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The Lower Judiciary, Litigation, Pendency, Stagnation

Context

- **India's justice delivery system faces an enduring crisis** marked by **enormous case pendency**, procedural delays, and structural weaknesses in the subordinate judiciary.
- With **4.69 crore cases pending in district courts**, the burden falls heavily on lower courts, which form the backbone of the judicial hierarchy.
- Recent Supreme Court observations highlight a **sense of stagnation** in this tier, aggravated by judges lacking basic training and experience.
- Addressing this crisis requires **targeted structural reforms, improved training frameworks**, and modernisation of procedural laws.

Obstacles to Efficiency in Subordinate Courts

- **Clerical Burdens and Structural Inefficiencies**
 - A major obstacle to efficiency in subordinate courts is the **excessive clerical workload** imposed on judges.
 - Under the **Code of Civil Procedure (CPC)** and the **Civil Rules of Practice**, judges must call every suit, issue summons, receive vakalathnamas, and handle routine filings.
 - These tasks occupy crucial morning hours, often from **10:30 a.m. to noon**, leaving judges minimal time for hearing cases or writing judgments.
 - This **misallocation of judicial time** contributes directly to pendency.
 - A practical solution is the appointment of a **dedicated judicial officer** at the lowest rank in each district to perform ministerial functions for all courts of a particular cadre.
 - Such a system **would free subordinate judges from clerical tasks** and substantially improve **productivity and case disposal**.
- **Judicial Competence and Training**
 - Another systemic challenge is the **decline in the experience and preparedness** of newly appointed judges.
 - Traditionally, **district munsifs and magistrates were selected from lawyers with a decade or more of practice** under senior advocates, ensuring familiarity with courtroom dynamics and legal

reasoning.

- Today, **many judges enter directly from law school** with little exposure to real litigation, making it difficult to handle complex matters or pass reasoned orders.
- To remedy this, there is a **need for mandatory training** for new judges at **High Court benches, where they can observe proceedings**, understand judicial conduct, and study how orders are drafted.
- This **work culture through observation** would significantly strengthen the subordinate judiciary's competence and improve the quality of decision-making.

Problematic Legislation and Procedural Complications

• Mandatory Pre-Suit Mediation in Commercial Courts

- Section 12A of the Commercial Courts Act, interpreted as mandatory in *Patil Automation v. Rakheja Engineers*, requires **pre-suit mediation**.
- However, commercial parties usually exchange notices before approaching court, making mandatory mediation unnecessary and **adding an extra procedural layer** that delays access to justice.

• Cooling-Off Period in Mutual Consent Divorce

- The **six-month cooling-off period** often works against couples seeking prompt resolution.
- Inconsistent application across courts leads to **avoidable proceedings** and even incentivises **false declarations** about separation duration.

• Ambiguities in the New Rent Act

- Confusion over whether a **registered lease** is required for rent court jurisdiction results in **forum-shopping** and contradictory rulings.
- For small residential tenancies, where parties rely on oral agreements to avoid registration fees, this statutory uncertainty increases litigation and delays.

Archaic Procedural Law as a Tool for Delay

• Partition Suits: Two-Step Decree Process

- Requiring both a **preliminary decree** and a **final decree** in partition suits creates unnecessary delays, especially since final decree proceedings do not commence automatically.
- A single decree or **automatic continuation** would streamline these cases.

• Execution Proceedings under Order XXI

- Order XXI contains **106 rules**, many of which are **hyper-technical** and enable judgment debtors to stall execution.

- The prolonged difficulty in enforcing decrees undermines public confidence and forces litigants into **years of post-decree litigation.**

- **Time Limits for Written Statements**

- The **90-day limit for filing written statements under Order VIII Rule 1 has not accelerated**
- While suitable for money suits, **strict timelines in title disputes often compromise the quality** of pleadings without improving disposal rates.

