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BRIDGING THE CHASM: AN EMPIRICAL STUDY ON OVERBURDENING AND INFRASTRUCTURAL DEFICIENCIES IN THE INDIAN JUDICIARY

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ABSTRACT

The Indian judiciary, while constitutionally fortified as the guardian of justice and the rule of law, grapples with a chronic crisis of overburdening and infrastructural inadequacies. Despite repeated policy interventions and judicial reforms, the system continues to suffer from staggering case pendency, a grossly inadequate judge-to-population ratio, and lagging infrastructural development, both physical and digital. This research undertakes a comprehensive empirical examination of these systemic challenges through four core dimensions: human resource deficit, infrastructural gaps, procedural bottlenecks, and socio-legal repercussions. Using data from the Ministry of Law and Justice, the Law Commission of India, the National Judicial Data Grid, and contemporary judicial committee reports, the paper analyses the causes, patterns, and impacts of judicial overloading. It further proposes context-specific reforms, drawing comparative insights from global best practices, particularly those of Denmark, the UK, and the USA. The study concludes that resolving India's judicial crisis demands a calibrated approach integrating institutional innovation, administrative professionalism, and technological transformation within the justice delivery mechanism.

Keywords – Indian Legal System, Overburdening of judiciary, Rule of Law, e-Courts, Case clearance rate, Infrastructure deficit, Judge-to-Population Ratio, Judicial Impact Assessment (JIA), Undertrial Crisis.

I. INTRODUCTION

The Indian judiciary is a unique and paradoxical institution. On paper, it's one of the most powerful Supreme Courts in the world. But in practice, it's struggling under the huge number of cases that keep piling up. In 2026, there are 55.8 million pending cases across the country.[317]

It is a serious problem that threatens the basic idea of justice for all because delayed justice is no justice. This crisis of backlogs is not just due to slow courts, but it is also a result of a growing population of 1.4 billion and a court system that has not kept up with it. This research does not just describe the problems of the judiciary, but it breaks down the four main issues that are overcrowding the Indian courts. For instance, a shortage of judges, problems with courtroom buildings and technology, complex and often slow court procedures, and the effects these have on people subjected to them and society.

Furthermore, the main problem with the slow functioning of the judiciary is the low number of judges available. India, in today's time, has only about 21 judges for every million people[318]. That is far less than what experts and committees recommend, i.e., 50 per million. This number is much less than that of countries like *the United States of America* ("USA" *hereinafter*) (107–150 per million) or *Germany* (240 per million). Making things worse, a large number of judge

[317] National Judicial Data Grid, '*Pending Dashboard*' (2026) <https://njdg.ecourts.gov.in/> accessed 4 April 2026.

[318] Ministry of Law and Justice, '*Judges-Population Ratio in the Country*' (Rajya Sabha Unstarred Question No 2043, 12 December 2024).

positions are still empty by March 2026. This can be analysed by the fact that about 30% of the High Courts[319] and 20% of District Courts[320] Spots are not filled. Another issue is that the government files a large number of cases. Almost half of all pending cases are from government departments, and many of these cases are of a nature that could be sorted out without going to court.

Therefore, the Indian judiciary is struggling with both digital and physical infrastructure gaps at the same time. Despite statutory requirements for specialised juvenile and family courts, the reality on the ground is co-location. Thus, specialised tribunals are compelled to function within small, pre-existing court buildings because there is a 14.7% shortage of courtrooms across the country.[321] The digital transition is also facing the issue of uneven spreading, despite a massive ₹7,210 crore investment in Phase III of the e-Courts Project. As a result, rural Taluka courts continue to struggle with the digital divide, caused by the low bandwidth and inconsistent power supply. Procedural bottlenecks, such as a widespread adjournment culture, are situations where trials are rarely continuous. Moreover, the large number of adjournments permits interlocutory applications to remain main trials for years. These shortcomings are directly caused by these physical and digital constraints.

In addition, this stagnation profoundly affects the economy and the administration of the country. Undertrials prisoners make up about 76% of India's prison population[322]. Many of them are imprisoned for longer periods of time than the maximum sentence for the crimes they are accused of. Due to stalled projects and blocked capital, judicial delays are estimated to cost India between 1.5% and 2% of its yearly GDP.[323] In order to move the Indian legal system from a colonial-era model of "*fear and awe*" to a 21st-century service-oriented organisation, this paper aims to identify these systemic failures and offer data-driven solutions. Solutions such as Judicial Impact Assessments and the establishment of a professional Judicial Management Cadre.

