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EDITORIAL ANALYSIS

The Institutionalised Sluggishness of India's Legal System

THE HINDU

17 April 2026

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INTERVIEW ANGLE

"India's judiciary faces a crisis of pendency with over 5 crore cases — many pending for decades. The editorial argues this is not merely capacity shortfall but institutionalised sluggishness traceable to procedural inheritance, judicial diversity gaps, and weak technology integration. How should India reform its justice delivery to align with constitutional promises of timely justice?"

 Source: [Original editorial](#)
The Hindu

EDITORIAL SUMMARY

The Hindu argues India's judicial pendency of 5+ crore cases reflects institutionalised sluggishness — a systemic outcome of colonial procedural inheritance, weak technology integration, judicial diversity gaps, and adjournment culture. The editorial calls for comprehensive reform: All-India Judicial Service, statutory case-management timelines, tribunal expansion, judicial diversity, and reduced government litigation.

INDIA'S PENDENCY CRISIS — AT A GLANCE

| COURT TIER | APPROXIMATE PENDING CASES (APRIL 2026) |
|------------------------|--|
| Supreme Court | ~85,000 |
| High Courts (combined) | ~62 lakh |
| Subordinate Courts | ~4.5 crore |
| Total | ~5+ crore |

CAPACITY VS PROCEDURAL REFORM — THE TWO LEVERS

| LEVER | REFORMS NEEDED |
|--------------------------|---|
| Capacity | Fill HC vacancies (30-35% currently); All-India Judicial Service; expand subordinate court strength |
| Procedure | Statutory case-management timelines; restricted adjournments; mandatory pre-litigation mediation |
| Technology | eCourts Phase III rollout; AI-assisted case prioritisation; digital evidence handling |
| Diversity | Gender, caste, geographic representation in appointments |
| Litigation Policy | Reduce government appeals in routine matters |
| Specialisation | Expand tribunals — IP, environment, company law, motor accidents |

UPSC RELEVANCE

| PAPER | ANGLE |
|------------------|--|
| GS2 — Polity | Judicial reform; Article 312 (All India Services); Memorandum of Procedure; Collegium |
| GS2 — Governance | eCourts Mission Mode Project; Legal Services Authorities Act 1987; National Litigation Policy |
| GS4 — Ethics | Justice delayed is justice denied; institutional duty; rule of law as fairness |
| Mains Keywords | Judicial pendency, All-India Judicial Service, eCourts Phase III, Mediation Act 2023, Hussainara Khatoon, Collegium, Memorandum of Procedure, Article 312, Article 21, BNSS, CPC, NLSA |

● KEY ARGUMENTS AT A GLANCE

India's judicial pendency — over 5 crore pending cases across all court tiers — is not a function of inadequate judicial strength alone but a systemic outcome of procedural inheritance from colonial-era law, weak technology integration, insufficient judicial diversity, fragmented legal aid, and a culture of adjournments that has institutionalised delay as the default state of the legal system.

✓ **SUPPORTING**

- Pendency by tier (April 2026 estimates): Subordinate courts ~4.5 crore cases; High Courts ~62 lakh cases; Supreme Court ~85,000 cases. Some cases — particularly property and inheritance disputes — have been pending for 20+ years across multiple generations of litigants.
- The judge-population ratio in India is approximately 21 judges per million population, against the Law Commission's 1987 recommendation of 50 per million. Judicial vacancies across High Courts have hovered at 30-35% for over a decade.
- The eCourts Mission Mode Project Phase III (2023-2027) — with ₹7,210 crore outlay — is digitising court infrastructure, but uptake of e-filing, virtual hearings, and digital case management remains uneven across states. Karnataka and Delhi lead; many states lag.
- Adjourning culture is a structural problem — average case experiences 8-12 adjournments before final disposal. Section 309 of the Code of Criminal Procedure (now BNSS Section 346) mandates trial proceedings should be continuous, but the norm is widely violated.