The Role of the Higher Judiciary and the Path Forward

- Reducing pendency is **not solely the responsibility of subordinate courts.** Higher courts must also ensure timely disposal of appeals and revisions.
- The objective should be **reasonable termination** of proceedings rather than hastening the commencement of new ones.
- Reform requires a combination of measures:
 - **Modernising procedural law** to eliminate outdated steps.
 - **Improving recruitment standards** by selecting experienced lawyers as judges.
 - **Strengthening judicial training**, especially at the entry level.
 - **Reassigning ministerial functions** to dedicated officers to free judges for core adjudication.
 - **Simplifying execution mechanisms** to ensure decrees have real enforceability.
- **Without these interventions, pendency will continue to rise** and public confidence in the justice system will erode further.

Conclusion

- India's judicial backlog stems from **structural inefficiencies, outdated procedures, and inadequate training** within the subordinate judiciary.
- Clerical burdens, flawed statutory mechanisms, and archaic provisions of the CPC continue to obstruct timely justice.
- **Comprehensive reform, combining modern procedural frameworks, experienced judicial appointments, and smarter administrative design is, essential.**
- Only by enabling subordinate judges to focus on their core judicial functions can India deliver **timely, accessible, and effective justice.**

The Lower Judiciary, Litigation, Pendency, Stagnation FAQs

Q1. Why is the subordinate judiciary struggling with case pendency?

Ans. The subordinate judiciary is struggling with case pendency because judges spend too much time on clerical work and lack the capacity to focus on substantive case disposal.

Q2. What solution is proposed to reduce judges' clerical workload?

Ans. The proposed solution is to appoint a dedicated lower-rank judicial officer to handle ministerial tasks such as summons, filings, and case-calling.

Q3. Why is judicial training considered necessary for new judges?

Ans. Judicial training is necessary because many new judges lack practical experience and need to observe High Court functioning to develop proper judicial skills.

Q4. How do certain statutes unintentionally increase delays?

Ans. Certain statutes increase delays by adding unnecessary procedural steps, such as mandatory pre-suit mediation or cooling-off periods that prolong litigation.

Q5. Why are execution proceedings often prolonged in civil cases?

Ans. Execution proceedings are often prolonged because Order XXI of the CPC contains numerous technical rules that allow judgment debtors to delay enforcement.

Source: **The Hindu**

India Needs to 'Connect, Build and Revive' with Africa

Context

- A decade has passed since New Delhi hosted the third **India-Africa Forum Summit (IAFS-III)**, a landmark event that symbolised a **transformative shift in India's diplomatic vision**.
- By welcoming representatives from all **54 African nations**, India signalled its ambition to elevate the relationship into a **continent-wide, strategic partnership**.
- The years since have seen **rising trade, new missions**, expanding **educational networks**, and greater **political alignment**, yet they have also revealed persistent challenges that demand new solutions.
- As India rises as a **global economic heavyweight** and Africa becomes the **demographic centre of the world**, both regions stand on the threshold of a **shared future** that requires coordinated, co-created action.

Features of Indo-Africa Ties

- **The Promise and Complexity of a Growing Partnership**
 - The strategic logic of India-Africa ties has strengthened considerably since 2015.
 - India's establishment of **17 new diplomatic missions** and trade surpassing **\$100 billion** reflect a broadening engagement.
 - These advances underscore India's recognition of Africa's **increasing global importance**, especially as **one in four people on Earth will be African by 2050**, and India is set to become the **world's third-largest economy**.
 - India has emerged as one of Africa's **top five investors**, with **\$75 billion in cumulative investment**.

- More importantly, the model of engagement is shifting from traditional infrastructure projects to **co-creation in high-impact sectors** such as **vaccine production, digital tools, and renewable technologies**. The new message is clear: **Build together**.

- **Expanding Security and Development Cooperation**

- Security cooperation has become a defining feature of this partnership.
- The inaugural **Africa-India Key Maritime Engagement (AIKEYME)** in April 2025—featuring navies from **nine African countries**, marks the beginning of a **shared maritime security architecture** in the **Indian Ocean**.
- On the development front, India's Exim Bank extending a **\$40-million credit line to the ECOWAS Bank for Investment and Development** signals support for **African-led development priorities**.
- Education, one of the relationship's strongest pillars, is highlighted by the opening of the **IIT Madras campus in Zanzibar**, supported by decades of collaboration through the **Pan-African e-Network** and the **ITEC programme**.