The analytical framework of this research is strictly confined to an empirical and structural evaluation of the Indian judiciary, specifically focusing on the mechanisms of delay and the systemic overburdening as a result. To maintain a rigorous and focused inquiry, the research is delineated through four primary pillars: the Human Resource Deficit, Physical and Digital Infrastructure Gaps, Procedural Bottlenecks, and the Socio-Legal Repercussions.

II. PILLAR I: THE HUMAN RESOURCE DEFICIT

a) The Judge-to-Population Ratio

One of the main causes of judicial stagnation in India is the huge imbalance between the nation's 1.4 billion residents and its available judicial officers. According to the recent data available, i.e., March 2026, the current judge-to-population ratio stands at approximately 21 to 22 judges per million people. This calculation shows a critical capacity gap if we compare it to the Law Commission's recommendation of 50 judges per million. The system is suffering from a crisis where the number of litigants is growing at a high speed, but judicial appointments are not increasing to keep up with the pace.

This disparity is most visible and striking when compared to the countries efficient in the rule of law. *Denmark*, which consistently ranks at the top in the *"Rule of Law Index"*, has a ratio of exceeding 120 judges per million people.[324] This

[319] Department of Justice, '*Vacancy Position of Judges in the High Courts*' (Ministry of Law and Justice, 1 March 2026) <https://doj.gov.in/hc-vacancy-list/> accessed 4 April 2026.
[320] National Judicial Data Grid, '*Summary Report: District and Subordinate Courts of India*' (2026) <https://njdg.ecourts.gov.in/> accessed 4 April 2026.
[321] Supreme Court of India, '*State of the Judiciary: A Report on Infrastructure, Budgeting, Human Resources and ICT*' (Centre for Research & Planning 2023) 24.
[322] National Crime Records Bureau, *Prison Statistics India 2022* (Ministry of Home Affairs 2023) 95.
[323] Sudipto Dey, 'Cost of pendency of cases could be as high as 1.5% of GDP: Harish Narasappa' *Business Standard* (14 August 2016) <https://www.business-standard.com/article/opinion/cost-of-pendency-of-cases-could-be-as-high-as-1-5-of-gdp-harish-narasappa-116081400774_1.html> accessed 4 April 2026.
[324] European Commission for the Efficiency of Justice (CEPEJ), *European Judicial Systems CEPEJ Evaluation Report: Part 1* (Council of Europe 2022) 84.

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VOLUME 6 AND ISSUE 7 OF 2026

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density allows for a high-trust model where civil disputes are typically resolved within six to twelve months. In contrast, India's low density forces a reactive judicial stance. This leads to the current 55.8 million case backlog and multi-year trial durations.

The USA also demonstrates a striking difference with India, as it has an excellent amount of judicial manpower. *The USA* maintains a robust ratio of approximately 107 to 150 judges per million.[325] The legal system of the US utilises its high judicial density to ensure that the rate of disposal matches or exceeds the rate of new filings. India's inability to match these benchmarks results in the slow speed of justice delivery.

b) The Vacancy Paradox: Sanctioned vs. Working Strength

The Vacancy Paradox illustrates a systemic failure where even the sanctioned strength of the judiciary is not being fulfilled or utilised. The vulnerability is that this illustration is very visible in the case of the Indian judiciary. As of now, the Supreme Court maintains a near-full capacity of judges with *33 working judges* against a sanctioned strength of 34.[326] However, the crisis increases at the High Court level, where approximately 312 out of 1,122 positions are vacant.[327] This sums up to a staggering 28% vacancy rate, which paralyses litigation at the High Court level.

The situation in the District and Subordinate Courts also reflects a similar trend of a high number of vacancies. Out of a sanctioned strength of 25,894 judicial officers, only 21,027 are currently working, leaving a deficit of nearly 4,867 judges.[328] This 19% vacancy rate at the district and sub-ordinate courts level is particularly harmful, as these courts handle over 85% of the total national caseload.

c) The "Litigant State": Government-Induced Backlogs

A significant factor contributing to judicial overburdening is the role of the State as a litigant. *National Judicial Data Grid* indicates that government departments and agencies are parties to nearly 46% to 50% of all pending litigation.[329] This includes a large number of inter-departmental disputes and routine appeals. Such institutional behaviour makes the judiciary overburdened to the extent that the private citizens' cases do not get priority.