⚠ **COUNTER**

The judiciary is not the only constitutional organ contributing to delay — police investigation quality, prosecution preparedness, government as the largest litigant (~50% of pending cases involve government), and lawyer adjournment requests collectively contribute to pendency. Blaming judicial capacity alone is reductive. Some delay is also a function of constitutional safeguards (multiple appeals, fundamental-rights review) that are themselves valuable.

→ **WAY FORWARD**

Six-pillar reform framework: (1) **All-India Judicial Service** — establish under Article 312 to create a national cadre of judicial officers with merit-based recruitment; (2) **Mandatory case-management timelines** — statutory time limits for case categories with judicial accountability for delays; (3) **Specialised tribunals expansion** — company law, IP, taxation, environment, motor accidents — separating these from regular civil courts; (4) **Judicial diversity** — gender, SC/ST/OBC, geographic representation in HC and SC appointments; (5) **Litigation policy reform** — government to reduce appeals in routine matters; (6)

Mediation and ADR institutionalisation — Mediation Act 2023 effective implementation, mandatory pre-litigation mediation in commercial disputes.

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MAINS ANSWER FRAMEWORK

QUESTION

India's pendency of over 5 crore cases reflects not merely capacity constraints but structural and institutional features of the legal system. Critically examine the causes of judicial pendency in India and suggest a comprehensive reform framework. (250 words)

INTRODUCTION

India's judicial pendency — exceeding 5 crore cases across all court tiers — represents one of the deepest governance crises of the Indian state. The constitutional promise of timely justice, embedded in Article 21 jurisprudence (Hussainara Khatoon, 1979) and the repeated invocation of "justice delayed is justice denied," remains aspirational for millions of litigants.

Understanding the crisis requires moving beyond the simplistic "more judges, faster justice" framing to examine structural and institutional drivers.

BODY

The capacity dimension: India's judge-population ratio at ~21 per million is far below the Law Commission's 1987 benchmark of 50 per million. High Court vacancies consistently hover at 30-35%; the **Memorandum of Procedure (MoP)** governing High Court appointments has been a friction point between the executive and Collegium.

Subordinate court vacancies vary by state but remain structurally significant. **The procedural inheritance:** The Code of Civil Procedure (1908) and Code of Criminal Procedure (1973, now BNSS 2023) carry forward colonial-era procedural architecture — multiple interlocutory appeals, generous adjournment provisions, and weak case-management protocols. **The technology integration gap:** The eCourts Mission Mode Project Phase III (2023-2027, ₹7,210 crore outlay) provides infrastructure but state-level uptake remains uneven. E-filing, virtual hearings, AI-assisted case prioritisation are technically available but inconsistently used. **The diversity deficit:** Judicial diversity along gender, caste, and geographic lines remains weak — affecting institutional legitimacy and substantive jurisprudence.

Women constitute only ~13% of HC judges; SC/ST representation is similarly low. **The legal aid gap:**

Legal Services Authorities Act 1987 created a framework, but actual legal aid delivery to indigent litigants remains thin — many remain in pre-trial detention without representation. **The government-litigant problem:** The government (Centre + States + PSUs) is the largest litigant — accounting for approximately 50% of pending cases. National Litigation Policy 2010 sought to reduce frivolous government appeals; implementation has been weak.

CONCLUSION

Justice delivery reform requires simultaneous action on multiple fronts: judicial capacity expansion (All-India Judicial Service under Article 312, faster HC vacancy filling), procedural modernisation (mandatory case-management timelines, restricted adjournments), technology adoption (eCourts uptake, AI-assisted prioritisation), judicial diversity (gender and social representation in appointments), and litigation policy reform (reduced government appeals). The Mediation Act 2023 and specialised tribunal expansion offer additional pressure-release mechanisms.

Without comprehensive reform across these dimensions, the constitutional promise of timely justice will remain a distant ideal for India's most vulnerable litigants.

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