

Reducing Judicial Backlogs in India - Explained

October 6, 2025 • vajiramandravi.com



Judicial Backlogs Latest News

- The government has renewed its focus on strengthening **Alternative Dispute Resolution (ADR)** mechanisms such as mediation, arbitration, and Lok Adalats to address India's growing judicial backlog and promote faster, cost-effective justice delivery.

Introduction

- India's justice delivery system faces an unprecedented backlog, with more than **4.5 crore cases pending** across various courts, as per the **National Judicial Data Grid (NJDG)**.
- This rising pendency has raised serious concerns about accessibility, timeliness, and efficiency of justice.
- In response, the government has been emphasising the strengthening of **Alternative Dispute Resolution (ADR)** mechanisms, such as arbitration, mediation, conciliation, and Lok Adalats, as a means to promote faster, cost-effective, and socially inclusive justice delivery.
- Recently, the **Union Law Ministry** reiterated the government's focus on legal reforms rooted in India's civilisational ethos, drawing inspiration from the **doctrine of Panch Parmeshwar**, which embodies

collective consensus in dispute resolution.

- The revival of ADR mechanisms thus signifies a blend of traditional wisdom and modern legal frameworks to ease the burden on India's overworked judiciary.

The Concept and Constitutional Basis of ADR

- **ADR** refers to a range of mechanisms that enable disputing parties to resolve conflicts outside formal court systems. It includes **arbitration, mediation, conciliation, negotiation, and Lok Adalats**.
- The **constitutional foundation** of ADR is enshrined in **Article 39A** of the Indian Constitution, which mandates the State to ensure equal access to justice and provide free legal aid.
- The **statutory backing** for ADR is found in **Section 89 of the Code of Civil Procedure (CPC), 1908**, which explicitly empowers courts to refer disputes for settlement through arbitration, mediation, or Lok Adalats.
- The **Arbitration and Conciliation Act, 1996**, amended several times, most recently in **2021**, further strengthens ADR by providing a legal framework for arbitration and conciliation proceedings.
- Under this law, civil and compoundable offences (such as theft, trespass, or adultery) can be resolved through **binding awards** within a maximum period of **180 days**, ensuring time-bound justice.
- The **Indian Arbitration Council**, created under the 2021 amendment, standardises processes and enhances institutional arbitration quality.

About Lok Adalats

- One of the most effective ADR mechanisms in India is the **Lok Adalat**, established under the **Legal Services Authorities Act, 1987**.
- Guided by the principle of **access to justice for all**, Lok Adalats provide free, informal, and speedy resolution of disputes, particularly for economically weaker sections.
- The **first Lok Adalat** was held in Gujarat in 1999, and since then, several forms have emerged, **Permanent Lok Adalat, National Lok Adalat**, and **e-Lok Adalat**, to expand reach and efficiency.
- A key feature of Lok Adalat judgments is their **finality**; decisions are binding, and no appeal lies against them.
- However, dissatisfied parties retain the right to approach regular courts, ensuring checks against arbitrariness.
- These forums help settle disputes **before litigation**, thereby preventing case inflow into regular courts and easing judicial workloads.

Mediation as a Tool for Social Transformation

- According to **former Chief Justice of India D.Y. Chandrachud**, mediation is not merely a legal tool but a **platform for social change**. It aligns **social norms with constitutional values**, allowing individuals and communities to resolve disputes through mutual understanding rather than adversarial litigation.
- Mediation's key advantage lies in its **flexibility and interpersonal approach**. It allows parties to communicate directly, maintain relationships, and reach mutually acceptable solutions.

- The recent institutionalisation of **pre-litigation mediation** under the **Mediation Act, 2023**, has further expanded ADR's reach by making it mandatory for certain civil and commercial disputes.
- This approach not only reduces pendency but also fosters community harmony and social cohesion.

The State of India's Judicial Backlog

- The **India Justice Report (2024)** paints a worrying picture of India's judicial backlog. With over **5 crore cases pending**, courts are under severe stress, especially at the district level, where **vacancy rates exceed 20%**.
- High Courts face a **33% judge vacancy**, and many States like **Uttar Pradesh, Bihar, and Andhra Pradesh** have some of the highest pendency levels.
- Judges in States such as **Uttar Pradesh, Himachal Pradesh, and Kerala** reportedly handle workloads of over **4,000 cases each**, making timely disposal nearly impossible.
- In several High Courts and subordinate courts, a significant number of cases have been pending for **over 10 years**.
- This structural imbalance between case inflow and disposal rate underscores the **urgent need for robust ADR mechanisms** to divert manageable disputes from the formal court system.

Importance of Strengthening ADR

- Strengthening ADR offers **three-fold benefits** to India's justice system:
 - **Reducing Pendency and Delays:** ADR diverts civil and commercial disputes away from the courts, allowing judges to focus on complex and high-stakes cases.
 - **Promoting Access and Inclusivity:** Mechanisms like Lok Adalats and community mediation bring justice closer to citizens, especially in rural and marginalised areas.
 - **Enhancing Global Confidence:** Efficient ADR frameworks can boost India's global image as an investor-friendly destination by ensuring quicker commercial dispute resolution.

Source: **TH**

Source: <https://vajiramandravi.com/current-affairs/judicial-backlogs-in-india/>

© Vajiram & Ravi. For personal use only.