This trend is increasingly termed as "*Legislative Neglect*", when the legislature enacts new laws without estimating the resulting surge in litigation. The absence of a robust state litigation policy forces the judiciary to expand its limited resources on matters that could have been resolved through administrative mediation at an early phase.

d) Global Benchmarking

India has very few judges compared to other democratic countries. While India struggles with 21 judges per million, *Germany* operates with approximately 247 judges per million[330], emphasising proactive adjudication. *Denmark*, which is ranked 1st/148 countries in terms of having the most efficient and effective legal system, has a judge-to-population ratio of more than 120 judges per million.[331] This high density allows for specialised handling of trivial violations and complex commercial disputes simultaneously. The structural commitment in these nations ensures that judicial time is treated as a high-value resource.

[325] Only 15 judges per million population in the country: Report' *Rediff News* (15 April 2025) <https://m.rediff.com/news/commentary/2025/apr/15/only-15-judges-per-million-population-in-the-country-report/> accessed 4 April 2026.

[326] Department of Justice, 'Sanctioned strength, working strength, vacancies of Judges in the Supreme Court of India and the High Courts' (Ministry of Law and Justice, 13 March 2026) <https://www.doj.gov.in/static/uploads/2026/03/vacancies.pdf accessed 4 April 2026>.

[327] *Ibid.*

[328] Ministry of Law and Justice, 'Response to Unstarred Question No 587' (Rajya Sabha, 1 December 2025) as cited in 'Upcoming Judiciary Vacancy 2026' *Physics Wallah* (28 March 2026) https://www.pw.live/judiciary/exams/upcoming-judiciary-vacancy-2026 accessed 4 April 2026.

[329] Arghya Sengupta and others, *Government Litigation: An Introduction* (Vidhi Centre for Legal Policy 2019) https://vidhilegalpolicy.in/research/government-litigation-an-introduction/ accessed 4 April 2026.

[330] European Commission for the Efficiency of Justice (CEPEJ), *European Judicial Systems CEPEJ Evaluation Report: Part 1* (Council of Europe 2024) 84.

[331] World Justice Project, *WJP Rule of Law Index 2025* (World Justice Project 2025) 15.

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Western models include a broader level of magistracy and administrative judges to handle the routine filings. In India, the lack of such a diversified hierarchy often results in a single judge being overburdened with a cause list exceeding 100 cases per day. Drawing from global benchmarks, it becomes evident that India's path towards efficiency requires not only filling existing vacancies but a systematic expansion of the judicial cadre to align with the demographic realities of the 21st century.

III. PILLAR II: PHYSICAL AND DIGITAL INFRASTRUCTURE GAPS

a) Physical Constraints: The Reality of Space Shortages

A judicial system's physical capacity and structural effectiveness are closely related. In India, the shortages of courtroom space often make the pendency crisis worse. In comparison to the authorised number of judicial officers, there is still a 14.7% national shortfall in available courtrooms as of 2026. In certain jurisdictions, this shortfall necessitates a "*shift-system*" in which judges are compelled to share physical benches, halving the potential daily trial hours. Additionally, the statutory requirements for specialised infrastructure are consistently not being implemented. Although independent, kid-friendly, or non-adversarial premises are required by laws governing Family Courts and Juvenile Justice Boards, the reality is co-location. Consequently, courts operate different judicial services and institutions in the same premises. Most of these specialised bodies continue to function within the congested premises of existing District Courts. This not only violates the spirit of the law but also subjects vulnerable litigants to the intimidating environment of a standard criminal court. This restrains the specific procedural goals of these special acts.

The already existing infrastructure does not facilitate basic necessities. Only 5% of court complexes have basic medical aid, and 26 percent of the courts don't have separate toilets for women. 16% of the courts don't even have toilets for men. Nearly 50% of the court complexes don't have a library, and 46% of the courts don't have the facility to purify water.[332]

b) Digital Infrastructure

Digital transformation is often cited as the remedy for judicial delay, yet the implementation of Phase III of the e-Courts Project reveals a deep digital divide. While a massive outlay of ₹7,210 crore has been allocated, the integration remains concentrated at the top level. Supreme Court and High Court infrastructures have largely transitioned to paperless formats, but the Subordinate Courts, where the bulk of the 55.8 million cases are pending, struggle with basic connectivity. In many rural *Taluka* courts, bandwidth inconsistencies and frequent power outages render digital filing systems practically ineffective.

