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# Justice Delayed is Justice Denied: Transforming India's Courts through Innovative Efficiency Reforms

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## ABSTRACT

*The Indian judiciary faces a profound crisis of pendency, with cases languishing in courts for years or even decades, creating a fundamental barrier to access to justice for citizens across socioeconomic groups. Despite constitutional guarantees of timely justice, the significant delays undermine public confidence in the rule of law and hinder economic development. This research investigates the structural and procedural causes of judicial delays in India, identifying several key factors: severe understaffing of judicial positions, inadequate court infrastructure, archaic procedural laws, excessive adjournments, limited technological adoption, and increasing litigation volumes. The study employed a mixed-methods approach combining analysis of case progression patterns across multiple states, field observations in district courts, and structured interviews with judges, advocates, and litigants. The findings revealed that delays stem from systemic issues rather than individual shortcomings, with interconnected factors creating compounding effects. Our research proposes a multi-faceted solution framework incorporating judicial capacity expansion, procedural code modernization, technology integration through comprehensive e-courts initiatives, specialized benches for case-type efficiency, and strengthened alternative dispute resolution mechanisms. By addressing both the immediate operational inefficiencies and underlying structural challenges, this framework offers a pathway toward meaningful court reform that balances efficiency with justice quality. This research provides a roadmap for policymakers and judicial administrators committed to transforming India's courts from institutions of delay to exemplars of timely justice delivery.*

**Keywords:** Judicial Delays, Case Pendency, Indian Judiciary, Court Efficiency, Artificial Intelligence, E-Courts, Alternative Dispute Resolution.

## I. INTRODUCTION

An effective legal system serves as the foundation for social stability, governmental accountability, and economic growth, while also driving political reform and socioeconomic

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progress. In today's dynamic and rapidly evolving governance environment, which prioritizes efficiency and effectiveness, the judiciary stands as a fundamental pillar of a nation's proper functioning.

An effective judicial system is characterized by independence, efficiency, accessibility, accountability, and effectiveness. Efficiency is measured as an input-output ratio, with output reflecting both case disposal rates and judgment quality. Timely justice delivery is crucial for maintaining legitimacy, as excessive delays erode public confidence in the legal system while negatively impacting economic activities and social cohesion. India's current ranking of 69th out of 126 countries on the rule of law index is concerning. The persistent backlog of cases fundamentally undermines democratic principles and the rule of law.

Till February 2024, a staggering 5.1 cases are pending before the judiciary. The judiciary's credibility is inexorably linked to its ability to dispense justice in a timely and efficient manners, and yet, by all accounts, this vital function is in question. As recently as in 2016, it was estimated that judicial delays cost India around 1.5% of its Gross Domestic Product annually.<sup>3</sup> Supreme Court in its landmark judgment in *Hussainara Khatoon v. Home Secretary State of Bihar*<sup>4</sup> held that speedy trial is a part of Article 21 of the Constitution guaranteeing right to life and liberty. More recently in 2017 the Supreme Court in *Hussain v Union of India*, while reiterating that the right to a speedy trial is part of Article 21 held that, *"This constitutional right cannot be denied even on the plea of non-availability of financial resources. The court is entitled to issue directions to augment and strengthen investigating machinery, setting-up of new courts, building new court houses, providing more staff and equipment to the courts, appointment of additional judges and other measures as are necessary for speedy trial."*<sup>5</sup>

This prolonged wait for justice undermines the credibility of our legal system, with litigants often waiting decades for resolution. As case filings continue to increase, backlogs will only worsen without targeted interventions. Timely case disposal requires deliberate action, with effective strategies needed for both case and court management.

This paper aims to investigate the root causes of these judicial delays while analyzing available secondary data to propose solutions for the persistent problem of case backlog in the

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<sup>3</sup> Harish Narasappa, Kavya Murthy, Surya Prakash B.S., and Yashas C. Gowda. 2016. 'Access to Justice Survey: Introduction, Methodology, and Findings', in *State of the Indian Judiciary: A Report by DAKSH*, pp. 137–155, available online at [http://dakshindia.org/state-of-the-indian-judiciary/28\\_chapter\\_15.html#\\_idTextAnchor320](http://dakshindia.org/state-of-the-indian-judiciary/28_chapter_15.html#_idTextAnchor320)

<sup>4</sup> AIR 1979 SC 1369.

<sup>5</sup> (2017) 5 SCC 702

Indian legal system.

## II. CURRENT STATE OF JUDICIAL PENDENCY

### A. Scale of Pendency: Total Number of Pending Cases

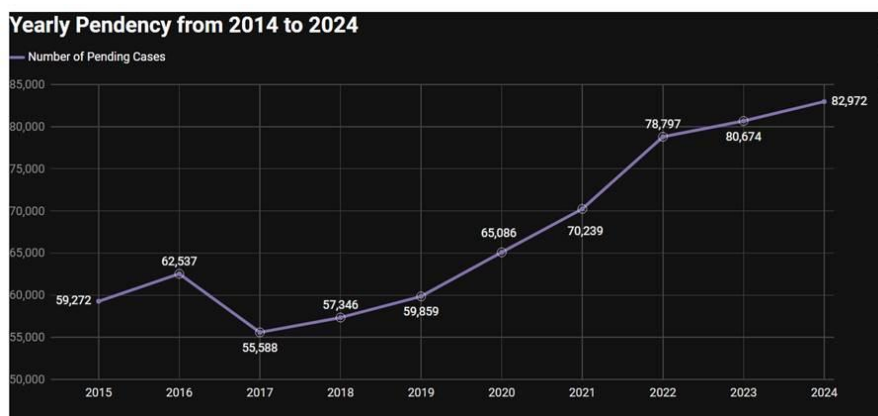
According to the National Judicial Data Grid (NJDG), the total number of pending cases in Indian courts continues to rise sharply, underscoring the significant strain on the judicial system. As per the latest figures, approximately 5,18,66,475 cases remain unresolved, including over 37,77,912 cases that have been pending for more than a decade. This substantial backlog hampers the timely delivery of justice, impacts millions of citizens, and raises critical concerns about the overall efficiency of the legal system.

