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EDITORIAL ANALYSIS

Why India's Courts Are Slow — The Case for Professional Court Managers

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CURATED & WRITTEN BY

**Bharat Choudhary**

UPSC Educator & Content Creator

 [linkedin.com/in/epicbharat](https://www.linkedin.com/in/epicbharat)

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Why India's Courts Are Slow — The Case for Professional Court Managers

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INTERVIEW ANGLE

"Is India's judicial backlog fundamentally a judge-shortage problem — or is it primarily an administrative dysfunction problem that no amount of additional judge appointments can fix without professional court management?"

EDITORIAL SUMMARY:

The Indian Express argues that India's 5-crore-plus pending cases crisis is as much a product of administrative dysfunction within courts — chaotic scheduling, manual docket management, absent process coordination — as it is a judge shortage. The editorial makes the case for a cadre of professional court managers, as recommended by the Law Commission and the e-Courts Mission Mode Project, to separate the administrative and judicial functions of the court system — freeing judges to judge while trained professionals manage dockets, hearing schedules, and case flows.

THE SCALE OF THE PROBLEM

Numbers are useful here before analysis. The **National Judicial Data Grid (NJDG)** — India's real-time court data platform — recorded approximately **5.1 crore (51 million) cases pending** across all courts as of early 2026. The breakdown reveals where the backlog is most acute:

COURT LEVEL	APPROXIMATE PENDING CASES (2026)
Supreme Court of India	73,000+
High Courts (combined)	~60 lakh (6 million)
District and Subordinate Courts	~4.4 crore (44 million)

These are not static numbers — courts dispose of cases every day. But the inflow of new cases consistently outpaces disposal. The **clearance rate** (cases disposed as a percentage of cases filed) at district courts has hovered below 100% for more than a decade, meaning the stock of pending cases grows annually even when absolute disposal numbers increase.

The human cost is not abstract. A property dispute filed in a district court may take 15–20 years to reach final adjudication. A criminal trial for an economic offence routinely extends beyond a decade. The undertrial population — people detained pending trial — stood at approximately **75.8% of India's total prison population** as of Prison Statistics India 2022, constituting a de facto punishment without conviction that the Supreme Court has repeatedly condemned.

THE JUDGE SHORTAGE FRAMING — AND ITS LIMITS

The conventional explanation for judicial delay is judge shortage. It is not wrong — it is incomplete.

India's **judge-to-population ratio** stands at approximately **21 judges per million population** as of 2024 data. The **Law Commission of India's 120th Report (1987)** — now nearly four decades old — recommended a ratio of **50 judges per million population**. That target has never been reached. Vacancies in High Courts routinely run at 30–40% of sanctioned strength.

But the judge shortage framing misses a structural reality that comparison with other court systems makes visible: **judges in India are simultaneously adjudicators and administrators**. An Indian judge, at every level, typically:

- Fixes the next date of hearing in each case at the end of each hearing
- Manages their own docket without systematic external support
- Coordinates with registry staff who are untrained in case management methodology
- Processes interlocutory applications, adjournments, and process service without specialist administrative staff

In the United States federal court system, professional **Clerks of Court** and **Case Managers** — neither of whom are judges or lawyers in the advocacy sense — handle scheduling, docket management, discovery coordination, and inter-party communication. The judge enters the courtroom when a matter is ready to be heard. In **Singapore**, the State Courts' case management system — widely cited as the most efficient in Asia — uses trained court executives who actively monitor case progress and flag stalled matters for judicial attention.

The difference in judicial output is dramatic. A US District Court judge handles approximately 400–500 cases per year to completion. An Indian High Court judge's annual disposal is, on average, far lower — because a substantial portion of their working time is consumed by administrative functions that a professional court manager could discharge.

THE E-COURTS MISSION AND THE COURT MANAGEMENT RECOMMENDATION

The Indian government's response to judicial infrastructure deficits has, since 2006, been channelled through the **e-Courts Mission Mode Project** — a joint initiative of the Department of Justice and the Supreme Court's e-Committee.

Phase I (2007–2015): Computerisation of district courts; case management software (NJDG); video conferencing infrastructure in high-security courts.

