Simple and Effective Solutions for the Judicial Delays

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Judicial pendency in India is one of the biggest problem the country is facing in last several decades. It is the root cause of a plethora of problems. When the wrong doers don't have any deterrence, the oppression and crime manifests in almost every sphere of life. This document lists **some unconventional and some other lesser discussed** solutions to the problem. The focus has been to understand the root causes of the issues and find process reforms that may manifest a major change on the ground with minimum effort and time.

Restricting Cheque Bounces Above a Specified Threshold

In India, resolving cheque bounce cases takes an average of 3.5 years, against the stipulated timeline of 6 months. In several districts, these cases remain pending for 6 to 10 years, which is eroding trust in the judiciary.

Our suggestions are:

(A) Every cheque should have a QR code through which it may be checked how many cheques till now from any bank and of what amount have bounced for the issuer. That will alert any person receiving the cheque in advance and the litigation of bounced cheques will reduce drastically.

Every cheque should have this written permission given by the issuer of the cheque to the bearer, to check the bounce history. The issuer's sign on the cheque would automatically mean giving permission to check the history. OTP sent to cheque issuer's mobile may also be considered so that this checking of the cheque bounce history is done by the receiver of the cheque only at the time of handover; and not by anyone having even the picture/xerox of the cheque.

(B) In the event of a cheque bounced above a threshold, say Rs. 10,000, the individual's CIBIL score should also be affected proportionately, even if the cheque was issued to an individual or to a company and not for any loan from any bank/ NBFC.

In the **United Arab Emirates**, the Al Etihad Credit Bureau (AECB)—the UAE's federally mandated credit registry—records dishonoured cheques as distinct, standalone entries on an individual's credit report alongside standard credit and loan facilities. This applies across both institutional and private transactions without requiring an underlying loan default. The bounce itself directly penalises the individual's credit score (measured on a 300–900 scale), and the historical default entry remains on file even if the obligation is subsequently settled. **Qatar and France** also have similar systems.

The **Supreme Court,** in *Damodar S. Prabhu v. Sayed Babalal H.*, (2010) observed that the disproportionately large number of cheque-dishonour cases was “choking our criminal justice system, especially at the level of Magistrates' Courts”. Later, Justice Manmohan (in *Sanjabij Tari v. Kishore S. Borcar*, 2025) explicitly referred to the "massive backlog of cheque bouncing cases" as putting "an unprecedented strain on the judicial system," noting that in some states — e.g. Delhi — Section 138 cases make up nearly **50% of total trial court pendency**.

These mechanisms would severely reduce the incidents of bounced cheques, reduce the burden on the courts, and bolster commercial trust. Necessary statutory amendments will need to be enacted to achieve this.

Even if a 10-15% reduction in institution of new section 138 cases is reported per year due to these steps at a constant disposal rate, that would mean over the years a significant reduction in the pile up of such around 40 lakh cases. This reform should not take more than **6 to 9 months** for the government to roll out.

Sale of a Specific Portion of Joint Property

Selling a share in jointly owned (mostly inherited) properties without a formal partition leads to large-scale civil and criminal disputes, increasing the pendency of court cases. Often, individuals carry out illegal sales of joint properties with maps or boundaries shown without obtaining a formal partition with other co-owners—transactions that the Supreme Court has declared illegal countless times. Stopping such sale deeds right at the initial stage can eliminate the **root cause of hundreds of thousands of lawsuits every year.**

Therefore, it is suggested that the sale of a specific portion of joint property should only be registered once its partition is duly certified through a formal process. For this purpose, **amendments should be made to Section 44 of the Transfer of Property Act and the Registration Act, 1908, obligating the registrar to withhold such registrations in the absence of a formal partition.**

The proposal draws inspiration from international models that successfully prevent the sale of un-partitioned land by a section of the co-owners. **Singapore** utilizes mandatory cadastral subdivision plans and criminal enforcement for unauthorized plots; **France** employs a "layered gatekeeping" approach where the registrars there are legally required to refuse transactions without a formal partition; and **Sweden** uses a "dormant" status system for applications pending final property division. These models demonstrate that incorporating verification into the conveyancing or registration process is an administratively feasible method to ensure property title accuracy.

By shifting verification from post-transaction judicial litigation to pre-registration statutory screening, these reforms aim to ultimately reduce the high volume of avoidable property litigation in India by identifying and blocking invalid transactions before they can be finalized.