### B. Pendency Across Judicial Hierarchies

India's judiciary is currently grappling with a significant case backlog spread across its three tiers. The District and Subordinate Courts carry the heaviest caseload, with over 4.55 crore cases pending, which forms the largest share of total pendency. High Courts are dealing with nearly 62.5 lakh pending matters, while the Supreme Court has a relatively modest backlog of around 80,000 cases. This distribution reveals that the bulk of unresolved cases—more than 87%—exist at the district level, pointing to a pressing need for systemic interventions and increased capacity in the lower courts to improve judicial efficiency.

### C. Pendency Trends: A Multi-Year Overview

Over the past decade, pendency in the Indian judiciary has shown a steadily rising trend. From approximately 59,000 pending cases in 2015, the number has surged to over 82,000 by 2024. After minor fluctuations between 2015 and 2019, the backlog has consistently increased, particularly after 2020. This sustained rise reflects growing pressure on the judicial system, driven by increasing case inflow and limited disposal capacity, emphasizing the urgent need for judicial reforms and systemic strengthening.



(Supreme Court Observer)

### III. ROOT CAUSES OF DELAYS

The Indian judiciary faces an overwhelming backlog of over 5.1 crore pending cases across various courts, severely undermining timely justice delivery and public confidence in the legal system.<sup>6</sup> This section examines the primary factors contributing to this judicial crisis.

#### A. Judicial Overload And Infrastructure Deficit

##### 1. Vacancies in the Judiciary

A persistent challenge facing the Indian judiciary is the substantial number of unfilled judicial positions. Over 400 judicial positions remain vacant across the High Courts and Supreme Court, representing approximately 34% of sanctioned strength in High Courts.<sup>7</sup> The situation in subordinate courts is equally concerning, with vacancy rates averaging 22% nationwide. These vacancies directly impact judicial efficiency, as existing judges must manage unreasonably large caseloads, making thorough and expeditious adjudication nearly impossible.

The prolonged appointment process, inadequate remuneration compared to private practice, and challenging working conditions contribute significantly to this persistent problem. Additionally, the limited budgetary allocation for judiciary—only 0.44% of the Union Budget—restricts resources available for creating and filling additional positions.<sup>8</sup>

##### 2. Inadequate Judge-to-Population Ratio

India's judge-to-population ratio stands at approximately 21 judges per million population, far below the Law Commission's recommended benchmark of 50 judges per million.<sup>9</sup> This ratio falls dramatically short of international standards—the United States operates with 107 judges per million citizens, while the United Kingdom maintains approximately 51 judges per million.<sup>10</sup>

This severe shortage creates fundamental capacity constraints that efficiency measures alone cannot overcome. As the Supreme Court noted in *Imtiyaz Ahmad v. State of Uttar Pradesh* (2012), judicial delays are inevitable when the system operates with less than half the required strength.<sup>11</sup> The shortage affects different regions unequally, with rural and economically disadvantaged areas typically experiencing lower judge availability.

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<sup>6</sup> National Judicial Data Grid, "Consolidated Case Statistics," 2024.

<sup>7</sup> Department of Justice, "Vacancy Position in Supreme Court and High Courts," 2024.

<sup>8</sup> Union Budget 2024-25, Ministry of Finance, Government of India.

<sup>9</sup> Law Commission of India, "120th Report on Manpower Planning in Judiciary," 1987.

<sup>10</sup> World Justice Project, "Rule of Law Index 2023-24"

<sup>11</sup> *Imtiyaz Ahmad v. State of Uttar Pradesh*, (2012) 2 SCC 688

### **3. Limited Use of Technology**

Despite technological advancements, the Indian judiciary has struggled to fully leverage digital solutions to address case pendency. While the e-Courts Mission Mode Project has achieved basic computerization in many courts, advanced features like electronic filing, virtual hearings, and AI-based case management remain unevenly deployed.<sup>12</sup>

Approximately 42% of court complexes lack sufficient digital infrastructure, including computer terminals, stable internet connectivity, and reliable electrical supply. Training deficits compound this problem, as many judicial officers and staff lack the technical proficiency required to effectively utilize available systems.<sup>13</sup>

### **B. Frivolous And Vexatious Litigation**

#### **1. Government Litigation**

Government entities collectively constitute the largest litigant in the Indian judicial system, accounting for approximately 50% of all pending cases.<sup>14</sup> Justice B.R. Gavai of the Supreme Court noted that up to 70% of government litigation could be classified as frivolous or unnecessary, reflecting systemic failures in administrative decision-making.<sup>15</sup>

This excessive government litigation stems from risk-averse bureaucracy, automatic appeals of adverse judgments regardless of merit, inter-departmental disputes entering courts rather than being resolved administratively, and policy inconsistencies following changes in political leadership. Despite the National Litigation Policy of 2010, government caseloads continue to burden the system significantly.