The current digital model suffers from being PDF-centric rather than data-centric. Most Indian e-courts function as digital archives for scanned documents rather than intelligent systems capable of automated case sorting or prioritisation. The lack of standardised digital infrastructure across states creates a fragmented system where a litigant's access to technology depends entirely on their geographic location.

c) Global Benchmarking

Countries like *Denmark* and the *UK* maintain a superior disposal rate compared to that of India. In *Denmark*, the judicial system is supported by a high-trust digital architecture that was fully integrated decades ago. Their courtrooms are not just physical spaces but nodes in a seamless national data grid, where every filing is instantly searchable and actionable. This infrastructure allows for digital proceedings, and the physical appearances are treated as exceptions, which eliminates the weeks of delay India faces simply in the manual summoning procedure.

[332] 'Law minister on stage, CJI laments state of judicial infrastructure' *The Federal* (23 October 2021) https://thefederal.com/news/law-minister-on-stage-cji-criticises-state-of-judicial-infrastructure accessed 4 April 2026.

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The *UK* and the *USA* further demonstrate the impact of judicial space that was built to serve the purpose rather than relying on the co-existence system. In these jurisdictions, specialised tribunals, such as those for employment or small claims, operate from distinct facilities designed for high-volume, rapid resolution. In contrast, India's all-in-one court complex model creates logistical obstructions, where a high-stakes murder trial and a small cheque-bounce case compete for the same physical and administrative resources. The Western emphasis on differentiated infrastructure ensures that routine matters do not consume the space required for complex adjudication.

d) The Impact of Infrastructure on Judicial Temperament

Infrastructure significantly influences the rate of disposal through its impact on human efficiency. The overcrowded and poorly ventilated environments of many Indian Subordinate Courts contribute to a high-stress atmosphere that facilitates the culture of adjournments. When a judge is forced to manage a cause list of 100 cases in a room lacking basic record-management space, the inclination shifts toward procedural delay rather than substantive hearing.

In contrast, the efficient legal systems of other countries treat the courtroom as a high-performance workspace. By providing judges with dedicated legal researchers, professional court managers, and advanced tools, these systems maximize the quality of judicial time. India's failure to view infrastructure as a strategic asset rather than a secondary administrative concern remains a primary reason why even the most hardworking judicial officers struggle to erode the arrears in the backlog of cases.

IV. PILLAR III: PROCEDURAL BOTTLENECKS AND SYSTEMIC FRICTION

a) The Adjournment Culture

A primary internal cause of judicial stagnation is the institutionalised culture of adjournments that is spread throughout the trial process. Although the Code of Civil Procedure (CPC) was amended to limit adjournments to three per party, this statutory cap is frequently bypassed through judicial discretion and the citing of exceptional circumstances. In practice, trials in India are rarely continuous; they are fragmented over months or years, allowing evidence and witness memory to erode.

This procedural delay is often a defence mechanism for an overworked judiciary. When a judge is presented with a cause list of 80 to 100 matters a day[333], granting an adjournment becomes a tool for case management rather than a failure of will. Because there is no real penalty for asking for a new date, lawyers often use it as a strategy. It makes filing a weak case worth the effort because you can just keep postponing the outcome.

b) Appellate Congestion and the Abuse of Interlocutory Appeals

The Indian judicial structure suffers from a pyramidal friction, where the higher judiciary is frequently overburdened by interlocutory challenges. Instead of waiting for a final decree, litigants often challenge every interim order from the summoning of a witness to the admissibility of a document through Article 227 petitions in High Courts or Special Leave Petitions (SLPs) in the Supreme Court. This transforms the apex courts into courts of regular error-correction rather than constitutional arbiters.

The Supreme Court's docket is heavily skewed by SLPs, which constitute nearly 80% of all of its

[333] DAKSH, *State of the Indian Judiciary* (DAKSH 2016) 24 https://www.dakshindia.org/state-of-the-indian-judiciary-report-2016/ accessed 4 April 2026.

cases.[334] This means that the highest court in the land spends a disproportionate amount of its time on routine and trivial civil and criminal disputes. This not only delays the resolution of these specific cases but also prevents the higher courts from addressing larger constitutional questions that require immediate clarity to guide the lower judiciary.

c) The Execution Bottleneck

In the Indian legal landscape, obtaining a decree is often merely the midpoint of litigation rather than the conclusion. The execution of decrees under *Order XXI of the CPC* is so complex and prone to sabotage that it can become beneficial to the person who lost the case. Through a series of endless objection applications or having someone else show up to claim they have a stake in the matter, the execution process can be stalled for decades, rendering the victory of the decree-holder meaningless.