- **Competing in a Changing Global Landscape**

- Despite progress, India faces significant challenges. **China remains ahead** in trade and investment volumes.
- Indian companies are often hindered by **limited financial scale** and **bureaucratic delays**, creating pressure to scale back engagement, an approach that would be **strategically misguided**.
- Instead, India must move **up the value chain**. Future-facing sectors such as **green hydrogen, electric mobility**, and **digital infrastructure** offer the opportunity for **joint innovation and leapfrogging**.
- Africa's own transformation is accelerating through the **African Continental Free Trade Area (AfCFTA)**, which aims to create a **single continental market**.
- India's **UPI and digital stack** can complement Africa's ambitions, but **tools alone are not strategy**.
- With vibrant innovation hubs emerging in **Kigali, Nairobi and Lagos**, Africa is not just a recipient of technology but a **producer of innovation**. India must adapt to this evolving ecosystem.

Human Connections: The Partnership's Most Enduring Strength

- The most profound dimension of the India-Africa relationship is its **human link**.
- Nearly **40,000 Africans trained in India** under programmes such as **ITEC, ICCR scholarships**, and the **Pan-African e-Network** now serve as policymakers, innovators and professionals across the continent. These individuals form **living bridges of trust**.
- The exchange flows both ways. African athletes, students and entrepreneurs have made their mark in India, from **Nigerian footballers** who became household names to **South African coaches** shaping Indian cricket.
- African students and researchers enrich India's **universities, laboratories and cultural spaces**. The partnership is not merely strategic; it is **lived and human**.

Charting the Next Chapter: Strategic Priorities

- **Connect finance to real outcomes**

- Lines of credit should yield **visible, high-impact results**, with public finance serving to **de-risk private capital**.

- **Build an India-Africa digital corridor**

- Collaboration must extend beyond UPI to integrate **Africa's digital strengths**, enabling **co-developed platforms** for **health, education and payments** across the **Global South**.

- **Revive the India-Africa Forum Summit (IAFS)**

- The absence of the summit since 2015 has left a **strategic vacuum**. Its revival would restore **structure, visibility and coordinated direction**.

Conclusion

- The foundations built since 2015 show that the India-Africa relationship is evolving from one of **exchange to one of co-creation**.
- As both regions experience unprecedented transformation, **India as an economic powerhouse and Africa as the world's demographic engine**, their futures are becoming **deeply intertwined**.
- Where merchants once crossed the Indian Ocean in search of **spices and gold**, India and Africa now traverse those waters exchanging **ideas, innovation and confidence**.
- The next chapter must be one of **shared ambition**, anchored not in India extending a hand to Africa but in **India and Africa joining hands to build the future together**.

India Needs to 'Connect, Build and Revive' with Africa FAQs

Q1. What made the 2015 India-Africa Forum Summit significant?

Ans. The 2015 summit was significant because it brought together representatives from all 54 African nations and marked a major expansion of India's diplomatic ambition.

Q2. Why is Africa becoming increasingly important in global affairs?

Ans. Africa is becoming more important because by 2050 one in four people in the world will be African, making it a major demographic and economic force.

Q3. How has India strengthened educational ties with Africa?

Ans. India has strengthened educational ties by training thousands of African students through programmes like ITEC and by opening the IIT Madras campus in Zanzibar.

Q4. What sectors should India and Africa co-invest in for the future?

Ans. India and Africa should co-invest in green hydrogen, electric mobility and digital infrastructure to build future-focused growth.

Q5. Why is reviving the India–Africa Forum Summit important?

Ans. Reviving the summit is important because it would restore structure, coordination and momentum to the India–Africa partnership.

Source: **The Hindu**

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