#### **2. Overuse of Special Leave Petitions**

Article 136 of the Constitution grants the Supreme Court discretionary power to hear appeals through Special Leave Petitions (SLPs). Originally intended as an exceptional remedy, SLPs have become a routine appeal mechanism, constituting approximately 60-65% of the Supreme Court's caseload.<sup>16</sup>

This transformation contradicts the Court's primary constitutional role and creates a cascade effect throughout the judicial system. High Court judgments are frequently treated as interim decisions rather than authoritative determinations, encouraging litigants to view the Supreme Court as a regular third tier in the appeal process, thereby prolonging litigation unnecessarily.

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<sup>12</sup> E-Committee, Supreme Court of India, "Status Report on e-Courts Project," 2023.

<sup>13</sup> Department of Justice, "Court Infrastructure Assessment Report," 2023

<sup>14</sup> Ministry of Law and Justice, "Analysis of Government Litigation," 2024

<sup>15</sup> Justice B.R. Gavai, National Conference on Judicial Reforms, 2023.

<sup>16</sup> Supreme Court of India, "Annual Report 2023

## **C. Inefficiencies In Legal And Procedural Framework**

### **1. Delays in Evidence Collection**

Criminal trials face severe delays due to inefficiencies in evidence collection, forensic analysis, and investigative procedures. The high-profile Aarushi Talwar case exemplifies these challenges, where the investigation spanned years with significant delays in forensic analysis and evidence handling.<sup>17</sup>

Contributing factors include inadequate forensic infrastructure—India has only 7 Central Forensic Science Laboratories and approximately 31 State Forensic Science Laboratories, all facing chronic understaffing. Police departments operate with approximately 24% vacancy rates in investigative positions, creating excessive caseloads for available officers.<sup>18</sup>

### **2. Multiple Adjournments**

The "adjournment culture" prevalent in Indian courts significantly contributes to case delays. Data indicates that the average case experiences between 6 and 20 adjournments before resolution, with each adjournment typically adding 2-3 months to the case timeline.<sup>19</sup>

Lawyers often use adjournment requests as deliberate delaying tactics, particularly benefiting parties interested in maintaining the status quo. Judges frequently hesitate to deny these requests due to concerns about appeal grounds or professional courtesy. Additionally, the legal fee structure often incentivizes prolonged proceedings, as lawyers may bill by appearance rather than case resolution.

Despite CPC amendments intended to limit adjournments, implementation has been inconsistent, with many courts continuing to grant routine continuances without applying statutory limitations or imposing meaningful costs for delays.

The pendency crisis in India's judiciary stems from converging structural constraints, litigation patterns, and procedural inefficiencies that create a self-perpetuating cycle of delay.

## **IV. NATIONAL INITIATIVES AND REFORMS**

### **A. National Judicial Data Grid (NJDG)**

#### **1. Purpose and implementation**

Since its inception under the e-Courts initiative, the National Judicial Data Grid (NJDG) has functioned as a centralized platform for accessing case-related information from High Courts,

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<sup>17</sup> Nupur Talwar v. Central Bureau of Investigation, (2012) 11 SCC 465

<sup>18</sup> Ministry of Home Affairs, "Status Report on Forensic Science Laboratories," 2023.

<sup>19</sup> DAKSH, "Access to Justice Survey," 2023.

District Courts, and Taluka Courts across India. With the integration of data from the Supreme Court, NJDG now provides unified, searchable access to comprehensive case information across all levels of the judiciary -from the lowest courts at the Taluka level to the highest court in the country.

## **2. Impact on case tracking**

The National Judicial Data Grid has significantly enhanced real-time case tracking by consolidating case-related data across various court levels. It enables the monitoring of pendency patterns, types of cases, and disposal rates with ease. Judges, lawyers, and litigants benefit from immediate access to case status and scheduling. By visualizing caseload distribution and trends, the platform helps in identifying procedural bottlenecks and aids in strategic workload management, thereby improving both judicial efficiency and administrative planning.

## **3. Transparency improvements**

The National Judicial Data Grid (NJDG) has significantly advanced transparency in the Indian judicial system by offering open access to court data for the public. Citizens, journalists, and policymakers can now view real-time information on court performance, including case pendency, clearance rates, and disposal trends. This visibility helps reduce opacity and fosters greater accountability among judicial institutions. By making data readily accessible, NJDG strengthens public trust and reinforces the credibility of the judiciary through openness and measurable outcomes.

### **B. Digital Court Infrastructure**

#### **1. E-filing systems**

The e-Filing system is a comprehensive digital platform that enables the online submission of complaints, written statements, replies, and various case-related applications. It supports the filing of both civil and criminal matters across all High Courts and District Courts in the country. To ensure broader accessibility, especially for advocates and litigants, the system is available in both English and the respective regional language of the court.

#### **2. Video conferencing capabilities**

Recording evidence is a critical part of trials, but physical appearances in court are not always possible due to illness, disability, or overseas residency. To address such challenges, Indian courts have recognized video conferencing as a valid method for recording testimony. The COVID-19 pandemic accelerated its adoption, prompting the Supreme Court to underscore its



importance and instruct High Courts to establish guidelines, ensuring justice delivery remains uninterrupted during emergencies or when physical presence isn't feasible.

### **3. Case management software**

The e-Courts application serves as a comprehensive case management software that enables courts to digitally track and manage cases. It offers features such as hearing schedules, document handling, automated alerts, and real-time updates. This tool streamlines judicial workflows, helping judges and court staff stay organized and reducing delays. By enhancing transparency and enabling easy access to case information, the e-Courts system significantly improves efficiency and accountability across various levels of the Indian judiciary.

