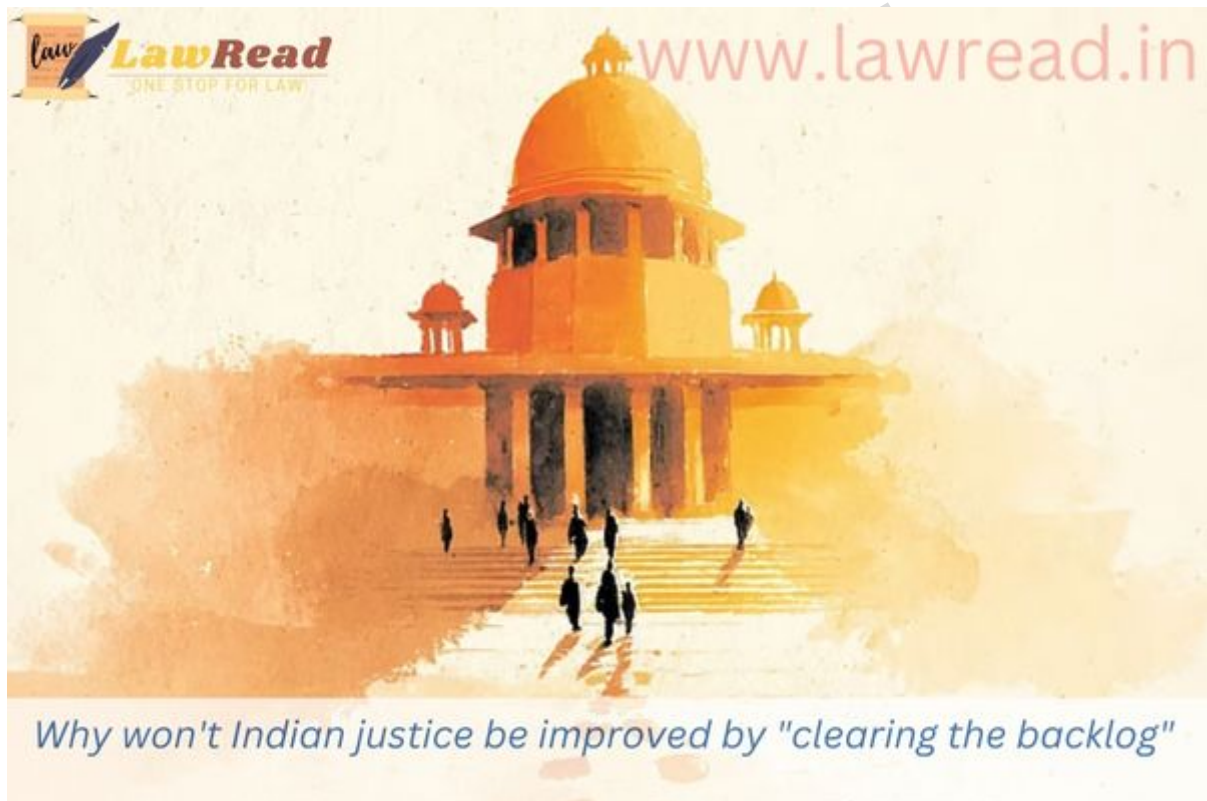


News

Why won't Indian justice be improved by "clearing the backlog"



We have been informed for decades that "backlog" is the biggest threat facing the Indian judiciary. Nonetheless, pendency continues in many areas where judges are resolving cases more quickly than new ones are being filed.

First Act

In court, the day starts well before the first case is called on Monday mornings. A pile of recently submitted bail applications is waiting to be examined in a registrar's chamber. In order to guarantee a listing on Monday, many were submitted late Friday night. By 10:15

a.m., there is a quiet urgency and a lot of paper in the room.

After stamping, indexing, and flipping through pages, the reality is revealed: some of these applications are merely tactical placeholders, while others are incomplete or pointless. This isn't a peculiarity. By buying time and forcing courts to spend valuable hours on cases that never had a chance, this ritualized abuse of procedure makes justice into a waiting game.

Every statistic has a backstory, such as the rape victim who must wait five years for a trial, the business owner whose contract issue lasts for generations, or the family whose property lawsuit becomes an inheritance that spans generations. These files are regarded by the law as the legal system's mechanism. However, they are merely sand in the gears for the courts.

We have been informed for decades that **"backlog"** is the biggest threat facing the Indian judiciary. The common perception is of litigants stuck in never-ending lines, judges falling behind, and paperwork accumulating high. The unsettling reality is that, in certain areas, courts are resolving cases more quickly than new ones are being submitted, but the backlog of cases continues. It doesn't add up, and in order to identify the systemic issues, we must delve farther.

There is more to the situation than just capacity. It has to do with design. We have established a system that subtly favors procedural gamesmanship above content, expects judges to do inconceivable cognitive feats, and handles every case as though it were a brand-new case. Although a docket is supposed to serve as the court's memory, in reality, it frequently acts as a filing cabinet that forgets.

It is difficult to overlook the symbolism as India commemorates seventy-eight years of freedom on August 15. Breaking colonial rule was never the only goal of freedom; it also involved creating institutions that could administer justice in a fair, timely, and transparent manner. Our judiciary today requires a unique form of independence: freedom from laziness, from the stealthy squandering of time, and from drowning in a sea of unread pages.

Act II: The Mirage of Pendency

We have viewed "pendency" as the key to comprehending judicial efficiency for many years. The figure is tidy, simple to calculate, and politically compelling: a quicker system must entail fewer pending cases, right? As a shadow on the wall that hides more than it shows, pendency is actually one of our most deceptive indications.

