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Converting court case backlogs into treasure troves

Judicial Backlog in India and the Role of Mediation

Judicial Backlog in India

1. Scale of Pendency

- **Supreme Court:** 82,000 pending cases
- **High Courts:** 62 lakh+ pending cases
- **Lower Courts:** Nearly 5 crore pending cases
- **Long-term pendency:** 50 lakh+ cases pending for over 10 years

2. Reasons for Case Backlog

- **Low Judge-to-Population Ratio:** Only 21 judges per million people
- **Adversarial System:** Multiple appeals and interim applications **prolong case resolution**
- **Infrastructure Issues:** Shortage of courtrooms, financial resources, and staff
- **Frequent Adjournments:** Cases delayed for years, affecting judicial efficiency
- **Government as Major Litigant:** Nearly 50% of cases involve the government, adding to the burden

Reform Measures to Reduce Backlog

1. Better Case Management

- **Data Governance:** Prevents **repetitive litigation** and speeds up disposal
- **Appointment of Ad-hoc Judges:** Using **retired judges** temporarily can reduce the burden
- **Legal Reforms:**
 - Fast-tracking **landlord-tenant disputes and cheque bounce cases**
 - Imposing **punitive costs** to deter **frivolous litigation**

2. Government's Role in Reducing Litigation

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- The government must **prioritize settlements** over unnecessary litigation
- Encouraging **alternate dispute resolution (ADR)** methods like **mediation**

Mediation in India: An Alternative Dispute Resolution (ADR) Method

1. What is Mediation?

- A **confidential, lawyer-led, and judge-guided** process where **disputing parties negotiate with a neutral mediator**

2. Evolution of Mediation in India

- **1990s:** Early-stage development of mediation
- **2005 Onwards:** Gained popularity as a **court-annexed dispute resolution method**

3. Key Features of Mediation

- **Non-impositional:** No forced verdict; **parties decide the outcome**
- **Focus on Interests:** Encourages **practical and fair resolutions**
- **Applicability:** Used in **civil, commercial, family, property, and business disputes**

Advantages of Mediation

1. Reducing Case Load

- Settles disputes **outside formal courts**, reducing judicial burden

2. Faster Case Resolution

- Avoids **lengthy litigation, saving time and costs**
- Even **complex cases are resolved quickly** in a few sessions

3. Cost-Effective

- Mediation is **far cheaper than court litigation**

4. Minimal Infrastructure Required

- No need for **heavy administrative processes or prolonged hearings**

5. Restoring Relationships

- Encourages **cooperation**, unlike **adversarial court battles**

Way Forward: Strengthening Mediation in India



1. Professionalizing Mediation

- Requires **structured remuneration and widespread acceptance**
- More **legal professionals should train as mediators**

2. Institutional Support

- Businesses, government, and courts must **integrate mediation** as a **first step** in dispute resolution

3. Judicial Endorsement

- Judges widely recognize **mediation as a key solution** to backlog reduction

4. Systematic Adoption of Mediation

- **Case Identification:** Courts must **filter and assign** cases for mediation
- **Mediator Selection:** Parties can either **choose a mediator** or be assigned a trained professional
- **Fee Structure:** Establishing a **reasonable fee** ensures sustainability

Reframing the Perspective on Judicial Backlog

- Instead of seeing backlog as a **judicial failure**, it should be viewed as a **potential mediation pipeline**
- Encouraging broader **acceptance among litigants, lawyers, and businesses**
- Promoting mediation as **India's primary dispute resolution method**

Conclusion

- **Mediation offers a faster, cost-effective, and interest-based alternative** to traditional litigation
- **Its success depends on professionalization, awareness, and structured adoption**
- If properly implemented, mediation can **greatly reduce judicial backlog** and **improve access to justice in India**

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