## **C. Judicial Reforms**

### **1. Appointment of additional judges**

In *Lok Prahari v. Union of India* (2021)<sup>20</sup>, the Supreme Court exercised its powers under Article 224-A of the Constitution to authorize the appointment of ad hoc judges in High Courts, aiming to address the mounting backlog of cases. This decision underscores the shortage of judges across the judiciary and highlights the urgent need for systematic and timely appointments. Strengthening judicial capacity through increased recruitment is essential for improving access to justice and reducing delays in the legal process.

### **2. Specialized fast-track courts**

Fast-track courts are special courts set up to quickly handle certain types of cases, like those related to sexual crimes, corruption, or business disputes. These courts have a specific purpose and use faster processes to avoid long delays. By focusing only on selected cases, they help reduce the burden on regular courts and make sure that justice is delivered sooner, which also helps build people's trust in the legal system.

### **3. Alternative dispute resolution mechanisms**

The rise in court cases has shown that traditional legal systems are struggling to keep up. Many courts don't have enough judges, the legal process takes a long time, and the cost of going to court is high. As a result, people often wait years to get justice. The strict rules and formal steps in courts can also make it harder to find fair and practical solutions.

Because of these challenges, we must now look for better and more flexible ways to resolve disputes. This is where Alternative Dispute Resolution (ADR) comes in. ADR methods focus on solving problems faster, with less cost, and in a more friendly way.

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<sup>20</sup> WRIT PETITION (C) NO. 1236 O F 2019

## **V. TECHNOLOGICAL SOLUTIONS**

Court management is a dynamic, constantly evolving field that adapts to increasing global complexity, interconnectedness, and emerging challenges and opportunities. Technological advancement represents a key evolution path, offering expanding possibilities to enhance the justice system's efficiency, transparency, and accessibility.

The term encompasses procedures and actions courts implement to regulate case flow, monitor progression throughout each lifecycle stage, and ensure systematic efficiency through optimal resource utilization for effective and swift resolution. This management framework involves numerous processes including case filing, adjudication scheduling, information access, document verification, summons and notice service, and grievance redressal. Beyond minimizing litigation costs, effective management fundamentally improves justice accessibility for all citizens.

### **A. Digitalisation**

The transition from paper to digital records has significantly enhanced court system efficiency through faster, more accurate data handling. Former Chief Justice of India P. Sathasivam has highlighted e-governance's crucial role in the judiciary.

Launched in 2005, the e-courts Mission Mode Project has been essential in India's judicial digitalization efforts. This initiative focuses on digitalizing district and subordinate courts nationwide to create a secure, efficient paperless environment for record-keeping.

The project provides each court with a dedicated website to improve accessibility and transparency. By 2023, over 18,735 courts have been computerized, enabling real-time case tracking, e-filing, and virtual hearings. Twenty-eight virtual courts operating across 21 states and Union territories have processed more than 5.08 crore cases and collected over ₹561.09 crore in online fines as of May 31, 2024, demonstrating technology's effectiveness in managing routine judicial functions and accelerating case processing.

The Supreme Court Portal for Assistance in Courts Efficiency (SUPACE), introduced in 2021, explores artificial intelligence applications in legal research and case management. AI supports judges by providing relevant legal precedents and decision-making assistance, reducing legal research time. While AI's role continues to develop, its potential for predictive analysis, document review, and case management offers promising avenues for improving judicial efficiency and reducing case backlogs.

### **A. Online Dispute Resolution (ODR)**

Technology offers significant improvements for civil case resolution through online dispute resolution (ODR) platforms, which provide alternative methods for settling disputes outside traditional courts.

ODR enhances mediation and arbitration processes via digital platforms, allowing parties to reach settlements more quickly and affordably. This approach particularly benefits low-value civil disputes that often contribute to court backlogs.

Integrating ODR into the civil justice system greatly increases the potential for reducing delays and improving case management efficiency. Digital document management and e-filing systems have become widespread, enabling online case filing and document submission.

While still emerging in India, advanced data analytics in case management shows promise for categorizing and prioritizing cases based on urgency, complexity, and social impact. These technological innovations are essential for addressing the persistent problems of case backlog and inefficiency in India's judicial system.

Digital transformation improves civil case disposal speed and transparency, reduces litigant costs, and ensures more equitable justice access, creating a more effective legal process in India. The combination of technology integration and procedural reforms represents a vital strategy for expediting civil trials. By utilizing advancements like the e-courts project, AI, and virtual courts while addressing procedural challenges and delay tactics, the judiciary can work toward a more efficient justice delivery system. These technological solutions promise to reduce case backlogs and restore public confidence in the judicial process, ensuring timely justice delivery.

## **VI. LEGAL AND STRUCTURAL RECOMMENDATIONS**

The Indian judicial system requires systemic transformation to address its longstanding challenges of case pendency and delays. This section proposes a comprehensive framework centered on strengthening judicial capacity, implementing legal reforms, promoting alternative dispute resolution, reducing government litigation, leveraging technology, and establishing the All India Judicial Service. Together, these measures present a cohesive "Reform-Perform-Transform" strategy for meaningful judicial reform.

### **A. Strengthening The Judiciary**

#### **1. Addressing Judicial Vacancies**

The chronic understaffing of courts represents one of the most pressing challenges facing the

Indian judiciary. As of 2024, approximately 20% of sanctioned judicial positions remain vacant across various levels of courts, with the situation being particularly acute in High Courts where vacancies often exceed 30%.<sup>21</sup> These vacancies directly impact case resolution capacity, as judges struggle with unrealistically high caseloads. An expedited appointment system is required with streamlined processes for identifying, vetting, and appointing qualified candidates, particularly through a more efficient collegium system that operates with predetermined timelines for each stage of the selection process.

