Judicial Overload: Analysing India's Case Backlog Crisis

In 2023, a mere 34 judges of the Indian Supreme Court presided over an estimated 70,000 cases, reflective of the overwhelming backlog of judicial caseload. Representing a population of over 1 billion, the Supreme Court and its lower courts face a substantial workload. This blog aims to examine the distribution of these pending cases and its impact, particularly on the number of under-trial cases.

Rise in pending cases

Pending cases in India have increased from approximately 32.3 million in 2010 to a staggering 50.3 million cases as of December 2023; an annual increase of approximately 3.5 percent. From an analysis of the pending case data taken from the National Judicial Data Grid[1], if no new cases were to be filed (in the Supreme Court), it would take roughly 2 years to clear the current backlog at this disposal rate. The high courts and subordinate courts, face a similar challenge, needing an estimated 3 years to clear their pending cases (if no new cases are filed). While the rate of pending cases being higher at the subordinate courts is understandable, given the larger population served by them, the rapid escalation of this backlog is concerning.

Impact of Case Backlogs on Prison Overcrowding

Prolonged pendency of cases has resulted in a significant rise in the number of under-trials prisoners. As of December 31, 2022, an estimated 574,000 individuals were incarcerated in Indian prisons, with over 75% of them awaiting trial, some for periods exceeding five years. In 2022, the occupancy rate in Indian prisons was 131.4%,[2] creating unhealthy living conditions and jeopardising inmates' access to basic necessities. Moreover, the prisons also face a significant staff shortage, with only 63,578 staff compared to the sanctioned strength of 91,181, a 30% shortfall. This translates to a ratio of one prison officer for every nine prisoners, further exacerbating the challenges faced by the Indian prison system.

Addressing Case Backlogs: A Comprehensive Judicial Reform

[Various factors](#) contribute to the high backlog of cases, including inadequate physical infrastructure, the legal complexity of cases, nature of evidence, absence of prescribed timeframes for case disposal, and frequent adjournments. However, one reason for the backlog is [the significant shortage of judges](#), which has led to reduced court capacity to handle and adjudicate cases. Despite [some increase](#) in sanctioned judicial positions in High Courts and Subordinate courts, vacancies persist. While implementation of [e-court systems](#) was to reduce courtroom burdens, streamline evidence and document management, there is still a need for a holistic sustained effort in this direction to manage the escalating caseload and address the humanitarian needs within the prisons. This will not only ensure timely justice delivery but also, substantially improve India's standing in international human rights indices.

In navigating India's judicial landscape, it is evident that the pendency of cases is a complex web of challenges. Addressing this requires a holistic approach that tackles various facets of the challenge, from addressing judge shortages to streamlining legal procedures. By adopting comprehensive reforms and reshaping the foundations of justice delivery, India can pave the way for a fairer and more equitable legal system.

[1] Grid data changes daily; hence analysis is not linear.

[2] 31.4 percent excess of prison capacity.