This bottleneck significantly affects the economy, as it hinders the recovery of assets and the enforcement of contracts. The execution stage is where the system's lack of administrative professionalism is most visible. Without a dedicated enforcement agency or specialized Execution Officers, the task of chasing assets falls back on the same court that passed the judgment, further clogging its already overburdened schedule.

d) Procedural Discipline in the West

The *UK* and the *USA* reveal a much stricter adherence to Case Management timelines. In the *UK*, the *Civil Procedure Rules (CPR)* empower judges to act as active managers rather than passive observers. They set firm and strict dates for the exchange of evidence and the commencement of the trial. Adjournments are rare and usually come with heavy financial penalties, creating an environment where parties are incentivized and encouraged to settle the case at the earliest through Alternative Dispute Resolution (ADR).

Denmark has a unique model of Procedural Trust, where the majority of procedural step such as the service of summons and the filing of responses, are automated and have non-negotiable dates. In the Danish system, a failure to respond within the digital window leads to an automatic default judgment where the judgment is pronounced in favour of the plaintiff because the respondent failed to take the action to defend themselves. This stands in stark contrast to the Indian model, where the service of summons can take months due to manual reliance on police personnel.

V. PILLAR IV: SOCIO-LEGAL AND ECONOMIC REPERCUSSIONS

a) The Undertrial Crisis: A Constitutional Conflict

The most distressing social impact of judicial congestion is the growing population of undertrial prisoners. As of 2026, data reveal that roughly 76% of inmates in India have not been convicted of any crime. From a legal point of view, this represents a systemic breakdown of Article 21. The procedure established by law has become so drawn-out that it effectively functions as a form of punishment before a conviction is even reached. Many individuals remain behind bars for periods longer than the maximum sentence their alleged crimes would have, simply because the courts do not have the capacity to hear their cases.

This crisis creates a trap for those people who do not have financial means. While wealthier litigants use high-profile representation to secure bail or move their hearings forward, marginalized individuals often remain in custody for years. This delay not only stalls a case but also shatters families, undermines the presumption of innocence, and creates a class of citizens who are essentially forgotten by the state. This gap between constitutional theory and the ground reality creates distrust among the people in the judiciary as an institution.

[334] 'Why The World's Most Powerful Court Is In Crisis' *Article-14* (1 September 2023) https://article-14.com/post/why-cases-take-so-long-to-decide-in-the-supreme-court-64f1682c43d46 accessed 4 April 2026.

b) Economic Implications: GDP Loss and Stalled Capital

A stagnant judiciary acts as a hidden tax on the Indian economy. Research suggests that legal delays cost the country between 1.5% and 2% of its annual GDP. This economic drain is caused by capital being locked in infrastructure projects that have been stalled, the inability of banks to recover bad loans through Debt Recovery Tribunals, and the chilling effect on Foreign Direct Investment. For global investors, the ability to enforce a contract is a top priority, but a litigation cycle that takes five to ten years makes long-term business planning nearly impossible.

Thousands of crores are currently stuck in real estate and insolvency cases because the National Law Company Tribunal and civil courts are stretched far beyond their capacity. Essentially, a slow judiciary fails as a market regulator. Without a rapid way to resolve disputes, the cost of doing business in India remains artificially high compared to its global competitors.

c) Western Economic and Social Outcomes

In contrast to India, efficient legal systems in the *UK* and *Denmark* serve as pillars of economic stability. *Denmark*, with its minimal backlog and resolution cycles lasting only six to twelve months, offers a level of legal certainty that attracts high-value investment. In these countries, the judiciary is seen as an economic asset. This high-trust model ensures that when a contract is signed, both parties know any breach will be handled before the involved capital loses its value.

The commercial courts in the *UK* are world-renowned because they prioritise speed and predictability. This service-oriented model generates significant revenue and ensures the domestic economy is not held back by capital stuck in litigation. *The Speedy Trial Act* in the *US*[335] provides a statutory shield against the kind of crisis seen in India, mandating strict timelines that the state must follow to minimise the social cost of litigation.