We expect **a reduction of 80% to 100%** in the institution of such cases after the implementation of this reform. That would mean over the years a significant reduction in the pile up of such lakhs of cases. This reform also the government may implement in **3 to 6 months** at the maximum.

Increasing the Retirement Age of the Judges:

High Court judges currently retire at 62. The proposal to increase the High Court retirement age to 65 has been made repeatedly.

The Constitution (114th Amendment) Bill, 2010 proposed raising the retirement age of High Court judges from 62 to 65. It specifically stated that the change would restrict new vacancies caused by superannuation for the following three years, thereby providing an opportunity to reduce the existing vacancy backlog and pendency. But the Bill ultimately lapsed in the Fifteenth Lok Sabha.

The Law Commission's 58th Report (1974) also recommended raising the retirement age of High Court judges to 65. It noted that High Court judges were generally appointed at around 45–50 years and that a longer tenure would result in less frequent vacancies.

The Law Commission revisited the issue in its 230th Report (2009), recommending an increase in the retirement age of High Court and Supreme Court judges by at least three years, citing increased life expectancy, better health and medical facilities.

It can be shown that an increase of 3 years to about 17 years of a High Court Judge's tenure will **mean about 17% automatic increase in the human resource in the system**. Seeing the 33% vacancies in the high courts, this **single and simple** step may bring a huge improvement in the current judicial vacancies and consequent backlogs.

The need of the hour is to bring back the lapsed bill again to the Parliament and pass it. It should not take the government more than **2 months** to accomplish this.

Written Submissions in Civil Matters

In India, lengthy oral arguments are still customary in civil cases, while written submissions remain optional in most courts. The world has changed, but India has not. If submission of written arguments is made mandatory before the oral arguments, judges will be able to study the arguments in advance, thereby reducing the length of the oral arguments. This would save valuable time and also create a well-defined record for appellate courts.

If a lawyer takes two and a half hours to state his arguments orally, a judge can read the same in about an hour, had that been submitted written in advance. **If every judge saves even one hours each day in this way, it may make a significant 10% to 15% increase in judicial output across India's subordinate judiciary.**

Civil-law jurisdictions in countries like **Germany, France, and Japan** rely primarily on comprehensive written submissions, confining oral arguments to a concise role. Oral arguments remain in practice, but only after the written submission so that valuable judicial time is saved.

The **Supreme Court** in *Salem Advocate Bar Association, Tamil Nadu v. Union of India* has recognised that the **purpose of filing written arguments and prescribing time limits for oral arguments is "to save time of court"** and that adherence to these requirements would help in administering fair and speedy justice.

While Order XVIII Rule 2(3A)–(3D) of the CPC empowers courts to direct the filing of written arguments and regulate oral hearings across civil suits, the mechanism remains discretionary. Consequently, a strict, institutionalized written-submissions regime operates primarily in the Supreme Court (under its 2013 Rules) and in specialized commercial matters under the Commercial Courts Act, 2015.

In ordinary civil litigation before subordinate courts—where the overwhelming majority of India's civil backlog sits—its implementation remains sporadic and largely discretionary. Implementing this reform more widely would certainly bring both speed and efficiency to the justice delivery system.

Increasing the efficiency of the judges in civil matters **even by 10%** should become a national priority, given around two thirds of the cases pending are civil. An increase of 10% in disposal rate per year by the judges may considerably reduce the more than 5 crore pending cases in a matter of just a few years. The government can get this amendment made in the CPC in less than **3 months.**

Case Management System Giving Priority to the older cases

Supreme Court should get made a centralised case management software that should take care of the older cases automatically. **Every case older than a certain period should automatically get an earlier date than the newer ones.** This priority should be proportional to the number of years of the pendency of the case. The software should take care of dates allocation of every court from the lowest level to the Supreme Court, with Judges having the power to over-ride only 5% of the dates allocated. The Supreme Court should monitor the whole country's court dates allocation through the software, and the public should also have the access of it tough the NJDG website. The Supreme Court can easily get this software made and implemented across all the courts under its jurisdiction in a period of **6 to 9 months.**

Delayed and Less Frequent Recruitment Processes

Take the example of Haryana. Supreme Court in 2007 mandated yearly recruitment exams, but during 2014–2023, only two Civil Judge (Junior Division) recruitment processes were conducted, and in those too **only 40%** of the posts were filled due to the unfilled posts. **Two exams in nearly 10 years, instead of yearly exams!**

