



The Hindu Op-ED: The lower-judiciary- litigation, pendency, stagnation

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A Constitution Bench of the Supreme Court, headed by the Chief Justice, recently flagged the stagnation and systemic decay in India's subordinate judiciary. With 4.69 crore pending cases in district courts (National Judicial Data Grid), the Court has now asked judges in Delhi to undergo training due to lack of basic knowledge, a move rarely made earlier. This highlights a deep structural crisis, where procedural rigidity, unclear statutes, and administrative delays have created a near-gridlock in India's justice system, affecting millions of litigants.

Why Are Procedural Rigidities Choking the Lower Judiciary?

1. Mandatory procedures: Courts are bound to entertain pleadings, issue repeated summons, and ensure appearances, leading to wasted time and multiple adjournments. *Example: Subordinate judges must call every suit for appearance or vakalatnama, often pointless.*
2. Inefficient daily case flow: Judges take up matters from 10:30 AM and continue till evening, leading to exhaustion and slow disposal. *Result: Even if cases are adjourned, orders still need dictation.*
3. Heavy clerical & ministerial workload: Quality time is lost, reducing focus on adjudication.

Why Is the Subordinate Judiciary Functioning Below Optimal Capacity?

1. Lack of experience: Many judges are fresh graduates without adequate training or exposure. *Observation-based training plays a minimal role.*
2. Inadequate orientation: Civil judges rarely receive training with senior district or High Court judges in handling evidence, settlements, and procedural complexities.
3. Absence of structured mentoring: No robust system for judge mentoring and skill development exists.