Phase II (2015–2023): Expansion of NJDG to all court levels; digitisation of case records; eFiling and ePay systems.

Phase III (2023–2027): Budgeted at **Rs 7,210 crore**; focus areas include artificial-intelligence-assisted case scheduling, satellite court infrastructure, universal video conferencing for routine hearings, and — critically — **professional court management systems**.

The **National Court Management Systems (NCMS)** policy framework, developed under the Supreme Court's Planning and Monitoring Unit, explicitly recommended the creation of a cadre of professional court administrators — persons with training in law, management, and court operations — distinct from the existing registry staff model. This is not a new idea: it has been waiting for implementation.

WHAT PROFESSIONAL COURT MANAGERS WOULD ACTUALLY DO

The editorial is specific about the functional gap:

Current state: At the end of a hearing in an Indian court, the judge announces a next date. The parties and their advocates are expected to be available on that date. There is no active monitoring of whether the case is progressing, no system flag if witnesses are not summoned on time, no case manager tracking whether documentary evidence has been exchanged, no coordination between courts in cases involving multiple proceedings. Adjournments are freely granted because there is no institutional cost to delay.

With professional court managers: A case manager assigned to a docket of cases would:

FUNCTION	DESCRIPTION
Scheduling	Proactively set hearing dates based on case type, estimated trial duration, and judge availability — not ad hoc announcements at the close of each hearing
Discovery/Evidence monitoring	Track whether parties have exchanged documents and filed evidence within court-ordered timelines; escalate non-compliance
Summons and process tracking	Monitor whether summons and warrants have been served; flag unexecuted process to the judge
Adjournment gatekeeping	Record and analyse adjournment patterns per advocate and per case; flag serial adjournment to the presiding judge
Inter-court coordination	Manage case transfers, stays, and related proceeding coordination between courts
Case-flow reporting	Generate case-age analysis, disposal rate data, and bottleneck identification for the Chief Justice’s administrative review

These are management functions, not judicial functions. A law graduate with a post-graduate diploma in court management — the qualification profile the NCMS framework envisages — could perform all of them. The judge’s cognitive and temporal resources would be freed for the one function no professional manager can substitute: adjudicating the dispute on its merits.

THE CONSTITUTIONAL AND LEGAL ANCHORS

The right to a speedy trial is not merely a policy aspiration — it has constitutional status.

In **Hussainara Khatoon v. State of Bihar (1979)**, the Supreme Court held that the right to a speedy trial is a fundamental right implicit in the right to life and personal liberty guaranteed by **Article 21**. The prolonged detention of undertrials was held to be a constitutional violation by the state.

In **Imtiyaz Ahmed v. State of Uttar Pradesh (2012)**, the Supreme Court went further — it directed the formulation of case-flow management rules for all courts, specifying that each case category should have a defined outer time limit. The judgment explicitly acknowledged that judicial delay is as much an administrative problem as a resource problem.

Fast Track Courts (FTCs) and Fast Track Special Courts (FTSCs): The original Fast Track Courts scheme was launched in 2000 on the recommendation of the 11th Finance Commission to address the backlog in sessions court cases. The current scheme — **Fast Track Special Courts (FTSCs)** — is a distinct and more recent initiative launched in October 2019, specifically for POCSO (Protection of Children from Sexual Offences) Act cases and rape cases, following the Criminal Law Amendment Act 2018 and Supreme Court direction. As of 2024–25 data, approximately **745 Fast Track Special Courts** operate across 30 states, including

approximately 406 exclusive POCSO courts. FTSCs demonstrate that dedicated judicial infrastructure with streamlined process can dramatically reduce disposal time in specific case categories — but they are a category-specific solution, not a systemic one.

WHY THIS ARGUMENT MATTERS FOR UPSC

The court manager reform argument is a UPSC Mains-grade governance question precisely because it illustrates a recurring theme in Indian public administration: the institutional design failure of assigning administrative functions to professional specialists who are trained for a different core function.