The Supreme Court in *Malik Mazhar Sultan v. U.P. Public Service Commission (2007)* case prescribed a detailed annual recruitment schedule for judicial recruitment exams of the states. By its order later in March 2009 in the same case, the Court further directed that not only the existing vacancies but also the vacancies anticipated due to retirements etc. during the following year be notified, along with a wait-list. The Supreme Court subsequently clarified that selection to the State judicial services is required to take place **annually.**

But the Supreme Court's own State of the Judiciary Report 2023 reveals substantial deviation from the prescribed timeline. Only 9 out of the 25 States completed the recruitment process of Civil Judge (Junior Division) within the stipulated time frame of 273 days. Among the most pronounced examples were Bihar, where the last recruitment took 945 days, and Haryana, where it took 646 days.

The Supreme Court order for yearly judicial recruitment exams should be followed in letter and spirit by all the states. Supreme Court should ask the non-compliant states to adhere to its prescribed yearly timelines. A **monitoring mechanism** should be made by it to ensure yearly examinations. **The Law Ministry** should also every year request various High Courts to follow the Supreme Court order.

Higher Judicial Services: Under-Filling and Possible Solutions

The Supreme Court's State of the Judiciary Report 2023 highlights a serious problem in direct recruitment to the Higher Judicial Service (District Judge cadre) from the Bar. Across the 24 States examined, **only 29.1% of advertised posts were filled,** leaving 70.9% vacant. The problem was particularly acute in Assam, Chhattisgarh, Jammu & Kashmir and Uttarakhand, where no candidate qualified the Main examination, and in Madhya Pradesh, where no candidate qualified the viva-voce. Rajasthan too filled only 30 of 177 posts across its 2015, 2018 and 2020 recruitment cycles!

The good thing is, the report also identifies practical measures that States have adopted to improve the recruitment. Gujarat reduced the minimum qualifying mark in the HJS written examination from 60% to 50%, while the Allahabad High Court reduced it from 50% to 45%. In another important development, the Gauhati High Court sought the Supreme Court's permission to fill unfilled posts earmarked for direct recruitment from the Bar **through promotion** of eligible in-service judicial officers. The Supreme Court permitted this approach, providing a mechanism to avoid leaving posts vacant when sufficient candidates are unavailable through the direct-recruitment route.

This approach has subsequently found expression in State rules. Madhya Pradesh amended Rule 5 of its Higher Judicial Services Rules, 2017 to provide that direct-recruitment posts remaining vacant for two consecutive recruitment years **may be filled through promotion** from among Civil Judges (Senior Division). Uttar Pradesh has had a similar mechanism under Rule 8(2) of the U.P. Higher Judicial Service Rules, 1975, under which a shortfall in suitable direct recruits can be compensated through additional appointments by promotion. In the 2009 UP HJS recruitment, 34 of 68

advertised posts remained unfilled; **these were filled through promotion** under Rule 8(2), a course subsequently upheld by the Supreme Court in Nawal Kishor Mishra v. High Court of Judicature at Allahabad (2015).

These examples suggest two complementary responses to persistent HJS under-filling: **first,** recalibrating qualifying standards where they unnecessarily restrict the pool of suitable candidates; and **second,** allowing persistent vacancies to be filled through another qualified recruitment channel, particularly promotion, within the constitutional framework governing the cadre.

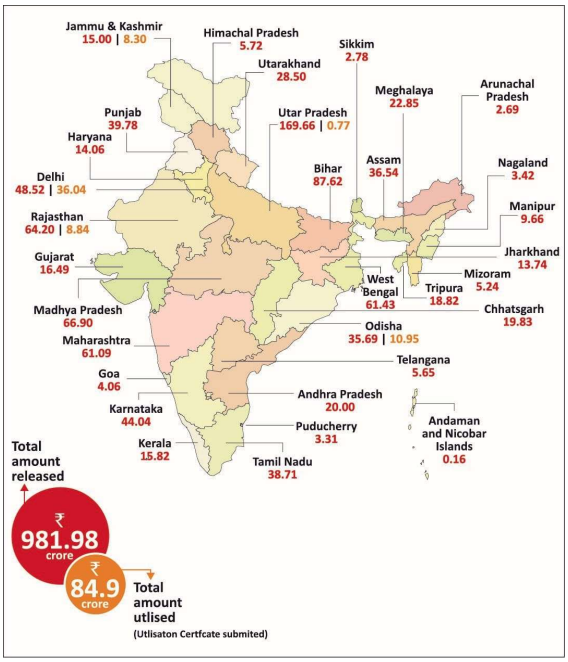
Given the scale of under-filling identified by the Supreme Court Report, States experiencing repeated recruitment shortfalls should urgently examine both approaches while maintaining the requisite standards of competence.