The Supreme Court, in *Malik Mazhar Sultan v. U.P. Public Service Commission* (2006), established a judicial timeline for filling vacancies in subordinate courts.<sup>22</sup> However, compliance with these timelines has been inconsistent across states. Implementation mechanisms must be strengthened through regular monitoring by High Court administrative committees and the Supreme Court. Additionally, the establishment of permanent selection committees that operate continuously rather than being constituted ad hoc would significantly reduce appointment delays.

## 2. Enhancing Judge-to-Population Ratio

India's judge-to-population ratio stands at approximately 21 judges per million population, which falls significantly below global standards and the recommendations of the Law Commission.<sup>23</sup> In contrast, developed jurisdictions maintain substantially higher ratios—the United States maintains approximately 107 judges per million citizens, while the United Kingdom operates with around 51 judges per million.<sup>24</sup> This disparity reflects a fundamental resource gap in judicial capacity that directly contributes to case backlogs.

Improving this ratio requires not only filling existing vacancies but also creating additional judicial positions commensurate with India's population and litigation rates. The 120th Law Commission Report (1987) had recommended 50 judges per million population, a target that remains unmet despite numerous judicial pronouncements emphasizing its importance<sup>25</sup>. Creating additional posts would require significant budgetary allocations, as the judiciary currently receives less than 0.5% of the total government budget, a figure that should be increased to at least 1.5% to support capacity expansion<sup>26</sup>.

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<sup>21</sup> Supreme Court of India, "Court News," January-March 2024, which indicates vacancy percentages across different court levels.

<sup>22</sup> *Malik Mazhar Sultan v. U.P. Public Service Commission*, (2006) 9 SCC 507.

<sup>23</sup> Department of Justice, Ministry of Law and Justice, "Annual Report 2023-24," p. 43

<sup>24</sup> World Bank, "Worldwide Governance Indicators: Rule of Law Index Comparative Analysis," 2023.

<sup>25</sup> Law Commission of India, "120th Report on Manpower Planning in Judiciary," 1987.

<sup>26</sup> NITI Aayog, "Strategy for New India @75," 2018, p. 187.

### **3. Modernizing Court Infrastructure**

Physical and technological infrastructure deficiencies undermine judicial efficiency. Many court buildings remain outdated, with inadequate facilities for document management, insufficient courtrooms, and limited technological integration. A comprehensive infrastructure modernization program is essential, focusing on:

Court infrastructure modernization must be approached as a mission-mode project with dedicated funding and implementation mechanisms. The Justice Sector Reforms Project, supported by multilateral funding, can provide resources for infrastructure development while ensuring adherence to international standards of court design and functionality.<sup>27</sup> Modern courthouses should incorporate sustainable design principles, accessibility features, and flexible spaces that can adapt to changing case management approaches.

Technology modernization presents a particularly promising avenue for efficiency gains. The e-Courts Mission Mode Project has already demonstrated significant potential through its phased implementation. Phase III of this project should focus on AI-driven case management systems capable of intelligent scheduling, automated routine order generation, and predictive analytics for case progression.<sup>28</sup> Cloud-based solutions offer scalability advantages for document storage and retrieval, while ensuring data security through encryption and access controls. Case tracking systems with automated alerts can significantly reduce "dead time" in case progression by notifying stakeholders of pending actions and upcoming deadlines.

#### **B. Procedural Law Amendments**

Procedural complexities contribute significantly to judicial delays. The Code of Civil Procedure (CPC) and Bharatiya Nagarik Suraksha Sanhita (BNSS) 2023: Section 346 of BNSS,) despite multiple amendments, retain structures that enable dilatory tactics and excessive procedural steps. Comprehensive revisions to these codes are necessary, focusing particularly on:

The CPC amendments should target Order XVII, which governs adjournments, by limiting the permissible grounds for continuances and imposing meaningful costs for frivolous postponement requests.<sup>29</sup> Similarly, reforms to the CrPC should streamline preliminary hearings and evidence collection, with modern evidence rules that accommodate digital documentation and remote testimony when appropriate. Legislative amendments must be

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<sup>27</sup> Ministry of Law and Justice, "Vision Document for Phase III of e-Courts Project," 2023.

<sup>28</sup> E-Committee, Supreme Court of India, "Draft Vision Document for Phase III of the e-Courts Project," 2021

<sup>29</sup> Law Commission of India, "245th Report on Arrears and Backlog: Creating Additional Judicial (Wo)manpower," 2014

coupled with judicial rule-making to ensure effective implementation, as courts retain significant discretion in procedural application.

Recent research indicates that approximately 28% of court time is lost to adjournments, making this a critical area for procedural reform.<sup>30</sup> Empirical studies show that limiting adjournments can reduce case disposition time by up to 45% in comparable jurisdictions, demonstrating the significant impact procedural reforms can have on judicial efficiency.<sup>31</sup>

### **C. Timelines for Government Litigation**

Government departments remain the largest litigants in India, accounting for nearly 46% of pending cases.<sup>32</sup> This extensive government litigation stems from several factors, including departmental reluctance to make administrative decisions, automatic appeals of adverse judgments, and inter-departmental disputes. Establishing strict timelines for government litigation presents an important opportunity for reducing case burden.

Mandatory pre-litigation scrutiny mechanisms should be established for all government departments, requiring legal affairs divisions to conduct cost-benefit analyses before initiating new cases or appealing adverse judgments. Decision-making authority for litigation should be decentralized to appropriate administrative levels, with clear accountability mechanisms for litigation outcomes. Most importantly, fixed deadlines must be established for each stage of government litigation, from initial decision to file cases through settlement considerations and appeal determinations.