VI. CRITICAL PERSPECTIVE FROM THE LEGAL COMMUNITY

The legal system of India is a hotly debated topic among the legal community of India, and it often draws criticism from the general public, too. For example, the recent NCERT controversy over the Supreme Court's ban on the criticism of the Indian judiciary in the class 8th book received substantial criticism from the legal academicians and from the general public also.

Former CJI *Justice N.V. Ramana* pointed out the lack of judicial infrastructure in India in his speech during the inauguration of the Annexe Building of the Aurangabad Bench of the Bombay High Court on October 23, 2021. He quoted that *"Good judicial infrastructure for courts in India has always been an afterthought. It is because of this mindset that courts still operate from dilapidated structures, making it difficult to effectively perform their functions."*[336]

Former CJI *Justice D.Y. Chandrachud* also addressed the problem of the state functioning as a passive litigant. Justice Chandrachud argued that the government clogs the courts with its repetitive appeals in service matters and tax disputes, leaving little space for the litigation of the common citizens of India. He, in one of his speeches at a conference, stated that *"The government is the largest litigant in India.* He further noted that excessive government litigation significantly contributes to judicial backlog and delays in the justice delivery system.[337]

Alok Prasanna Kumar, a legal scholar and an author who is also a co-founder of "*Vidhi Centre for Legal Policy*", addressed the issue of Institutional fragility and the lack of empirical

[335] Speedy Trial Act 1974, 18 USC §§ 3161–3174 (USA).

[336] 'Law minister on stage, CJI laments state of judicial infrastructure' *The Federal* (23 October 2021) https://thefederal.com/news/law-minister-on-stage-cji-criticises-state-of-judicial-infrastructure accessed 04 April 2026.

[337] 'DY Chandrachud Urges Youth to View Law as Public Service: Law is a Commitment to Society' *Moneycontrol* (14 October 2024) https://www.moneycontrol.com/news/india/dy-chandrachud-urges-youth-to-view-law-as-public-service-law-is-a-commitment-to-society-12989502.html accessed 04 April 2026.

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reforms in the Indian judiciary. *Alok Prasanna Kumar*, in his report titled "*Towards an Efficient and Effective Supreme Court*"[338], adopts an empirical approach to judicial reform by analysing large-scale case data and highlighting structural inefficiencies in the functioning of the Supreme Court. Alok Prasanna Kumar also co-authored the class 8th book's chapter titled "Role of the judiciary in our society". In which the controversial criticism of the Indian judiciary was written, where he alleged corruption in the Indian judiciary. The apex court took *"Suo Moto cognisance"* of the content and banned the content from further continuation. In response, criticized the Court for using Contempt Power to stifle legitimate academic inquiry into judicial corruption and inefficiency.

VII. THE ROADMAP FORWARD

a) Mandating the "Judicial Impact Assessment"

Parliament very often passes new laws, such as the *Consumer Protection Act*,[339] without estimating the impact they will have on the courts and administration, and whether the courtroom infrastructure is sufficient and has the capacity to handle the resulting lawsuits. To assess the impact of new bills before passing them, a Judicial Impact Assessment should be mandated. Judicial Impact Assessment is a mechanism used to estimate the extra workload and financial cost that a new law will bring to the court system before that law is actually passed.

New laws often create thousands of extra cases and require specific judicial infrastructure to solve those cases, but today, when we have a huge backlog of cases, limited judges, and no extra courtrooms, assessing the potential impact of the law before passing that law should be made mandatory. Every bill proposed in the parliament should have a clause of "*Judicial Impact Assessment*". No law should be passed without presenting the financial and infrastructure memo detailing these three aspects:

1. *The estimated number of new cases this law will generate.*
2. *The number of additional judges and staff required to handle these cases.*
3. *The specific budget allocated within that law to fund those new courtrooms*.

The mandatory implementation of judicial impact assessment would shift the burden of judicial delays from the courts back to the Legislature, ensuring Calculated Governance.

b) Statutory Ceiling on Case Life: Sunset Clause

In India, the court takes on average more than 5 years to decide a case, and this number goes higher for high court cases. Some cases literally last for generations. This slow functioning has already created a backlog of more than 55 million cases, and with the disposal rate constantly remaining lower than the new filings rate, this number tends to grow in future. To tackle this problem of piling backlogs, there should be a statutory law creating a ceiling on the case life of specific civil categories, and strict implementation of this law should be made.