There is considerable scope to decrease this **71% failure rate** to fill the posts in the recruitment of Higher Judicial Service judges from the bar and **the remaining states should follow the successful examples.** Reducing the vacancy of judges is the key in reducing the pendency of court cases, as the **yearly percentage increase in the total number of pending cases in India has remained significantly lower than the percentage vacancies of judges in India.**

Expansion of Judicial Infrastructure

A major obstacle in increasing the number of judges in India's district and subordinate courts is the acute shortage of courtrooms to accommodate them, as well as residential units for their accommodation. According to data from the National Judicial Data Grid (NJDG), **the sanctioned strength of judicial posts in India stands at 24,280. Against this, however, only 20,143 courtrooms are available**, and merely 17,800 residential units exist for judicial officers. Even among these, 3,988 residences are rented accommodations.

A Centrally Sponsored Scheme (CSS) is underway for the infrastructural development of district and subordinate courts. Under the defined funding pattern, the Central Government contributes 60% of the funds, while the state governments are required to provide the remaining 40%. However, state governments often fail to meet their mandated financial commitments. Consequently, a substantial portion of the central allocation either remains unutilized or lapses entirely. In fact, during the 2019–20 period, **nearly 91% of the CSS funds went unutilized** (see the figure below) because states failed to release their 40% matching share.



This is the situation even while severe shortages of basic amenities—such as court halls, residential quarters for judicial officers, washrooms, and digital facilities—remain clearly evident today.

The Central Government should revise the 60:40 funding ratio to 90:10 for improving court infrastructure, ensuring that at least the funds allocated by the Centre can be utilized.

If the utilisation of the money is increased from current levels **to say 50% of the sanctioned money**, India may see a massive increase in the working judge strength and a consequent reduction in the judicial backlogs.

Allahabad High Court's PIL order regarding increase in Judicial Infrastructure

To ensure the speedy disposal of the 1.20 crore cases pending in the district courts of Uttar Pradesh, the Allahabad High Court had in 2021 sent a proposal for the establishment of additional courts under a 'workload-based methodology'. A committee headed by the Chief Secretary accepted this proposal and agreed to establish 900 courts in the first year of the initial phase; however, due to administrative laxity, no tangible progress could be made on this over the past five years.

Taking note of the persistent delay, the Lucknow Bench of the Allahabad High Court registered a suo motu Public Interest Litigation (PIL). During the hearing in May 2026, the state government stated that the process had been initiated, but simultaneously sought additional time by raising new and baseless administrative questions. The court expressed strong displeasure over the repeated requests for time and the stalling of the process without any justified reason.

During the hearing, the court inquired that if the decision to create 900 judicial posts had already been taken, where the formal Government Order (G.O.) in this regard was. Addressing this matter on July 23, 2026, the state government informed the High Court that following the in-principle approval from the Chief Minister, a cabinet note was currently being prepared. It would be placed before the Council of Ministers, and once approved, the necessary Government Order would be issued. The government sought an additional two months' time to complete this entire process.

When the state government can complete mega-projects worth thousands of crores of rupees—such as the Purvanchal, Bundelkhand, and Ganga Expressways—within stipulated timeframes, issuing the requisite order and promptly executing this modest judicial project of **900 courts, with an estimated cost of merely ₹72 crore,** is well within the government's administrative capabilities.

Still it is good that the Allahabad High Court has taken up the matter and **there is a need to file similar PILs in other High Courts also where there is a significant shortage of Judicial Infrastructure.**

If the U.P. government implements the plan of increasing the courtrooms and the strength of judges by 900 in even coming 2-3 years and once the appointed judges then complete the training in subsequent 2 years, that will give a massive boost to the disposal rate for 1.20 crore backlog cases in the state, given the total number of judges there are around 3500 presently.

