

Unlocking Justice: Mediation as a Solution to India's Legal backloging.

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Every Chief Justice of India assumes office with the daunting challenge of a massive case backlog. The numbers are staggering—82,000 cases in the Supreme Court, over 62 lakh in High Courts, and nearly five crore in lower courts. Millions of these have been pending for over a decade. The issue isn't a lack of hardworking judges but rather an overwhelmed judiciary struggling under the weight of an adversarial legal system, infrastructural limitations, and a chronic shortage of judges—just 21 per million citizens.

Why the System Stagnates.

India's legal framework encourages extensive litigation. Disputes—be they personal, commercial, or governmental—often end up in court. Every case typically sees multiple interim applications, extensive appeals, and prolonged procedures. The government, a party in nearly half the pending cases, further clogs the system by litigating extensively rather than opting for settlements.

While measures like appointing retired judges in an ad hoc capacity provide temporary relief, deeper reforms are needed. Legislative tweaks in high-volume litigation areas such as landlord-tenant disputes and cheque bouncing cases could significantly reduce case inflow. Additionally, introducing punitive costs for frivolous litigation, as practiced in many countries, could deter unnecessary lawsuits.

Mediation: A Hidden Opportunity

Amidst this backlog, mediation emerges as an underutilized yet powerful solution. Introduced in India in the 1990s and gaining traction in 2005, mediation provides a structured, confidential process where disputing parties engage with a neutral mediator to find a mutually acceptable resolution. Unlike litigation, mediation fosters cooperation rather than adversarial confrontation. It is particularly effective in civil, commercial, family, and property disputes.

The judiciary has widely acknowledged the benefits of mediation, yet its full potential remains untapped. With thousands of trained mediators available, the backlog presents not just a crisis but a reservoir of cases that can be swiftly redirected to mediation. A systematic approach—identifying suitable cases, assigning mediators, and ensuring fair remuneration could revolutionize dispute resolution.

The Case for Mediation

Mediation is faster, cost-effective, and less resource-intensive than litigation. Most disputes are resolved within a few sessions, whereas court cases drag on for years. Successful mediation not only provides a legally binding solution but also preserves relationships, something litigation rarely achieves.

A Paradigm Shift in Justice

To truly address the backlog, we must reimagine courtrooms—not as archives of unresolved disputes but as centers for conflict resolution through mediation. By institutionalizing mediation as a primary recourse, rather than a secondary option, we can transform a system burdened by delays into one that delivers swift and effective justice.

It is time to turn the crisis into an opportunity—unlocking justice, one mediated case at a time.
