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EDITORIAL ANALYSIS

# Why Judicial Holidays Are Necessary — And What Court Pendency Really Needs

THE HINDU

4 June 2026 · POLITY · GS2

CURATED &amp; WRITTEN BY

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# Why Judicial Holidays Are Necessary — And What Court Pendency Really Needs

 **The Hindu** 4 June 2026 **GS2**

Source: [ujiyari.com](http://ujiyari.com) — Free UPSC & State PCS Current Affairs

## EDITORIAL SUMMARY

*The Hindu* defends judicial vacation periods against recurring criticism that judges should sacrifice their holidays to address India’s massive case **pendency**. The editorial documents the **substantial invisible workload** judges perform outside courtrooms — judgment drafting, legal research, case file review — and argues that understanding this reality is a prerequisite for any fair assessment of judicial reform proposals. The real drivers of pendency, it argues, are **systemic**: judicial vacancies, inadequate court infrastructure, procedural delays, poor legal aid, and chronic under-investment in the justice system — not judicial holidays.

## INDIA’S PENDENCY CRISIS — SCALE

COURT LEVEL	PENDING CASES (2026)
Supreme Court	~80,000
High Courts	~62 lakh (6.2 million)
District & Subordinate Courts	~4.5 crore (45 million)
<b>Total</b>	<b>~5.2 crore (52 million)</b>

With over **52 million pending cases**, India has one of the world’s largest backlogs. The average time for a civil case to be decided in Indian courts ranges from **3–15 years** depending on the level and state. Criminal cases can take even longer — creating what critics call “delayed justice as denied justice.”

## THE PENDENCY DEBATE: ARE JUDGES UNDERWORKED?

### The Critics’ View

- Supreme Court has ~193 working days per year vs. 260 for most other courts globally
- High Courts average 210 working days

- Judges take summer, winter, and Dussehra vacations
- Cutting vacations by 30 days could add millions of case-days annually

## The Editorial's Counter

- 1 **Judgment drafting is judicial work:** A High Court judgment in a complex constitutional matter may require 2–3 months of reading, analysis, and writing — none of which happens in the courtroom. Vacation time is partly used for this.
- 2 **Oral argument ≠ total workload:** A judge who hears 50 cases in a day in the courtroom also reads case files for those 50 cases beforehand. File-reading typically takes 2–3x the oral hearing time.
- 3 **International comparison is misleading:** Courts in the US Supreme Court hear only ~80 cases per year (vs. India's ~80,000 pending). More hearing days does not help when the volume is incomparably higher.
- 4 **The real problems:**

ROOT CAUSE OF PENDENCY	DETAILS
<b>Judicial vacancies</b>	~25% of High Court judge positions vacant (6,000+ sanctioned, ~4,500 filled)
<b>Judge-population ratio</b>	India: ~21 judges per million; US: ~107; UK: ~51
<b>Infrastructure</b>	Many district courts lack functional courtrooms, staff, e-filing systems
<b>Government litigation</b>	Government is party to ~46% of all pending cases — delays in government affidavits and appeals are a major driver
<b>Poor legal aid</b>	~80% of undertrials are poor; inadequate public defenders extend trial duration
<b>Procedural adjournments</b>	Average civil case gets 40–60 adjournments; no penalties for frivolous delays

## WHAT ACTUALLY HELPS PENDENCY REDUCTION

- 1 **Fill judicial vacancies urgently** — the Collegium and the government must resolve their coordination failures on appointments
- 2 **Reduce government litigation** — implement the **National Litigation Policy** (repeatedly announced, never operationalised); mandatory pre-litigation mediation for government disputes
- 3 **Case management reforms** — strict adjournment limits; early case management hearings; differentiated case tracks (fast, medium, complex)

- ④ **E-courts Phase III** — complete digitisation of filing, scheduling, and service; reduce physical appearances
- ⑤ **Expand ADR (Alternative Dispute Resolution)** — mandatory mediation for commercial, matrimonial, and property disputes
- ⑥ **Increase judge-population ratio** — target 50 judges per million by 2030

## CONSTITUTIONAL FRAMEWORK

ARTICLE	PROVISION
Article 124	Appointment of Supreme Court judges
Article 217	Appointment of High Court judges
Article 21	Right to speedy trial (implied by Supreme Court in <i>Hussainara Khatoon, 1979</i> )
Article 39A	Directive: Equal justice and free legal aid
Article 50	Directive: Separation of judiciary from executive

The **National Judicial Infrastructure Authority of India (NJIAI)** was established in 2022 to oversee court infrastructure development — a recognition that physical infrastructure is a driver of pendency.

## UPSC RELEVANCE

### Prelims

- Total pending cases: ~5.2 crore (SC: 80,000; HC: 62 lakh; District: 4.5 crore)
- Judicial vacancies: ~25% of HC positions
- Judge-population ratio: India ~21/million (US: 107; UK: 51)
- Government's share of litigation: ~46%
- NJIAI: established 2022
- Article 39A: Free legal aid (DPSP)

### Mains Angles

- ① **GS2 — Judiciary:** Critically analyse the causes of judicial pendency in India. Evaluate the effectiveness of proposed reforms including the National Litigation Policy, e-courts, and ADR.

- 2 **GS2 — Access to Justice:** Examine how case pendency disproportionately affects the poor. What reforms can make India’s judicial system more accessible and timely?
- 3 **GS2 — Judicial Appointments:** Analyse the Collegium system’s effectiveness. How do judicial vacancies contribute to pendency?

## FACTS CORNER

FACT	DETAIL
Total pending cases	~5.2 crore (52 million)
SC pending	~80,000
HC pending	~62 lakh
District courts pending	~4.5 crore
HC judicial vacancies	~25%
India judge-population ratio	~21 per million
Government litigation share	~46% of all cases
Article for free legal aid	Article 39A (DPSP)
NJIAI established	2022

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