Adverse Possession

In India if a person illegally occupies a private property for more than 12 years, he acquires a right to the property by the virtue of "Adverse Possession". For government property, the time limit for claiming ownership through Adverse Possession is 30 years.

Article 300A of the Constitution of India provides that no person shall be deprived of their property save by authority of law. The Supreme Court has clarified that the "authority of law" does not merely signify the existence of any statute; rather, the law must be just, fair, and non-arbitrary.

A statutory framework that extinguishes the ownership of a legitimate titleholder solely on the ground of the passage of time—without any compensation, public purpose, or procedural safeguards—fails the test of proportionality and reasonableness enshrined in Article 300A.

If this doctrine of Adverse Possession is abolished or curtailed through legislative action, litigation arising from ownership claims founded on long-term possession can be significantly reduced.

Furthermore, Article 51A of the Constitution imposes a fundamental duty on citizens to safeguard public property, making any claim of adverse possession over government land fundamentally contrary to constitutional values.

The Hon'ble **Supreme Court** has also raised serious objections to the doctrine of adverse possession in State of Haryana v. Mukesh Kumar and Hemaji Waghaji Jat v. Bhikhabhai Khengarbhai Harijan, characterizing it as harsh and unjust. Additionally, in K.T. Plantation Pvt. Ltd. v. State of Karnataka and Vidya Devi v. State of Himachal Pradesh, it was held that deprivation of property must be just, fair, and proportionate.

In light of these judgments, abolishing the doctrine of Adverse Possession or increasing the time limit from 12 years to 30 years would not only protect constitutional values in India **but also ease the burden on courts by curtailing disputes related to land and title.**

A decrease of even 20% in the institution of Adverse Possession cases per year will mean a significant reduction on the overburdened judicial system over a period of a few years. The government may effect a change on the ground in this regard **in just 3 months.**

Judicial Accountability Act: If the judicial corruption reduces, appeals will reduce

Enacting an updated **Judicial Standards and Accountability Bill**—expanded to cover subordinate courts—is urgent to address thousands of unchecked complaints and close oversight loopholes exposed by the Justice Varma case. As the study in **Chinese Courts** has shown, by having a serious mechanism to curb corrupt verdicts at the ground level, appeals to the higher courts may be reduced by as much as 15%.

In India, the push to enact a such an act has reached an urgent inflection point. Conceived to replace the cumbersome Judges (Inquiry) Act of 1968, the original **Judicial Standards and Accountability Bill, 2010** sought to establish statutory judicial standards, **mandate annual declarations of assets and liabilities**, and create a National Judicial Oversight Committee to **investigate public complaints against the judges**. However, after passing in the Lok Sabha in 2012, the Bill unfortunately lapsed in the Rajya Sabha, leaving higher judiciary oversight dependent on an opaque and non-enforceable internal in-house mechanism.

Recent institutional crises underscore why an updated legislative framework is vital. The Parliamentary disclosure that the Chief Justice of India's office received **8,630 complaints** against sitting High Court and Supreme Court judges over a single decade highlights deep public dissatisfaction met with minimal institutional transparency. Furthermore, the controversy surrounding **Justice Yashwant Varma** exposes systemic blind spots in dealing with errant behavior short of full-scale parliamentary impeachment.

A critical flaw of the lapsed bill was its exclusive focus on the Supreme Court and High Courts. The **subordinate and district judiciary**, which handles over 80% of citizens'

legal disputes and where corruption most heavily taxes the ordinary litigant, was left entirely uncovered. Any renewed statute must extend mandatory disclosure rules, standardized scrutiny, and independent grievance frameworks down to the subordinate benches to close the accountability gap where it matters most.

Beyond moral integrity, judicial accountability serves an economic and operational imperative: reducing systemic **court congestion**. Corrupt or protectionist adjudications are systematically prone to appeals because victims of distorted verdicts are forced to seek higher-level error correction. Empirical research from **China's anti-capture judicial reforms** demonstrated this dynamic clearly—insulating lower courts from judicial bias **caused appeal rates among aggrieved litigants to plunge by 15.4**%. By curbing judicial malpractice through a robust accountability statute, India can directly curb the avalanche of avoidable appeals to an extent and help improve the **quality and speed of justice.** The government in a short time may effect a substantial improvement in the quality of justice across the country through this step.