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EDITORIAL ANALYSIS

Justice on Vacation: Reforming Court Calendars in a Sea of Pendency

 THE HINDU

13 July 2026

POLITY

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THE LIFT LINE

A right that arrives after the litigant has died is not a right that was delivered, and a court that closes for weeks while the docket grows is answerable to the Constitution it serves, not to a nineteenth-century calendar.

WHY THIS EDITORIAL MATTERS FOR YOUR EXAM

The Supreme Court of India functions for roughly 190 working days a year, the High Courts for about 210, and the trial courts for around 245, the balance taken up by long summer and winter vacations that trace directly to a colonial habit of British judges escaping the Indian heat. Set that against the numbers on the National Judicial Data Grid: more than 5.4 crore cases are pending across all courts, the Supreme Court's own **pendency** (<https://ujjyari.com/vocab/pendency/>) has crossed 93,000 for the first time in three decades, and roughly three-quarters of India's prison population, about 4.4 lakh people, are undertrials who have been convicted of nothing. Justice delayed is not merely inconvenient. For the undertrial it is liberty denied, and Article 21 guarantees that no person shall be deprived of life or personal liberty except by procedure established by law, a procedure the Supreme Court has read to require a speedy trial.

GS Paper 2: structure, organisation and functioning of the judiciary; appointment of judges; separation of powers; mechanisms for the delivery of justice to vulnerable sections.

For **Prelims**, hold the specifics: Article 21 and the judicially read right to a speedy trial (Hussainara Khatoon); Article 124 and Article 217 on appointment of Supreme Court and High Court judges; the Collegium system evolved through the Three Judges Cases and the striking down of the National Judicial Appointments Commission in 2015; the National Judicial Data Grid as the official pendency dashboard; Fast Track Special Courts and Lok Adalats; the Arbitration and Conciliation Act, 1996 and Section 89 of the Civil Procedure Code

on alternative dispute resolution; and Gram Nyayalayas at the village level. For **Mains**, argue that pendency is a systemic failure of judge strength, procedure and calendar together, and that reform must be evaluated by whether an ordinary litigant gets a timely hearing, not by the number of vacation Benches announced.

BACKGROUND AND CONTEXT

The long vacation is not written into the Constitution. It is a practice, carried over from the colonial courts and never seriously re-examined, that gives the higher judiciary a block of weeks when regular work stops. Defenders argue that judges use the recess to write reserved judgments, that lawyers need rest, and that vacation Benches remain available for urgent matters. Each point has some force. Yet the institution that most insists other organs of the State justify their inefficiency has been slow to justify a calendar that leaves the highest court sitting for barely more than half the year while its docket lengthens.

The deeper problem is that the calendar is only one leg of a three-legged crisis. India runs on roughly 21 judges per million population against a Law Commission recommendation of 50, more than a fifth of sanctioned judicial posts lie vacant, and the trial courts, where the vast bulk of cases and undertrials sit, are chronically understaffed. Trimming vacations without filling vacancies would be *cosmetic* (<https://ujjayi.com/vocab/cosmetic/>). Filling vacancies while leaving the calendar untouched would leave working days on the table. The honest reform addresses all three.

THE CORE ARGUMENT / ISSUE

The calendar is a design choice, not a natural law

A court is a public service, and a public service that shuts its main counter for weeks must show why. The strongest reform is not the abolition of judicial rest, which no serious observer wants, but its staggering. If judges took leave on a rotating basis while the court itself stayed open through the year, the institution would gain working days without denying any judge time to rest or write. The Malimath Committee and successive parliamentary standing committees have urged exactly this.

Pendency has many mothers

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DRIVER OF DELAY	WHAT IT MEANS	THE REFORM LEVER
Judicial vacancies	Over a fifth of posts unfilled	Time-bound Collegium and executive processing
Judge-population ratio	About 21 per million, target 50	Sanction and fund new posts
Court calendar	Higher courts sit about 190 to 210 days	Staggered, rotating vacations
Adjournment culture	Cases drift over years	Strict adjournment limits, case management
Undertrial backlog	Roughly 4.4 lakh await trial	Fast-track courts, Section 436A releases
Low ADR uptake	Litigation the default first resort	Mediation, Lok Adalats, arbitration

The government is the largest litigant in the country, and a disciplined litigation policy that stops appealing settled matters would itself unclog a meaningful share of the docket. Pendency, in short, is not the judiciary's failure alone.

Appointments are the binding constraint

No calendar reform substitutes for judges. The Collegium system, in which senior judges recommend appointments, has been criticised for **opacity** (<https://ujiyari.com/vocab/opacity/>) and delay, while the executive sits on names it dislikes. Until the appointment pipeline is made faster and more transparent, benches will stay thin and the vacation debate will remain a sideshow to the real bottleneck.

HOW TO THINK ABOUT THIS (ANALYTICAL FRAME)

Separate the symptom from the disease. The vacation is the visible symptom that makes headlines; the disease is a justice system under-resourced in judges, undisciplined in procedure and unmeasured in outcomes. A good answer refuses the populist framing that judges are simply lazy, because the higher judiciary is in fact overworked within its sitting days. The transferable rule: evaluate any institution by the outcome it exists to produce. The courts exist to deliver timely, reasoned adjudication. Days sat is an input; a citizen who got a hearing within a reasonable time is the outcome. Reform the calendar, yes, but only as one lever inside a system fix, never as a scapegoat that lets the appointments and vacancies crisis off the hook.

THE DIAGRAM IN WORDS

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Colonial-era long vacations + judge vacancies over a fifth + about 21 judges per million
 -> higher courts sit only about 190 to 210 days -> more than 5.4 crore cases pending, SC
 over 93,000 -> trials stall, about 4.4 lakh undertrials in jail -> Article 21 right to
 speedy trial defeated -> reform bundle: staggered rotating leave + time-bound
 appointments + more sanctioned posts + ADR and Lok Adalats + case-management and
 adjournment limits + NJDG monitoring -> outcome measured as time-to-hearing for the
 ordinary litigant

WAY FORWARD

- ❶ **Stagger judicial leave instead of closing the court.** Move to rotating vacations so the institution stays open year-round, adding working days without denying any judge rest, as parliamentary committees have repeatedly recommended.
- ❷ **Make appointments time-bound.** Fix outer limits for the Collegium to recommend and the executive to clear names, and publish reasons for delay, so that vacancies stop being the silent cause of pendency.
- ❸ **Attack the undertrial backlog first.** Expand Fast Track Special Courts, enforce Section 436A releases for those who have served part of the maximum sentence, and use plea bargaining and Lok Adalats to clear the least serious matters.
- ❹ **Institutionalise alternative dispute resolution.** Push mediation, arbitration and Gram Nyayalayas as the first resort for civil and commercial disputes, and adopt a disciplined government litigation policy so the State stops manufacturing appeals.

PYQ LINKAGE AND PRACTICE

UPSC has asked about judicial appointments, the Collegium versus the NJAC, separation of powers, and access to justice. This editorial converts those themes into an evaluative argument about how the judiciary organises its own time, which is exactly the analytical turn the examiner rewards.

Practice question: “The debate over court vacations is a symptom of a deeper crisis of judicial capacity in India.” Critically examine, and suggest reforms to reduce pendency without compromising the quality of adjudication. (250 words, 15 marks)

Sources: *The Hindu* (<https://www.thehindu.com/>), *National Judicial Data Grid* (<https://njdg.ecourts.gov.in/>), *PRS Legislative Research* (<https://prsindia.org/>)

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