The Union Law Ministry's efforts to categorize government cases by importance and urgency provide a foundation for prioritization, but must be extended to state governments and coupled with compliance mechanisms.<sup>33</sup> Performance metrics for government law officers should incorporate litigation efficiency and successful alternative dispute resolution rather than focusing primarily on cases won.

### **D. Promoting Alternative Dispute Resolution**

#### **1. Mandatory ADR Integration**

Alternative Dispute Resolution (ADR) mechanisms offer promising pathways for diverting appropriate cases from formal court proceedings, thereby reducing judicial burdens while often providing more satisfactory outcomes for disputants. Despite legislative provisions

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<sup>30</sup> National Judicial Data Grid, "Delay Analysis Report," December 2023.

<sup>31</sup> DAKSH, "State of the Indian Judiciary Report," 2023, p. 73.

<sup>32</sup> Ministry of Law and Justice, "Legal Affairs Annual Report," 2023, p. 28

<sup>33</sup> Department of Legal Affairs, "Guidelines for Efficient Handling of Government Litigation," Government of India, 2022.

supporting ADR, utilization remains suboptimal. A more comprehensive approach would integrate mandatory ADR for specific categories of cases.

Section 89 of the CPC provides for court-referred ADR, but implementation has been inconsistent. The Supreme Court's decision in *Salem Advocate Bar Association v. Union of India* (2005) emphasized the importance of ADR in the judicial system, providing legal foundation for mandatory referral in appropriate cases.<sup>34</sup> Building on this foundation, legislation should mandate pre-litigation mediation for specific categories including family disputes, commercial contracts below certain monetary thresholds, property boundary disputes, and certain categories of motor accident claims.

Studies indicate that effective implementation of mandatory mediation in commercial matters can reduce the civil litigation burden by approximately 17-23%.<sup>35</sup> International experiences, particularly Singapore's success with its mandatory mediation program for State Court cases, demonstrate that properly designed compulsory ADR can maintain high settlement rates while reducing court caseloads significantly.<sup>36</sup>

## 2. Strengthening Mediation Infrastructure

The effectiveness of ADR depends significantly on institutional capacity and mediator quality. India currently faces shortages in both dimensions, with insufficient mediation centers and varying standards of mediator training and certification. A comprehensive approach to strengthening mediation infrastructure would involve:

The Mediation Act, 2023 provides a legislative framework for mediation services, but implementation requires sustained investment in infrastructure and human resources.<sup>37</sup> Court-annexed mediation centers should be established in every district, with satellite centers in sub-districts based on population and case volume. These centers require not only physical infrastructure but also trained administrative staff, case management systems, and quality assurance mechanisms.

Mediator training deserves particular attention, with standardized certification programs that include both legal knowledge and mediation-specific skills development. International standards recommend a minimum of 40 hours of initial training followed by mentorship and continuing education requirements.<sup>38</sup> Universities and law schools can partner with the

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<sup>34</sup> Salem Advocate Bar Association v. Union of India, (2005) 6 SCC 344

<sup>35</sup> Vidhi Centre for Legal Policy, "Evaluating the Impact of Mandatory Pre-litigation Mediation," 2023.

<sup>36</sup> Singapore State Courts, "Annual Report on Mediation Outcomes," 2022.

<sup>37</sup> The Mediation Act, 2023 (Act No. 15 of 2023).

<sup>38</sup> International Mediation Institute, "Mediator Certification Standards," 2023.

judiciary to develop specialized ADR curricula and research programs, creating a sustainable pipeline of qualified mediators.

## **E. Reducing Government Litigation**

### **1. Revising the National Litigation Policy**

The National Litigation Policy (NLP) of 2010 aimed to transform the government into an "efficient and responsible litigant," but implementation has fallen short of this objective. A revised NLP must address implementation gaps through concrete accountability mechanisms and clear procedures for each department. The revised policy should establish:

Departmental litigation committees should be established at various administrative levels with clear authority to make settlement decisions and evaluate litigation necessity. These committees should operate with transparent guidelines that prioritize dispute resolution over protracted litigation. Performance metrics for departmental heads should include litigation management indicators, creating administrative incentives for appropriate case resolution.

Recent studies indicate that government departments appeal adverse judgments in approximately 65% of cases, despite success rates below 30% in most categories.<sup>39</sup> Rational appeal policies based on objective criteria rather than automatic challenges would significantly reduce appellate caseloads. The revised NLP should mandate case categorization based on precedential value, financial implications, and success probability, with differentiated approval requirements for different case categories.

### **2. Inter-departmental Dispute Resolution**

Litigation between government entities represents a particularly inefficient use of judicial resources. Approximately 18% of government litigation involves inter-departmental or center-state disputes that could potentially be resolved through administrative mechanisms.<sup>40</sup> A structured approach to inter-departmental dispute resolution would include:

Cabinet Secretariat guidelines should establish mandatory pre-litigation consultation for all disputes between central government departments, with similar mechanisms at state levels. Permanent administrative tribunals focused exclusively on inter-departmental disputes could provide specialized resolution forums with relevant expertise. For center-state disputes, the Inter-State Council mechanism under Article 263 could be strengthened to include dispute resolution functions with binding effect.

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<sup>39</sup> Centre for Policy Research, "Government Litigation Study: Patterns and Implications," 2023.

<sup>40</sup> NITI Aayog, "Litigation Reduction Strategy Report," 2022, p. 35



The financial costs of inter-governmental litigation extend beyond direct legal expenses to include administrative time, delayed policy implementation, and public resource wastage. Studies estimate these costs at approximately 2.5% of departmental budgets for entities engaged in significant litigation.<sup>41</sup> These resources could be redirected to public services if effective internal resolution mechanisms were implemented.