As of 2026, about 76% of the inmates are not convicted of the crime they are accused of, and they are forced to remain in prison for years without even being convicted, which violates the principle of "*Innocent until proven guilty*". Some accused are also imprisoned for months without being tried in court. To solve these problems of high numbers of inmates who are not convicted (some of them have not been given the chance of even being tried), we should adopt the laws taking inspiration from the laws of some foreign countries, such as the Speedy Trial Act of 1974, of the United States, and the Prosecution of Offences Act 1985, of the

[338] Arghya Sengupta and others, *Towards an Efficient and Effective Supreme Court* (Vidhi Centre for Legal Policy)<https://vidhilegalpolicy.in/wpcontent/uploads/2019/05/TowardsanEffectiveandEfficientSupremeCourt.pdf> accessed 8 April 2026.
[339] The Consumer Protection Act 2019.

United Kingdom, which regulates the timeline of a case.[340]

For cases such as property disputes or petty contracts, if a judgment isn't delivered within 5 years, the case should be automatically moved to a "*Fast-Track Arbitration Panel*" consisting of retired judges, with a mandatory 90-day resolution limit. The two-year ceiling should be made mandatory for cases involving trivial violations. This introduces Accountability and forces the system to treat time as a finite resource. This prevents the long delay and pendency that destroys the economic value of assets.

Countries like *the USA and the UK* already have similar laws that regulate the life of cases. The "*United States Speedy Trial Act of 1974*" ensures that the trial must begin within 70 days of indictment; if violated, the case can be dismissed with or without prejudice. In the United Kingdom, the Prosecution of Offences Act 1985, and the Custody Time Limits Regulation 1987, ensure that accused in custody must be tried within specific time limits, e.g., 182 days limit in Crown Court Cases.

c) Implementing Incentivised Mediation

The current legal landscape in India suffers from a lack of financial accountability because there is no provision for imposing penalties for filing a meritless and weak case or refusing a fair settlement. This leads to "*trial-by-exhaustion*", a tactic where one party intentionally uses the court system to wear down their opponent until they are forced to give up. Thereafter, they settle for an unfair deal or run out of money.

To tackle this problem, there should be a mandatory framework of a "*Pre-Litigation Good Faith Certificate*", under which both parties must attempt mediation before the trial. If a party unreasonably rejects a settlement offer during this phase and subsequently loses the case in court, they should be subject to a penalty. Thus, the losing party would be legally required to pay the legal expenses of the winner, turning the decision to bypass mediation into a significant financial risk. This would render the litigation financially risky for the unreasonable party. This would naturally shrink the huge pile of cases from already overburdened courts, as people would opt for settlement.

VIII. CONCLUSION

This study demonstrates that the crisis confronting the Indian judiciary is not due to a single reason, but a combination of deeply embedded structural issues. Shortage of judges, lack of proper infrastructure, slow procedures, and excessive litigation, especially by the state, together create a system that struggles to keep up with the rapidly growing number of cases. As a result, the judiciary has become overburdened, which causes justice to be delayed, and in many cases, effectively denied. At its core, the judiciary's inability to deliver timely justice stems from the mismatch between rising legal demand and stagnant institutional capacity.

The impact of this slow functioning of the judiciary goes beyond the courts. It affects the undertrial prisoners and weakens public trust in the legal system. It also creates economic losses by slowing down business and investment. Procedural inefficiencies, manifested in adjournment culture, excessive appellate intervention, and execution delays, transform the litigation into a long-lasting and extensive exercise. This undermines the very purpose of adjudication.

Comparison of the Indian legal system with that of countries like the UK, USA, and Denmark shows that better planning, an increased number of judges, stronger and customised infrastructure and stricter procedures can substantially improve the efficiency of a legal system. This indicates that India's problem is not unsolvable, but requires serious institutional reform. Measures such as Judicial Impact Assessment, imposing a ceiling on the case life, and encouraging mediation can help reduce the burden on courts.

[340] Prosecution of Offences Act 1985, s 22.

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In the end, ensuring timely justice is essential for maintaining the rule of law. Without it, the credibility of the judiciary and the faith of the people in the system will decline[341].

[341] *Hussainara Khatoon v Home Secretary, State of Bihar* (1979) 3 SCC 816.

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