

6. Subordinate Judiciary Case Pendency – Polity

The lower judiciary – litigation, pendency, stagnation. The Indian lower judiciary faces a massive backlog of 4.7 crore cases due to structural problems like a low judge-to-population ratio, heavy administrative burden on judges, and insufficient infrastructure spending. The Supreme Court's concern about stagnation in judicial service highlights that delays in justice violate fundamental rights and cost the economy over 2% of GDP annually.

Stagnation and Pendency in India's Subordinate Judiciary

The Supreme Court recently observed that stagnation in the subordinate judicial service contributes significantly to prolonged litigation and exacerbates the huge pendency crisis across Indian courts. The district and subordinate courts are central to India's justice delivery, handling the vast majority of cases.

Regulatory and Administrative Framework

The structure and control of the subordinate judiciary are governed by Part VI of the Constitution (Articles 233 to 237).

Recruitment and Appointment

Officer Position	Appointing Authority	Consultation Bodies	Key Qualification/Requirement
District Judges (Article 233)	Governor	High Court	Must not be in service of the Union/State; Advocate/Pleader for 7 years; Recommended by the High Court.
Other Judicial Appointments (Article 234)	Governor	State Public Service Commission (SPSC) and High Court	Appointed in accordance with rules framed after consultation with SPSC and High Court.
Subordinate Judges (General)	State Government	High Court	Posting, promotion, and disciplinary control substantially vest in the High Court (Article 235).

Control and Interpretation

Control over Subordinate Courts (Article 235) – The High Court manages district and lower courts, overseeing transfers, promotions, and leave of officers below district judge rank.

Interpretation of 'District Judge' (Article 236) – The term includes city civil court judges, sessions judges, and chief magistrates. Judicial Service includes posts below district judges.

Hierarchy and Jurisdiction

The judicial structure below the High Court typically consists of three tiers.

Apex Tier – District and Sessions Court.

District Judges (Civil) – Handle civil and administrative matters; appeals go to the High Court.

Sessions Judges (Criminal) – Hold appellate and original criminal jurisdiction; can impose life imprisonment or capital punishment, subject to High Court confirmation.

Middle Tier – Courts of Subordinate Judges and Chief Judicial Magistrates (CJM).

Lowest Tier – Courts like the Munsif or Judicial Magistrate.

Specialised Courts – Commercial Courts, Family Courts, and courts of Judicial Magistrates function within the same constitutional framework but are subject to specific statutes.

Other Courts

Metropolitan Courts – City Civil Courts handle civil cases in metropolitan areas; Metropolitan Magistrates' Courts deal with criminal cases.

Small Cause Courts – Render summary decisions on minor civil cases (High Court has revision power).

Panchayat Courts – Handle petty civil and criminal cases, known by various local names.

Reasons for Judicial Pendency in Subordinate Courts

Pendency in district and subordinate courts stands at a massive 4.7 crore cases, contributing to the national total of 5.34 crore cases.

Personnel and Efficiency Deficits

Acute Judge Shortage & High Vacancy Rates – District courts suffer from large vacancies and a low judge–population ratio (21 per million vs 50 recommended). Unfilled sanctioned posts slow trials and amplify the backlog.

Inefficient Case Management – Over 50% of cases violate the “three adjournments” rule, which mandates no case be granted more than three adjournments during its lifecycle, except for exceptional circumstances.

Heavy Administrative Burden on Judges – Subordinate judges lose valuable judicial time (typically from 10 – 30 a.m. to noon) on morning “call work” (calling cases, issuing summons, checking appearances, receiving vakalatnamas) instead of focusing on hearings and judgments.

Lack of Courtroom Experience for New Judges – Many new judges join without prior legal practice or courtroom experience, leading to poor order-writing, inability to manage workload, and delays in passing even basic orders.

Infrastructure and Procedural Hurdles

Infrastructure Deficit – While the sanctioned strength of judges is 24,280, there are only 20,143 court halls available (2023).

Basic Amenities – Many trial courts lack basic amenities like witness rooms, digital evidence facilities, or record management systems. Nearly one-fifth of district court complexes lack separate toilets for women.