The illusion of vacancy

It is true that India has a pitiful judge-to-population ratio of only 21 judges per 10 lakh, as opposed to the Law Commission's 1987 recommendation of 50 judges per 10 lakh. One out of every four authorized judicial positions in some districts is vacant. This appears to be the clear cause of the delay. However, pendency has obstinately continued in states that have filled vacancies and even increased the number of judges. Raw capacity is important, but it's not the complete picture. This is an uncomfortable explanation.

A covert imbalance between supply and demand

Pendency is a measure of both the availability and demand for judicial time. If mountains of old cases continue their glacial march ahead, courts can clear every new filing while still experiencing an increase in their backlog. Nothing about the quality of resolution or the percentage of judicial work dedicated to the most important cases is revealed by the case volume KPI (Key Performance Indicator), which combines new inflow, historical backlog, and litigation culture into a single, opaque figure.

Incorrect cases in incorrect queues

Petty criminal crimes, like as traffic challans and small regulatory violations, account for half of all outstanding proceedings in the lower judiciary. These cases frequently linger alongside intricate civil or constitutional arguments. Land conflicts, which are infamous for their convoluted legal processes and multiple levels of appeal, make up over one-fifth of civil pendency. This is a triage issue rather than merely a volume issue. Pendency does not distinguish between high-value and high-impact cases, which must compete for the same courtroom time as minor ones.

The State's habit of suing

The government itself is the biggest obstacle in India's legal system. The identities of all the litigants in India's around 50 million pending lawsuits are not publicly available, but according to research in Dr. Aparna Chandra's book "**Court on Trial**," the State is involved in almost 73% of cases that reach the Supreme Court. PSUs, ministries, and departments routinely issue appeals, frequently based on well-established legal principles. It has been called out by the courts, which in 2023 criticized the Haryana Urban Development Authority for squandering public funds and noted that the State is responsible for 40% of

pointless lawsuits. The State is **"by far the largest litigant" and "most often seeks adjournments, frequently needlessly,"** according to the Bombay High Court, which stated it even more bluntly.

Ruins of infrastructure

The systems surrounding them frequently malfunction, even in cases with a large number of judicial appointments and manageable caseloads. Many courts lack adequate administrative staff, integrated case administration, and functional digital filing. Paper records and old software records are fragmented. Basic document access fails, and hearings fall apart. In the absence of adequate infrastructure, judicial capacity is like water in a leaky boat.

The Numerical Comfort Fallacy

Other, more informative indicators, such as the average case duration by complexity, the percentage of time lost to adjournments, or the percentage of judicial orders fully implemented, are overshadowed by pendency because it is so obvious. In actuality, pendency is a load KPI rather than an efficiency KPI. To treat it as the final metric would be equivalent to evaluating a hospital based just on the number of beds it has. It provides no information regarding the standard of care, the promptness of treatment for patients in need, or the system's ability to withstand pressure. We won't alter our management unless we alter our measurements.

Act III: The Road to Emancipation

The difficulty is in increasing the judicial bandwidth, which would allow each judge to spend more time on substantive matters without sacrificing justice or process. This entails cutting down on time lost to institutional amnesia, recurrent fact-finding, and misdirected filings.

When used properly, artificial intelligence can be useful in this situation.

Furthermore, we are rethinking the filing and review of all case work so that judges and registrars may concentrate on the case at hand, rather than having black-box algorithms decide cases or take the place of judges.

A Day in the Court of Tomorrow

Imagine a court system where AI reduces the number of unnecessary listings without going against adversarial principles by pre-screening filings for completeness and jurisdiction before they take up registry load or hearing slots. Sophisticated document intelligence systems quickly cross-reference pertinent statutes and precedents to distill hundreds of pages into the most important factual and legal concerns. No case story ever needs to be rebuilt from beginning since institutional memory instantaneously displays case histories and previous orders, and pattern recognition identifies repeat offenders abusing the process.

Real-time technologies could draw attention to contributions that contradict one another or deviate from prior pleadings during hearings. The outcome would be increased court attention to important legal issues rather than fewer cases on paper. By using AI to intelligently redistribute the backlog of cases, a system might free up limited human intelligence from repetitive reading and eventual fatigue.

The role of technology as a force multiplier

Technology isn't a panacea. More judges, improved facilities, and structural changes to the litigation culture are still required. However, it can increase the effectiveness of any reform because it is a force multiplier.

Making this leap on August 15 has deeper meaning. Each generation must renew independence by creating institutions that are commensurate with its times; it is not a static accomplishment. The task facing our country's founders in 1947 was to draft a constitution that would unite India's unmatched variety, rich legacy, and extraordinary past under a single democratic vision. Our task in 2025 is to make sure that the Constitution's guarantee of speedy, equitable, and accessible justice is kept.

JhanaCourtroom aims to preserve judicial wisdom as living memory, turn case bundles from passive archives into active intelligence systems, and free courts from bureaucratic inefficiencies so they may concentrate on what really counts—the administration of justice.

Instead of replacing judges, the goal is to relieve them of administrative duties so they can concentrate on reviewing cases. This can be achieved by providing them with smart summaries to help them remember things, tagging documents to make it easier to view and access multiple documents at once, allowing them to make internal notes with annotations, making files searchable, and providing a list of precedents cited. These small changes can have a significant impact. That promise is within reach for the first time.

As we commemorate 78 years of freedom on August 15, let's resolve to complete the work that 1947 began. The constitutional foundation for justice was provided by our founders. Now is our time to provide that framework with the technological foundation it requires to fulfill its promise.

The number of citizens who can say that justice was done and seen to be done—before their hair turns gray, before their children inherit their legal battles, before hope itself becomes the victim of institutional inertia—will be the true test of our justice system, if we get this right, rather than the number of cases that are still pending.

The day of the courts' independence is necessary. Let's give them it.

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