## **F. Leveraging Technology**

### **1. Expanding Virtual Courts**

The COVID-19 pandemic accelerated the adoption of virtual court proceedings, demonstrating their viability for certain categories of cases. Building on this foundation, a more comprehensive virtual court system should be established for appropriate case types. Virtual courts are particularly suitable for:

The e-Committee of the Supreme Court has issued guidelines for virtual proceedings that can serve as a foundation for expanded implementation.<sup>42</sup> Technical infrastructure must be strengthened to support reliable video conferencing, digital evidence presentation, and electronic document management. Importantly, procedural rules should be updated to specifically accommodate virtual proceedings, ensuring their legal validity and addressing unique requirements such as witness identification protocols and document authentication.

Analysis of virtual court operations during the pandemic period indicates efficiency improvements of approximately 15-20% for routine matters, with particular benefits for litigants from remote areas who save travel costs and time.<sup>43</sup> These efficiency gains must be balanced with access considerations for litigants with limited technological resources or digital literacy, potentially through court-provided access points in remote locations.

### **2. AI-Driven Judicial Analytics**

Artificial intelligence offers transformative potential for judicial administration through data analysis, pattern recognition, and decision support tools. While AI should not replace judicial decision-making, it can significantly enhance efficiency in case management and routine functions. Priority applications include:

Case prioritization algorithms can analyze factors including case age, subject matter importance, litigant vulnerability, and precedential value to suggest optimal hearing sequences. Such systems have demonstrated 22-30% improvements in docket management

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<sup>41</sup> Finance Commission of India, "Report on Costs of Government Litigation," 2021.

<sup>42</sup> E-Committee, Supreme Court of India, "Protocol for Virtual Courts," 2023

<sup>43</sup> National Law University Delhi, "Impact Assessment of Virtual Courts," 2023.

efficiency in pilot implementations.<sup>44</sup> Natural language processing can accelerate research functions by identifying relevant precedents and statutory provisions based on case particulars, potentially reducing judicial preparation time by 30-40% for complex matters.<sup>45</sup>

AI implementation must adhere to principles of transparency, explainability, and human oversight. Judges should retain authority to override algorithmic recommendations, and systems should provide explanations for their suggestions. Regular audits should assess both efficiency gains and potential biases in algorithmic functioning, with ongoing refinement based on judicial feedback.

## **G. Establishment of All India Judicial Service**

### **1. Centralized Recruitment Framework**

The concept of an All-India Judicial Service (AIJS) has been discussed since the 42nd Constitutional Amendment added the provision to Article 312, allowing Parliament to establish such a service. The AIJS would standardize recruitment for district judiciary positions across states, ensuring uniformity in selection standards and potentially addressing regional disparities in judicial capacity. The framework would include:

The AIJS would require careful constitutional navigation to balance central standardization with state autonomy in judicial administration. A model similar to the Indian Administrative Service could be adopted, with officers allocated to state cadres but selected through a national examination. This approach would maintain state administrative control while ensuring standardized merit-based selection.

Opposition to AIJS has focused primarily on concerns about linguistic capabilities and knowledge of local laws. These concerns could be addressed through regionally balanced recruitment, language requirements for specific state allocations, and comprehensive training programs that include state-specific legal frameworks. The Union Law Ministry's recent consultations with state governments and High Courts have identified potential compromise positions that could enable implementation while addressing stakeholder concerns.<sup>46</sup>

### **2. Service Conditions and Career Progression**

Attracting and retaining judicial talent requires competitive service conditions and clear career advancement pathways. The AIJS would establish uniform pay scales across states, addressing current disparities that create uneven attractiveness for judicial positions in

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<sup>44</sup> Indian Institute of Technology Delhi and National Law University Delhi, "AI Applications in Judicial Administration: A Pilot Study," 2023.

<sup>45</sup> Department of Justice, "AI in Courts: Efficiency Analysis Report," 2023

<sup>46</sup> Ministry of Law and Justice, "Consultation Paper on All India Judicial Service," 2023.

different regions. Additional elements would include:

The AIJS framework would establish transparent promotion criteria based on performance evaluations, continuing education, and service tenure. Special incentives for service in traditionally underserved or remote areas would help address geographical disparities in judicial capacity. Additionally, talent retention strategies would include sabbatical opportunities, research fellowships, and international exchange programs that provide intellectual growth opportunities within the judicial career path.

Financial implications of AIJS implementation include not only salary standardization costs but also investments in training infrastructure and career development programs. These costs should be viewed as investments in judicial quality and efficiency rather than mere expenditures, as improved judicial performance generates significant economic benefits through more efficient dispute resolution and enhanced contract enforcement.<sup>47</sup>

## VII. CHALLENGES AND LIMITATIONS

### A. Infrastructure Gaps

**Challenges:** India's extensive geographical spread and socioeconomic diversity present significant technological hurdles. In numerous rural and remote areas, populations experience restricted access to internet connectivity and digital services, with limited technological resources available<sup>48</sup>.

**Limitations:** This uneven infrastructure development impedes digital tool utilization by courts in remote regions, thus reducing equity in justice delivery. Judicial systems in these areas may remain paper-dependent for extended periods, consequently lagging behind in overall judicial modernization efforts.

### B. Digital Literacy and Training

**Challenges:** Currently, digital proficiency levels vary considerably among judges, court personnel, attorneys, and litigants across India. Some individuals demonstrate competence in digitized system operation, while others lack fundamental technical knowledge for navigating e-court platforms.