This is the same problem that appears in:

- **District Collectors** spending the majority of their time on administrative coordination rather than policy implementation
- **Doctors in PHCs** performing administrative registration work rather than clinical practice
- **Teachers** completing government data-entry tasks rather than teaching

The solution — creating administrative support cadres with appropriate training and accountability — is neither expensive nor technically complex. The bottleneck, consistently, is political economy: established interests resist the professionalisation of roles that currently confer informal authority over judicial processes.

UPSC MAINS ANALYSIS

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- **Judicial pendency data:** 5.1 crore cases (NJDG 2026); SC 73,000+; HCs ~60 lakh; district courts ~4.4 crore (44 million)
- **Judge-to-population ratio:** India ~21 per million; Law Commission 120th Report (1987) recommended 50 per million — target never achieved
- **Constitutional right to speedy trial:** Article 21; Hussainara Khatoon v. State of Bihar (1979); Imtiyaz Ahmed v. State of UP (2012) — case-flow management directive
- **e-Courts Mission Phase III (2023–2027):** Rs 7,210 crore; AI-assisted scheduling; NCMS framework; professional court administrator cadre recommendation
- **Fast Track Courts / FTSCs:** Original scheme established 2000 (11th Finance Commission recommendation, sessions court backlog); current Fast Track Special Courts (FTSC) scheme launched October 2019 for POCSO and rape cases (post Criminal Law Amendment Act 2018 and SC direction); ~745 FTSCs operational (2024–25) across 30 states including ~406 exclusive POCSO courts — targeted solution, not systemic fix

- **Undertrial population:** ~75.8% of prison population (Prison Statistics India 2022); a constitutional indictment of the justice system's pace
- **Comparative models:** US Clerks of Court and Case Managers; UK HMCTS trained court managers; Singapore State Courts case management — all separate administrative from judicial function
- **NCMS policy framework:** Supreme Court's Planning and Monitoring Unit; recommended professional court administrator cadre; awaiting implementation

Keywords: judicial pendency India, NJDG National Judicial Data Grid, judge population ratio Law Commission 120th Report, Article 21 speedy trial, Hussainara Khatoon 1979, Imtiyaz Ahmed 2012, e-Courts Mission Phase III Rs 7210 crore, National Court Management Systems NCMS, professional court managers, Fast Track Courts 2000 11th Finance Commission, Fast Track Special Courts FTSC 2019 POCSO rape cases, Criminal Law Amendment Act 2018, POCSO courts, undertrial population Prison Statistics India, Clerk of Court US model, Singapore judiciary efficiency, case-flow management rules.

The Indian Express is making a deceptively simple argument: India's courts are slow not only because there are too few judges, but because judges are doing work that judges should not have to do. Professional court managers would not replace judicial authority — they would restore it, by creating the administrative infrastructure within which judicial authority can be exercised efficiently and without procedural distraction. The 1987 Law Commission recommendation stands unfulfilled nearly four decades later; the e-Courts Phase III has created the digital infrastructure — what is now needed is the human capital to operate it with professional intent.

Real-time database of cases filed and disposed across all computerised district and High Courts in India; maintained under the e-Courts Mission Mode Project; accessible publicly at njdg.ecourts.gov.in; data as of early 2026 shows over 5.1 crore pending cases.

Recommended increasing judge strength from the then-prevailing ratio to 50 judges per million population; recommendation reiterated in subsequent Law Commission reports; India's current ratio remains around 21 per million, approximately 40% of the recommended level.

Budgeted at Rs 7,210 crore; components include AI-assisted hearing scheduling, universal video-conferencing, digital evidence management, and the National Court Management Systems framework including professional court administrator recommendations.

Landmark Supreme Court judgment holding that the right to a speedy trial is a fundamental right under Article 21; directed release of undertrials who had spent more time in custody than the maximum sentence for the offence charged.

5.73 lakh prisoners against authorised capacity of 4.36 lakh (occupancy rate 131%); undertrials constitute approximately 75.8% of the total prison population — the single most powerful statistic demonstrating the cost of judicial delay.

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CURATED & WRITTEN BY

Bharat Choudhary

UPSC Educator & Content Creator

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