Case Record Management Crisis – Trial courts still rely heavily on manual record rooms, where files get misplaced, torn, or remain untraceable for months, slowing trials even when judges are ready. NJDG specifically flags “records unavailable/misplaced” as a major reason for delay.

Archaic & Misused Procedural Laws – Provisions like two-stage decrees (Preliminary + Final) in partition suits, 106 hyper-technical rules under Order XXI in execution, and the mandatory 90-day written statement rule (ineffective for title suits) enable delay tactics.

External and Financial Factors

Poor Quality & Delayed Investigations – Weak police investigation, delayed charge sheets, reliance on outdated forensic methods, and frequent witness non-appearance cause long criminal trial cycles, affecting more than 70% of pending criminal cases.

Low Judicial Spending – India spends only 0.14% of its GDP on the judiciary (compared to 0.31% in most European countries). The Union government allocated just 0.07% in 2025–26.

High Volume of Petty Cases – Subordinate courts spend enormous time on traffic challans, petty theft, minor regulatory offences, and bailable cases, consuming disproportionate judicial hours.

Impact of Pendency on Justice Delivery

The huge case backlog severely erodes public confidence and imposes significant costs.

Justice Denied – Prolonged legal process violates the principle “justice delayed is justice denied.” The Babri Masjid–Ram Janmabhoomi case took nearly 70 years to reach a verdict, illustrating the delayed resolution of sensitive matters.

Human Rights Violations – Delayed trials lead to prolonged undertrial detention, violating fundamental rights and resulting in over 70% of India’s prison population consisting of undertrials.

Economic Costs – Judicial delays are estimated to cost India more than 2% of its GDP annually, hindering economic growth and deterring foreign investment.

Reduced Public Confidence – Lengthy trials push people toward extrajudicial settlements and alternative dispute resolution, weakening faith in formal justice. This is seen in rural land disputes where families resort to panchayat settlements.

Initiatives and Way Forward

Technological and Procedural Reforms

Technological Integration (e-Courts Project) – Uses Information and Communication Technology (ICT) for efficiency and transparency.

National Judicial Data Grid (NJDG) – An online database of orders, judgments, and cases for all computerized district and subordinate courts, supporting data-driven reforms.

Virtual Courts – Operational in 21 states/UTs, disposing of lakhs of traffic challans and petty cases without physical appearance, freeing up magistrate court time.

Supreme Court Directives (2024–2025) – Mandate strict trial discipline, including issuing circulars for day-to-day trials once witness examination begins, and potentially canceling bail if counsel collusively delays proceedings.

Specialised Courts – Fast-Track Special Courts (FTSCs) for POCSO, sexual offences, and dedicated courts for commercial disputes and NI Act cheque bounce cases help isolate high-volume categories.

Structural and Administrative Solutions

All India Judicial Service (AIJS) – The establishment of AIJS (provided for under Article 312) can ensure a centralized, merit-based, and timely recruitment system, improve judge quality, and standardize training across states.

Fill Vacancies and Expand Judge Strength – Implement the norm of 50 judges per million population and run annual recruitment cycles to fill over 3,000 existing vacancies.

Transfer Administrative Work to Ministerial Courts – Create a separate “administrative court” in each district for non-judicial tasks (summons, filing scrutiny, cause-list preparation) so trial judges can focus exclusively on hearings.

Scientific Case-Flow Management – Introduce AI-assisted listing, time-block scheduling, and strict enforcement of the three-adjourning limit with mandatory written reasons.

Infrastructure Modernization – Increase judicial infrastructure spending to at least 0.3–0.5% of GDP. Digitize case records (only 3.9 crore cases digitized so far under e-Courts).

Improve Investigation and Prosecution – Integrate police-court data using interoperable criminal justice systems, ensure time-bound charge sheets, and modernize forensics.

Promote ADR – Strengthen Lok Adalats, mediation desks, and conciliation benches, and make mandatory counselling in family, rent, property, and cheque bounce cases to reduce inflow.

In conclusion, a stronger, better-trained, and efficiently supported subordinate judiciary is essential for making justice in India timely, accessible, and truly meaningful.

Source – <https://www.thehindu.com/opinion/lead/the-lower-judiciary-litigation-pendency-stagnation/article70291610.ece>