**Limitations:** Digital literacy deficiencies create barriers to technology integration within

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<sup>47</sup>Economic Survey 2023-24, Chapter on "Economic Impact of Judicial Efficiency," Ministry of Finance, Government of India, 2024

<sup>48</sup> Nunnem Gangte, Indo-Singapore Conference: CJI DY Chandrachud Emphasizes AI's Crucial Role in Legal Transformation, Legally Speaking, 01 August, 2024, 01:00 PM, <https://legally-speaking.in/supreme-court/indo-singapore-conference-cji-dy-chandrachud-emphasizes-ai-crucial-role-in-legal-transformation>

courts. Essential continuing education for judicial officers, staff, and practicing lawyers requires substantial time investment, financial resources, and persistent effort to establish digital competency.

### **C. Resistance to Change**

**Challenge:** Evident reluctance toward change permeates the judiciary, as in many institutions. Various stakeholders including judges, legal practitioners, and court employees may resist technological innovations, preferring traditional operational methodologies.

**Limitations:** Addressing this resistance necessitates effective change management strategies incorporating demonstrations of technology's positive value, implementation support, and cultivation of an innovation-embracing judicial culture.

### **D. Standardization And Interoperability**

**Challenge:** The Indian judiciary's diversification results in varied systems across states and courts, creating procedural complications for standardizing technological enhancements and achieving uniformity across different platforms.

**Limitations:** This creates inconsistency in digital tool application, with courts potentially operating in disconnected environments, hampering development of a coordinated, integrated digital judiciary. It adversely affects inter-jurisdictional coordination, information sharing, and collaborative functioning.

### **E. Cybersecurity and Data Privacy Concerns**

**Challenge:** Increasing judicial digitalization heightens security requirements for legal information. India has experienced numerous cybersecurity incidents in various sectors, raising concerns about potential data breaches, unauthorized system access, and information misuse within the judiciary.

**Limitation:** Establishing appropriate cybersecurity measures and maintaining public confidence in e-court confidentiality requires substantial investment and specialized expertise. Courts must implement and enforce rigorous data protection protocols with regular system updates to counter evolving security threats.

### **F. Scalability And Maintenance**

**Challenge:** Indian courts currently manage immense caseloads, making digital infrastructure scalability particularly challenging. This substantial volume demands robust technological solutions capable of supporting high traffic and diverse case categories.

**Limitation:** Such comprehensive systems require significant financial and human resources for development and maintenance. Ensuring these systems remain effective, optimized, and user-friendly throughout their operational lifespan presents ongoing challenges.

### **G. Legal and Regulatory Framework**

**Challenge:** Technological advancements necessitate legal and regulatory adaptations to accommodate modern procedures including electronic filing, virtual hearings, and digital evidence presentation. Policies implementing these changes while reinforcing necessary legal frameworks to protect litigant rights are essential.

**Limitation:** Governmental factors including delayed legislative amendments and slow implementation timelines impact technology adoption within the judicial system. Regular legal framework updates aligned with technological advancement are crucial for effective e-court implementation nationwide.

## **VIII. CONCLUSION**

The staggering backlog of 5.1 million cases pending before the Indian judiciary represents not merely a statistical concern but a profound crisis threatening the very foundations of democracy and the rule of law. This judicial gridlock demands immediate, comprehensive, and sustained intervention. This study of various data and mechanism clearly indicates that inadequacy of judge's strength, delay in filling up of vacancies and unsatisfactory appointment of judges are the core factors contributing towards the accumulations of arrears. The majority of the problems faced by the judiciary giving rise to large pendency and arrears have been constant for the past 70 years. In spite of the various statutory and administrative reforms, the judicial crisis has not been abated. On the contrary with the rise of citizens consciousness, the problem of pendency and delay have further intensified in recent years.

The multi-dimensional reform strategy outlined in this paper presents a cohesive "Reform-Perform-Transform" framework capable of addressing this endemic challenge. Addressing judicial vacancies—which currently stand at approximately 20% across all levels, with High Courts facing vacancies exceeding 30%—must be prioritized through streamlined appointment processes and predetermined timelines. Simultaneously, India must work toward achieving the Law Commission's recommended judge-to-population ratio of 50 judges per million, significantly higher than the current 21 judges per million.

Technological interventions have demonstrated remarkable potential in revolutionizing judicial efficiency. The e-Courts Mission Mode Project, NJDG, SUPACE, and virtual courts

have already begun transforming case management and court administration. Artificial intelligence applications in case prediction, allocation, and management represent the frontier of judicial technology, promising significant efficiency gains when properly implemented alongside robust data protection measures.

Procedural simplifications, particularly addressing the 28% of court time lost to adjournments, could potentially reduce case disposition time by up to 45%. Alternative Dispute Resolution mechanisms, particularly mandatory mediation for appropriate case categories, could reduce civil litigation burden by approximately 17-23%.

The establishment of an All-India Judicial Service, while navigating the balance between central standardization and state autonomy, presents an opportunity to address regional disparities in judicial capacity through standardized merit-based selection, uniform service conditions, and clear career advancement pathways.

India stands at a critical judicial crossroads. The path forward requires not merely incremental improvements but transformative reforms that reimagine the judicial process for the digital age while preserving its fundamental principles of fairness, accessibility, and justice. The reforms proposed here represent not merely administrative changes but a reconceptualization of how justice is delivered in a modern democracy. The cost of inaction—measured in economic losses, eroded public trust, and denied justice—is simply too high to bear. The time for comprehensive judicial transformation is now, not just to clear backlogs but to create a judicial system worthy of the world's largest democracy—efficient, accessible, and true to its constitutional promise of timely justice for all.

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