing courts. For example, Odisha has announced new JMFC that is judicial magistrate first class courts.
- **Fast-track courts** have also been proposed and personally implemented for certain categories of cases examples sexual assault, rape cases etc. However, many states have not made the target set yet.

### **3. Lok Adalat, ADR and Alternative Mechanisms –**

- **Lok Adalat** - A large number of cases those are relatively simple they have been used to dispose in Lok Adalat. For example, Haryana recently disposed of over 5,00,000 cases through a Lok Adalat event.
- **Mediation** – Mediation is the process where disputing parties meet with a neutral mediator to find a mutually acceptable resolution of the case. In 1990s mediation has been introduced in India and at present judges frequently recommend mediation, thousands of lawyers have become Mediators, and courts recognized it as a viable dispute resolution mechanism. Mediation has several advantages like faster resolution, lower cost of the case, the preservation of relationships etc. To reduce backlog, implementing mediation will be a productive step. Identifying cases which are suitable for mediation, assigning trained mediators those who with experiences and encouraging business and the government to adopt mediation before litigation will help in reduce judicial backlog.

### **4. Policy or Legislative Efforts –**

- Many proposals have been made for reforms of appointment processes better filing of vacancies in the courts. The former judges and committees have called for more systematic approaches. For example, suggestion for an All-India Judicial Services emerged to standardize and speed up appointments. National Litigation policy, revisited periodically, seeks to discourage frivolous cases especially when government is the litigant.

### **Barriers to Effective Reform –**

#### **❖ Inter-state variation –**

Indian states are different widely in resources political will and administrative competence, though which works in some states may not work in other states or universally.

#### **❖ Budgetary constraints –**

Building more courts, digitizing infrastructure and hiring more judges and staff these all require substantial expenditures.

#### **❖ Resistance to change or legal culture –**

Frequent adjournments are deeply embedded and procedures and habits of legal practice resist tight scheduling. Lawyers and litigants sometimes prefer delays for tactical reasons.

#### **❖ Digital Divide and Access Issues –**

In judicial system with e-filing and virtual courts, many litigants or lawyers in rural or remote areas lack adequate access to Internet, computers and reliable power etc.

### ❖ **Overburden in Existing Legal Framework –**

Layers of jurisdiction, overlapping jurisdiction with Tribunals, multiple appeals etc. sometimes make streamlining difficult without substantial legal reforms.

## **Various reforms –**

### **1. Procedural reforms –**

- **Amendment** - Outdated civil procedure code and criminal procedure code should be amended to reduce adjournments and make strict timelines. Limit frivolous litigation via penalties or better screening. In certain matters we should restrict the number of appeals where high cost or public interest is low.
- **Alternative Dispute Resolution** – In our Judicial system we should expand mediation, arbitration, conciliation mechanisms and make them more accessible, enforceable and affordable. Strengthening Lok Adalat, legal services authorities to help resolving cases outside the formal courts.
- **Use of technology and data driven management – E-Court infrastructure** like e-filing, video hearings, digital records, case tracking and **uses of dashboards** like NJDG for monitoring backlog, prioritizing oldest cases, holding accountable courts or judges or states and **exploring use of AI tools** where appropriate like for summarization, document search, prediction of Case load Etcetera, using of these things will help to reduce the judicial backlog in India.

### **2. Institutional reforms –**

- **Establishing an All-Indian Judicial Service** - To standardize recruitment or promotion for subordinate Judiciary and improve transparency, quality and speed, we need to consider establishing an all-Indian judicial service which also strengthened administrative or back-office support which is registries and clerks etc.
- **Budget and Infrastructure Investment** - Adequate funding of courts are required for physical buildings, courtrooms, staff residences and transport systems. ICT investment is required to reduce paperwork, for preserving records and ease retrieval.
- **Public Awareness and Legal Literacy** – India should promote the education of citizens about ADR, about possibility of settlement and about relief in the society. It should also promote early legal counseling to avoid unnecessary litigation.
- **Prioritization and Special Courts** - We should establish fast-track Courts for certain categories like sexual offenses, elderly, children and emergencies and we should prioritize old cases example cases spending more than a certain number of years should get special hearings or scheduling.

## **Conclusion –**

In India judicial backlog is not only a simply delay problem but it is a challenge to the very principles of justice, equality and rule of law. It is urgent to resolve this issue not only for individual rights but for economic growth, for trust in institutions and for ensuring that justice is not the privilege of the patient or resourceful but the right of all. With adequate resources, political will, focused policy, cultural shift in legal practice and technological innovation, India can effectively reduce Pendency, expedite justice and uphold the promise embedded in its Constitution. Increasing efficiency and reducing delays in judicial system can also be achieved by providing specialist courts for complicated matters, upgrading legislation and expediting the judge nomination process. If India wants then India can guarantee that its judiciary continues to be a reliable foundation of democracy, one that its citizen's trust and that can provide prompt and equitable justice by addressing these issues. There is an urgent need of action to resolve the backlog. For addressing these complex challenges requires cooperation between the government, Judiciary and other Stakeholder. It is our constitutional obligation to uphold the rule of law and ensure timely and accessible justice.

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