AILF INSIGHTS · COURTS AND DELAY

Five crore pending cases: understanding India's court backlog

India's courts have more than five crore pending cases. Where the backlog sits, why it grows and what would reduce it.

More than five crore cases are pending before India's courts. The figure is quoted so often that it has lost its force. Understanding where those cases are, and why they stay, is the first step towards reducing them.

Where the cases are

The National Judicial Data Grid, the public dashboard of court data, shows the shape of the backlog. As of mid-2026:

- the district and subordinate courts carry the overwhelming share, close to five crore cases;
- the High Courts together have more than sixty lakh;
- the Supreme Court has over ninety thousand.

The problem is therefore largely one of trial courts, the level at which most citizens meet the justice system.

What kind of cases

A large majority of pending matters in the district courts are criminal. Many are minor offences, cheque dishonour complaints and traffic matters. On the civil side, land and property disputes, family matters and recovery suits dominate. A significant number of cases in the High Courts have been pending for more than a decade.

Why the backlog grows

- **More cases are filed than decided** in most years.
- **Judges are too few.** Sanctioned strength works out to roughly 22 judges per ten lakh people on Census 2011 figures, and many posts are vacant.
- **Adjournments** are granted too easily and sought too often.
- **Government litigation** adds heavily to the docket.
- **Process delays**: summons not served, witnesses absent, records not received.
- **Infrastructure gaps**: too few courtrooms and support staff.

What delay costs

For an individual, delay can mean years without a property, a job or a reputation. For business, it locks up capital and raises the cost of credit. For the country, it weakens confidence that rights will be enforced.

What would help

- Fill every sanctioned judicial post, and review sanctioned strength against workload.
- Move suitable categories of cases to mediation and Lok Adalats.
- Enforce existing limits on adjournments.
- Use court data to identify and prioritise the oldest cases.
- Have government departments review their own appeals before filing.
- Continue the digital programme: e-filing, virtual hearings and electronic service.

The lawyer's share

The Bar is part of the solution. Readiness on the listed date, concise pleadings and honest advice on settlement do more than any single reform. A profession that takes pride in speed as well as skill will change the numbers.

The backlog was built one case at a time. It will be reduced the same way.

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